

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, April 11, 2017, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 7:30 p.m.**

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the meeting to order at 7:31 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Edward Gorski, Terry Duncan and Kyle Miller, were present. Paul Stibich was excused.

Also in attendance: Santo Incorvaia, Asst. Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, Joe Borczuch, Service Director, and Rosann Jones, Manager Business & Community Services. Audience: 8.

**Approval of Minutes**

Ms. Duncan moved to **approve** the minutes from the Regular Council Meeting of March 28, 2017; Mr. Haviland **seconded**. Mr. Miller indicated three typographical changes and Mr. Gorski pointed out a typographical error. Poll as amended: 6 ayes; 0 nays. **Motion carried.**

**Consideration of Amendment to the Agenda**

Mr. Haviland moved to **amend** the agenda to consider the appointment of Mr. Bill Eichenberg to fulfill a term on the Park and Recreation Board to expire 12/31/2017; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.**

**Mayor's Report and Appointments**

Mayor Donegan indicated that she is removing the appointment of Charles Trefney to the Board of Equalization as it has been confirmed that he is an Olmsted Township resident and not Olmsted Falls. He does work with State Representative Patton and will be moving back to Olmsted Township. In further review of the ORC unless it is a citywide project they need to be residents. She will continue looking for the additional Board of Equalization member. She previously appointed Daila Shimek who served on the previous Environmental Protection Board and Mr. Tom Sprague who is a long standing member of the community.

She stated that the city has its first ever Employee Manual and about 20 years in the making and we are proud of the manual. This will be given to all new employees and each department has a copy. There was an extensive review of the codified and charter and where there are conflicts the codified and charter will prevail as well as the bargaining agreements. There will be legislation forthcoming to correct any conflicts.

Baker's Creek Update – She stated that this is a private matter and the city is working closely with the residents. This is also an outstanding 30 year problem. She has spoken with Mr. Mark Porter regarding her ideas for resolution and when Mr. Sponseller returns from vacation we hope to have some sort of resolution but are continuing to prepare for the May 8<sup>th</sup> public hearing.

Phase V Update – She stated that the city received late notice of a meeting that was held and was not directly invited. She stated that this project was initiated in 2009, the city applied for a grant in 2010

and this grant was essentially moved on but the project was underfunded and turned down in 2013. When she took office as the Mayor she worked to try and salvage the project. She stated that the old grant which was essentially lost was saved by Mr. Sheehy from CVE and the city will be reimbursed under this old grant, which is not customary, all the engineering fees. One of the things that was relayed to her and she would like to relay to Council is that the city administration did not do a good job of communicating regarding the project. She stated that for the record, she took office in January of 2014 and either communicated by newsletter or direct mail in March of 2014, June of 2014, June 24, 2014, September 5, 2014, September newsletter in 2014, March 2015 newsletter, October 6, 2015, December 21, 2015, October 17, 2016, in December of 2016 and February 22, 2017. We also had information in the newsletter that was sent out two to three weeks ago. She stated that some say that we shouldn't communicate if we do not have much to say, but she is of the opinion that it is important to communicate even if there is not really an update just to let them know we are still working on the project and what issues we face.

She stated that the city received noticed in today's mail that we received another \$25,000 from the County for work on Lindberg. This is part of the Department of Public Works grant. The city has been successful each year getting some money to assist in what amounts to a million dollars of road repair that needs to be done each year but the levy only generates approximately a quarter of a million. Since we do a lot of work in-house it has helped us do more with less. She is proud of the service department's work.

She stated that she would like to share with Council Mr. Vogel's questions and concerns regarding the building department fees and Mr. Sponseller has answered those clerical errors.

Westlawn/Lindberg Water Update – She stated that we communicated with approximately 118 residents and received approximately 65 to 75 responses to the survey sent to them. She stated that there were approximately 10 more against than for the project and will be meeting with the engineer regarding this project. She will report back to Council once she receives his recommendations.

Allied Waste Audit – She stated that this is an issue Ms. Garrity spearheaded. We will be meeting in the next couple of weeks to get the results from this audit. She requested that Ms. Garrity be in attendance for those forensic results. She stated that between 2006 and 2014 there were homestead exemptions that the previous administration waived their payments for trash pickup. That policy was changed for a lot of good reasons in 2014. There were residents that did not pay their Allied Waste and to make Allied Waste whole the city choose to pay for those residents. The billing on what the city was owed never was completely or thoroughly followed through. There was a lot of money from 2006 to 2013 that was written off and Ms. Garrity wanted to know how much that amount was and if the city could go back and recoup those costs.

She stated that the establishment of a temporary position of Assistant Safety Director is expiring and requested a motion from Council to extend this position for another six months. She stated that the Civil Service Commission will be testing for Police Chief.

Mr. Sculac moved to extend the temporary position of Assistant Safety Director for another six months; Mr. Haviland seconded. Poll: 6 ayes; 0 nays. Motion carried.

Mayor Donegan indicated that an executive session will be called after the meeting for economic development. She will notify Mr. Russo by text once this meeting adjourned who will be in attendance.

### **Communications from Residents**

**Steve Hoca, 26493 Cranage Road**, stated that he has a list of things he has concerns with regarding the Phase V Sewer Project. The first issue is cost over runs as no one has discussed the fact that on average people are assessed between \$11,000 and \$13,000 some people are more that those costs can clearly go higher than; in fact he was just doing a research on John Road which is not too far from us and some people were claiming \$25,000 to run that pipe just by their house, that's an issue. Also, EPA not mandating us get rid of septic systems, there is no EPA mandate the EPA only mandates that we have fully functioning septic systems that work properly. So, he wants to talk about these two things. He would like to have a town meeting maybe we could recommend a full-fledged town meeting in a room like this where we can talk to the people specifically affected by the sewers because we need a little more transparency. One thing your administration promised was true transparency when you were elected so we would like to know what this is really going to cost us. The grants, you mentioned the grants that we might get for the sewer project, that doesn't sound like a lot of money to offset the extreme costs. He walked door to door, passed out 320 flyers to get people to a meeting at the Olmsted Falls Middle School and a lot of people are confused about what this grant money is really going to mean in terms of how much it will offset in terms of cost. That's about it for now.

Mayor Donegan stated that a town hall meeting will occur. Council passed a resolution of necessity she believes in 2011 and would be happy to get some of this information for Mr. Hoca. There has been no need to hold any sort of a meeting as we have no additional information. The city has received \$8 million dollars in grants, which is more than double of what was received for 2009/2010 grant. She thanked Mr. Hoca for his comments.

**Ed Dean, 7594 Mapleway Drive**, stated that he would like to challenge Council. When you were running for election, like Mr. Hoca mentioned, it was promised transparency and that is what Council members and Mayor's should do as far as communicate with the residents because basically you are public servants. He is concerned in respect, similar to what Mr. Hoca mentioned, about the cost over runs. There is a definite need for a meeting for the residents who are affected by the sewer tie in's, himself included on Mapleway, he thinks it is Phase V. He is referring to Resolution 57-2016 and a petition that was sent to Olmsted Industrial Park and attached to that resolution were costs associated with the septic sewer. Now, he does not know if that translates into costs associated with Mapleway or the people affected by the Phase V sewer project. There are a number of people who are on fixed incomes and have limited resources so what is needed is a clarification on what options that people have. Number one - there should be a meeting, including the City Engineer, somebody from the Department of Health presenting different options. The petition, which is confusing, he does not know if it applies to the sewer district or not but it was attached to the resolution saying that once you are billed you cannot contest it or that they can levy additional assessments without limitation, that is in the petition and that concerns him. People should be aware more specifically of what it is going to cost them rather than just say we are estimating \$12,000 or \$13,000. Well if you are on limited income or you can't afford any more than a nominal amount especially with a school tax having risen an increase in property tax you wouldn't be able to live here. People have to have a realistic idea and

that costs associated, especially because this sewer district which is going to be districting has unique typographical constraints boring under streets and different constraints in the area. He challenges Council to have a public meeting for the people affected with members from the Health Department, the County Engineer, and be able to give people who are going to be assessed the money the values options let them understand what it is going to cost them or an idea what constraints you are looking at before any work gets started.

Mayor Donegan thanked Mr. Dean for his comments. She also stated that she is unclear if when Mr. Dean was previously on Council any sewer projects took place but we do plan on all of what he suggest. There is an enormous amount of minutes from 2014 that may help articulate what has gone on; they are pretty detailed with the engineer and Board of Health and she believes the history may help. Mr. Dean asked if there would be a presentation. Mayor Donegan replied yes. Mr. Dean asked if it would be before digging began. Mayor Donegan replied absolutely. There is a legislative process and if you review the minutes it tells the entire story of what started in 2014 and where we end up. She believes the city has shown transparency as best as we could with the amount of documentation that we have corresponded with residents over the last 3 years which hasn't provided for much because there wasn't much to say as we reapplied for grants. Mr. Dean stated that you may want to refer back to legislation in the 70's in which the City of Olmsted Falls at that time did not mandate sewers but they said that the whole city would be sewerred so it's not a mandate it's what they were going to province and that is a distinction.

Mr. Haviland stated that Mr. Dean mentioned different constraints about boring and typography and asked if that was what he was concerned with regarding cost increases. Mr. Dean replied that it could affect the costs he doesn't know that but people have the right to know rather than just say your estimate is \$12,000 and all of a sudden they get a bill for \$20,000.

### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-07; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

### **Officials Reports:**

#### **Rosann Jones, Manager Business & Community Services**

Ms. Jones stated that she will again be working with Great Lakes Publishing this year to produce a fall issue of Olmsted Falls Magazine. She and the Mayor met with them and provided points for us to consider in terms of articles for the magazine. If anyone has any thoughts on an article they would like to see included in this edition, consider that for every page of content we also need a page of advertisements purchased. She stated that the Chamber of Commerce is also completing a publication this year late spring or early summer. They will be doing an Olmsted Falls/Olmsted Township issue, which will be delivered to everyone. The chamber publication will hold articles relating to Olmsted Falls to our residents will have content for Olmsted Falls and the ones sent to the Township will have content for the Township. Since we are limited to the content in the joint publication we feel that there is enough going on in the city to develop our own publication. The publication basically pays for itself with the advertisements. She indicated that they are working for a September publication date.

She will be attending a meeting tomorrow to discuss the NOACA Implementation Grant the city was awarded for the corner of Mill and Columbia. We would like to get some sort of timeframe for this project to begin and will more than likely be after our summer time activities, the last of which is the end of August.

**Joe Borczuch, Service Director**

Mr. Borczuch indicated that the front end loader needed repairs. This vehicle is not that old but due to the fact that it has sat out since its purchase until this past year the repairs are needed. He was informed that the gentleman repairing the vehicle indicated that these repairs are due to the vehicle sitting out.

Mr. Miller moved to **approve** a requisition to Ohio Cat for repairs to the 236 front end loader in an amount not to exceed \$4,018.59; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that he distributed information from Safebuilt. Comparing the first quarter of 2017 to the first quarter of 2016 revenue and permits are down. A lot of the subdivisions that were being built have filled up this last year but as we move forward into new ventures obviously these numbers should pick up. Our revenue for this first quarter was \$17,060.20. Mayor Donegan stated that she believes Safebuilt is doing a fabulous job and was a smart outsourcing.

Mr. Borczuch indicated that he will be receiving the roof contract this week which will allow them to being work once the weather breaks. He stated that the service department will remove the chimneys which will save the city approximately \$19,000.

Mayor Donegan stated that the animal rescue fund that Ms. Garrity and Mr. Sculac were instrumental in developing helped us successfully transition a dog that was bonded over to us, find a home with one of our firefighters. If we cannot get them to the Berea Rescue we find homes ourselves. She stated that whether you agree or not with the feral cat program there is a feral cat issue which is also a health issue. We have had great success in trap and release which is a very humane approach to reducing if not eliminating the feral cat population. We have done such a good job that Olmsted Township has signed on to the program because they have heard of our success. Mr. Hoca asked how the program works. Mayor Donegan stated that a feral cats origin are wherever they live and the multiply and become a nuisance. The program begins when you call city hall, we send the information to the building department and they work with the neighbors and owners. Berea Animal Rescue then traps them and at a very small cost neuters them and then releases them back into their habitat which eliminates procreation which essentially eliminates the feral cat population. We had about six or seven populations and have been successful in eliminating three or four of them.

**Steve Presley, Finance Director**

Mr. Presley stated that the cash report was distributed which shows a balance of just under a million dollars but does not include over \$200,000 in advances that were made at the end of 2016 that still need to be repaid to the general fund. So, the general fund balance at the end of March is approximately \$1.2 million dollars because we have received the property tax revenue from the county. Mayor Donegan stated that completed a historic review and the balance is between \$900,000 and \$1.3 or \$1.4 for over a decade, which shows that we are doing more with less. We are making constant improvements and our balance has remained which she believes is due to the grants the city has received.

**Mike DeSan, Asst. Finance Director**

Mr. DeSan indicated that he would have the quarter to-date reports for the finance committee meeting. Also the Health Insurance Advisory Committee will hold a meeting on April 25<sup>th</sup> regarding the health insurance. Mayor Donegan stated that the Health Insurance Advisory Committee continues to work with employees and progressively will get into wellness which will be very welcomed.

**Councilman Kyle Miller, Ward IV**

Mr. Miller reported that the Indians won in the bottom of the 10<sup>th</sup> 2 to 1.

He would like to apologize for missing the last two Council meetings. He's work took him out of town but he did read the minutes to keep himself up-to-date. He is pleased to work with Mr. Gorski who is Council's newest colleague.

He stated that Mr. Borczuch and Mr. Kopchak took care of an issue for him incredibly quickly and now one of his neighbor's is probably more impressed with his position than she should have been.

**Councilman Edward Gorski, Ward I – No Report**

**Councilwoman Terry Duncan, Ward III – No Report**

**Councilman Jim Haviland, Council Pro-Tempore**

Mr. Haviland indicated that a JEDD meeting has been scheduled for April 24<sup>th</sup> at 7:00 p.m.

**Councilman Bob Sculac, Council-at-Large**

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash position dated 03/31/2017 in the amount of \$997,977.96; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that knowing the city deals with the Berea Animal Rescue those who knew Jim Sabre who was the Vice President of the foundation passed away last week of a heartache at the age of 52.

He stated that a finance committee meeting will be held on April 25<sup>th</sup> at 6:45 p.m. He would ask Ms. Jones to distribute a list of the city owned properties. He would like to review the list and discussion disposition of some of those properties. He would also like to request a list showing the expiration dates for the levies. He would also like to discuss the park and recreation levy.

**Councilwoman Linda Garrity, Council President – No Report**

**Santo Incorvaia, Asst. Law Director – No Report**

**Old Business**

***Ordinance 70-2016***

AN ORDINANCE ADOPTING CHAPTER 1469 OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS TO ESTABLISH EROSION AND SEDIMENT CONTROL AND DECLARING AN EMERGENCY **Tabled on Third Reading (01/10/17)**

(Referred to Planning & Zoning Commission – awaiting recommendation) **Remained on table**

***Ordinance 03-2017***

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY TO CHANGE THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 281-02-135 LOCATED ON ELM STREET FROM D-3 (“SINGLE FAMILY DWELLING DISTRICT”) TO P-2 (“PROFESSIONAL OFFICE/MULTI FAMILY DISTRICT”) **Tabled on Third Reading** (Referred to Planning & Zoning Commission – Received Recommendation on 02/17/2017 – Council public hearing – April 11, 2017)

Mr. Sculac moved to **remove** from table; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **adopt**; Mr. Gorski **seconded**. Mr. Incorvaia indicated that the legislation did go through three readings and Planning & Zoning Commission has recommended approval. Mayor Donegan indicated that there will be an increase of 30 full time employees; 30 beds and economic stimulus to the city. Poll: 6 ayes; 0 nays. **Motion carried**.

***Resolution 16-2017***

RESOLUTION OF THE OLMSTED FALLS CITY COUNCIL DECLARING ITS INTENT TO ASCERTAIN THE EXISTENCE OF A PUBLIC NUISANCE OF THE PRIVATE BRIDGE OVER BAKER’S CREEK ON THE PRIVATE DRIVE OF E. RIVER ROAD AND DETERMINE THE RIGHT, NECESSITY AND REASONABLE MEANS FOR ITS ABATEMENT, AND DECLARING AN EMERGENCY **Second Reading**

***Ordinance 17-2017***

AN ORDINANCE UPDATING AND AMENDING THE BUILDING PERMITS AND FEE SCHEDULES IN CHAPTER 1448 “PERMITS AND FEES” AND CHAPTER 1452 “DEVELOPERS DEPOSITS AND OTHER FEES” AND DECLARING AN EMERGENCY **Second Reading**

**New Business**

***Ordinance 18-2017***

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$500,000 FOR THE PURPOSE OF PAYING COSTS OF REPLACING THE ROOF OF AND OTHERWISE IMPROVING CITY HALL, AND DECLARING AN EMERGENCY **First Reading**

Mr. Sculac moved to **suspend**; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **adopt**; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

**Miscellaneous New Business - None**

**Such other business that may come before Council - None**

Mr. Gorski moved to **adjourn into executive session** to discuss matters of economic development pursuant to ORC 121.22(G)(8); Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:15 p.m.

Mr. Haviland moved to **adjourn into regular session**; Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **adjourn**; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:00 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*