

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, April 25, 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 7:41 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Edward Gorski, Paul Stibich, Terry Duncan and Kyle Miller, were present.

Also in attendance: Gregory M. Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, Joe Borczuch, Service Director, William Trainee, Assistant Safety Director, and Rosann Jones, Manager Business & Community Services. Audience: 8.

**Approval of Minutes**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of April 13, 2017 (ABR Appeal); Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Stibich). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of April 13, 2017 (Rezoning of Elm); Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Stibich). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Regular Council Meeting of April 13, 2017; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Stibich). **Motion carried.**

**Consideration of Amendment to the Agenda - None**

**Mayor's Report and Appointments**

Mayor Donegan thanked Carol Plachko who read the article regarding Christians in Action moving into the administration building and was taken aback at the needs residents have. She donated \$500.00 to the renovation fund. She did send a thank you to Ms. Plachko and asked that Council do the same.

Rural Lorain Water Update – Council should have received a copy of correspondence dated April 20<sup>th</sup> indicating what the city had decided regarding these residents. Essentially, the city has made the decision to put this issue to rest for now. The survey results include 28 for the project; 38 against the project; 35 were non-responsive; and 9 were unclaimed certified letters. This issue has been placed on the strategic plan to review at a later time. We need to take responsibility for infrastructure and the improvements of infrastructure. This decision was communicated to Rural Lorain and she appreciates all their efforts in this endeavor.

Cook Road – If Council recalls Ms. Toni Vitello was before Council a few meetings ago regarding flooding. She stated that when a rain storm is coming our service department does a lot of preventative maintenance to the creeks. It was noted by Director Borczuch that there was a definite crack in one of the large pipes on the German Club property. This has been an ongoing issue that the city has been working on since her term began. The city received a \$65,000 quote for replacing the system. Last Thursday's rain cause significant flooding for six to nine homes. She stated that Ms.

Vitello replaced drywall and then another flood so now that drywall has to be removed. The Weaver's replaced the carpeting and now has to be removed. These residents are upset and the city has done everything we could to get this issue adjudicated quickly. She is happy to report that the pipe was repaired on Monday however there are still some outstanding issues with residents. These residents are compiling their damages for the latest flood. She stated that Mr. Sponseller wrote a letter to Ms. Margot Maurer. She spoke with the German Club who moved the repairs from May to Monday.

She stated that Ms. Bess Vrettos, Special Projects has been working with the railroad. She stated that there have been several meetings with Senator Patton, now Representative Patton, the railroad, FRA, there are violations of Quiet Zones, blocked traffic, and the answer is always "that's too bad we are the federal railroad system we don't care" this is not acceptable to us and has not been. She is very data oriented and has been tracking the number of blocked trains. We have also increased the number of citations if the crossing are blocked for more than five minutes. For example, Ms. Vrettos has worked closed with Mr. David Kennedy regarding Bronson Road and the access point where the trains pull off. If a train pulls off they have to be virtue of the fact that there is a pulled off train another train has to blow their horn, basically making the Quiet Zone null and void in particular areas on a routine basis. Mayor Donegan read the attached statement. Mayor Donegan stated that the good news is that they are working aggressively with us. She stated that Representative Patton was stuck at a railroad crossing yesterday for 25 minutes, needless to say he works closely with Ms. Vrettos, they sent a very assertive email to the ORDC indicating that this is unacceptable and we want to be able to traverse the city, how often do you sit at Columbia and the tracks are open at Mapleway, the signage will establish which crossings are open.

Mayor Donegan stated that she placed a posting on Facebook indicating that we sold the old library. That posting got 13,260 shares, varying degrees of responses from most excitement to what is going to happen. She believes everyone will be pleasantly surprised and we need to take an assertive approach to alleviating the tax burden on the residents. There are some parking issues and Ms. Jones will be working on those issues as we have some creative ideas. She spoke with Mr. Lorek and he has been in contact with Mr. Smerigan. Mr. Lorek informed her that he has a deadline to open by September. Mr. Sculac stated that he did inform Planning & Zoning Commission.

Mayor Donegan stated that the ABR appeal was heard by Council who requested due diligence before making a decision. She has been in contact with the applicant and will be engaging the city architect Alex Pesta as well as state and national parks. She is working closely with Mr. Haviland as well. In spirit of the law she would request that Council pass a motion to extend Council's decision for 30 days.

Mr. Sculac moved to **extend** any Council decision on the appeal from the ABR decision in ABR Case #06-2017 for 30 days to May 25, 2017; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan does wish that Mr. Dean and Mr. Hoca were present this evening to hear the next presentation but the presentation will be memorialized in the record. She stated that there is a lot of noise regarding the Phase V project and she does not know if that is from two or three people or 10 or 20 but is definitely not hundreds. Whether it's a loud voice from one person or anyone else it is just as important to vet it out, follow it through and see what we can do. The time to sewer and get the city upgraded certainly was not something we decide to just do, it is costly, complicated and never easy to tell residents they have to pay a specific amount of money. She does find it that Mr. Dean, in

particular, was a Council-at-Large representative and actually passed Phase II and III in 1998 and actually assessed her property on Columbia Road for sewers which will come off her tax duplicate this year. She has a little under an acre and was assessed \$12,000. Conservatively you could estimate an increase of 30% for this type of project over the years and the current project will cost residents \$13,000. This was not an EPA mandate, which she may have misstated or others misstated, but it makes could sense from an EPA perspective. The previous sewer projects were completed because it made sense and is the right thing to do, not unlike what we are doing now. In 2011 there was a Board of Equalization held where we had an archaic system on determining assessments. The old system was real estate value, frontage, and acreage. Why would one connection any different if you are in a \$40,000 home, \$100,000 home or a \$200,000 home because you receive one connection. If you will recall, Mr. Presley, Mr. Sheehy, Mr. Sponseller, and bond counsel discussed the assessment system a term ago and determined that it was complicated, archaic and no other city utilizes this type of system, each resident receives one connection and Council, at that time, agreed. There were some reservations especially her with consistency, but there were four experts telling us what should be changed and Council made the right decision. She stated that when she looked at the previous assessments from 2013, those ranged from \$800 to \$1,000 to \$21,000, \$14,000, \$15,000, and \$5,000, which was based on the archaic assessment system. Additionally, Board of Equalization met and this project was ready to proceed, Council adopted all the Resolutions of Necessity in 2009, and in 2017 we are still trying to move this project forward. The project was designed aggressively, meaning there would be boring under bedrock on River Road, there were pipes hooked to non-existent basements, so there were a lot of flaws. Not that anyone did anything wrong, obviously we took them at their work but nothing like a fresh set of eyes to review the project. We attempted to salvage this project with a grant that the State of Ohio mandated that if not used the city would lose and that grant was \$2.5 million. We now have received close to \$9 million dollars in grants for this same project. She stated that Don Sheehy, the city engineer, saved this grant indicating all the issues related to the use of the funds and was able to salvage that grant, which is almost unheard of. To-date we have had \$603,800 of engineering expenses. We collected all of Benza invoices from 2007, had to spend \$500.00 to get those invoices from Benza because the city had no record of them here, the good news is these engineering costs will be adjudicated some for this project and reimbursement to the general fund. Mr. Sculac indicated that he was a Council member during Phase I and feels that the whole conglomerate of the way of assessing costs came from the city engineer at that time, he believes that it just continued for future phases and no one gave it a further thought until now. Mayor Donegan stated that this is the last area of the city to be sewered. There is also some chatter regarding the city not communicating with residents. She stated that Mayor Blomquist did hold meetings with people in fact a meeting had to be moved to the German Club because of the amount of people in attendance. At the last meeting she did articulate how many times she has communicated with residents regarding this project. She stated that Mr. Engelmann was present for another meeting and asked why she sent a letter with additional information regarding Phase V. She believes in pro-actively dealing with chatter to either proof that they are correct or incorrect. She sent another letter to residents letting them know that the city faced many challenges as a result of 2013, that we received triple of what the funding was and it continues to increase, the Board of Equalization will meet probably at the end of May. She stated that Ordinance 43-2009 put in motion the Phase V project, which she also provided to the residents. Mr. Engelmann asked if there was resistance to the project, she replied that she is unsure she just wanted to be communicative and transparent.

She had also asked Clerk Mancini to pull the grant the city received as a result of our submission to the State Public Works program for 2016. For the record, again, if we misstated an EPA mandate, sometimes we do misstate things, not big mistakes, but the point to the EPA reference was that in

2009, a report from the County Board of Health indicated the impact of failing septic systems in the project area are of great concern for the health of the Rocky River Water Shed, which is important to us. She stated that just as the 2009 report showed tests performed in the area produced consistency high counts of E-coli and fecal coliform that exceed the acceptable level set forth by the Ohio EPA, 2015 testing continues to show high counts, E-coli and fecal coliform bacteria cause serious illness in humans that leads to kidney failure and death, excess nitrogen and phosphorous associated with failing septic systems cause algae blooms in the surrounding surface waters that endanger the life of aquatic animal and plant life. These high levels increase the potential for serious disease throughout the local population, poses serious threat to wildlife and plant health, the contamination of the water shed is happening consistently and will only get worse if the systems are left to deteriorate. We rated in the top 10 in the entire county as contributing to the pollution in these streams and water sheds, etc. She did not decide to make 324 residents angry, people are smelling fecal discharge, it is partly harsh, Mr. Campanalie has been before Council countless times discussing the smell on Cranage, etc. There are reasons and methodologies and she does not like the fact that residents are being assessed. When she was assessed she was upset, she had just recently moved into the area her septic system was relatively new and Phase II was with Willard Construction. This construction company was an absolute nightmare and she remembers calling Mayor Jones at the time indicating what was completely wrongly in the hookup and she was informed that it was a private matter and she needed to take them to small claims court. A group of her neighbor's did take Willard Construction to court and were awarded the excess monies to repair the hook up's. She understands that it is complicated and not fun but progress if painful, which she cannot emphasize enough.

She stated that Mr. Novickis attended the meeting Mr. Hoca held several weeks ago and asked him to speak candidly about that meeting to Council. She would also like him to discuss what it will take for a resident to be compliant with the county.

**Rick Novickis, Director Environmental Public Health with the Cuyahoga County Board of Health** stated that he has 32 years in the sewage program at the Board of Health and remembers the days of different sewer project phases. He stated back in the day there were 25,000 household sewage treatment systems and we are down to under 9,000 at this point. The majority of those that have left are due to sanitary sewer connections. In Olmsted Falls we were under 1,000 and currently we are in the mid 400's and about 324 are included in this last sewer project. To set the record straight, he attended the meeting as a homeowner, not a board of health representative, his children attend the school system, he has watched Christmas Pageant's and choir concerts. He spends a lot of time here on the streets and residents will ask him what is going on with the sewers and are they really needed. The reality is the systems in this proposed sewer project 68% were installed before 1977, which is 40 years and 30% were installed between 1977 and 2006, and less than 2% were actually installed in the last decade, of these systems, the newer ones, there are currently about six in the ground that meet the current design standards for the State of Ohio. It does not mean that the ones older than that are all broken that is not the case, a lot of them could have components added to them if the time came when those systems stop treating to their capacity. The reality is that we are still talking \$7,000 - \$10,000 to modify an existing system that has been installed for 10 to 15 years, the aeration style systems. The systems we all know are called a leach field, in most cases they are not leach fields, what they were is a septic tank and a pipe into an area of gravel maybe the size of a typical kitchen, they put about 18" of gravel in with some pipes on top and a collector pipe on the bottom, somehow the gravel would magically treat the sewage. This was the technology in the 40's, 50's, and even early 60's, unfortunately those are a good portion of the systems that are currently in the ground. We have purposefully not been out mandating people to replace systems when we find issues and failures

because the last thing he wants to do, like he has done for many years, is stand in front of people from Mayfield Village to Solon to the Township and everywhere in between and tell them how great the sanitary sewer is going to be, and its bad that you have a 18 month old \$15,000 sewage system but that's progress so remove that system and connect to the sewer. The reality is that we have not been requiring people to replace their systems for a number of years now. To his knowledge when he spoke with Megan, who is the sanitarian in the water quality program in a number of communities including Olmsted Falls, to her knowledge and Mr. Sekerak most of the systems that were replaced were either because they were in such poor condition that they were backing up into the house, or pulling a sale that they were so bad that something had to be done, it could have been a house that was dramatically remodeled or bedrooms added and the system needed to be replaced. This is not a case of the health department being the bad guy and the city tells us to stop because they are putting a sewer system in and all this effort was wasted. We have tried to work over the years with the various communities to make sure that we are making common sense decisions. He has a system in his backyard and lives across from Sprague Road and has a mound system. To his knowledge there is one leaching style system in the Falls, that basically takes the water, treats it and puts it down into the ground, nothing leaves the property. Most systems are discharging systems, there is a filter bed and something leaves, there is an aeration system that might have something from an egg beater with a couple gerbils running on a belt to basically keep this bubbling to a more modern style of aeration and every different combination in between. The reality is that these are not new systems we are discussing potentially eliminating. What he heard at the meeting he attended made his head spin and he had to say something. He was looking forward to attending as a homeowner, who knows a little about septic systems, and to make sure that the facts were being discussed. After an hour and a half of talking about Lake Meade and problems in Arizona with drawing down the water table and how they have to keep moving marina's because the water level is dropping and a child who fell in a septic tank somewhere in Utah, it was a great educational power point presentation but he wanted to know when they would discuss septic and sewers that affect the people sitting in the middle school cafeteria. Finally, at the end there was a quick mention for \$76.00 you could get people together and start an association and have a picnic once a year and name this person who was the homeowner that coordinated the meeting as the president or the leader of this association. His head began spinning because there was no discussion about septic's, sewer, costs and the things he heard were completely wrong. He heard that it would cost a couple hundred dollars to upgrade a system, big mistake, and he got up to talk because people needed to leave this meeting, as they do with a typical conversation about this issue, having the facts in front of them. He does not like decisions made with half-truths or completely misspoken data or information and that is what he was getting. He knows that he would have been pounced on if he didn't say something by people he knew. He did not want to derail the conversation but needed to make sure that people got the right numbers and knew that septic systems are costing \$13,000 to \$15,000 by today's requirements and that is what a resident would be faced with. When you hear sewer assessments that you can finance potentially up to 20 years, compared to a \$15,000 septic system that has to be paid for now with a home equity loan or find the money now to pay contractors now because there is no 20 year financing. No one wants to talk about spending all this money and dropping it into the ground. If you roof leaks you replace it you see a difference, if you replace your furnace or air conditioning money wasn't wasted. But, when you spend it on a septic system that treats you know what and then you drop it under ground and you see a couple lids and pay an extra \$30.00 a month in electricity and the health department wants to come out and take samples to make sure it's working right. When you add all these maintenance bills and permits all of a sudden he wants to make sure people realize that what they are weighing in their two hands and not just a meeting where people leave believing they are ok with their septic system and it's not going to cost anything and fight city hall because you don't need the sewer versus sewer and a \$12,000 or \$13,000

assessment. He wanted it to be a level playing field so good decisions could be made. Over the years, we have gone from 25,000 to 9,000 systems and that is because communities like here have look at what options are available and determined that a permanent solution needed to be installed with one discharge that goes to whatever treatment plant that one person monitors and everyone connects into as opposed to every individual homeowner being their own sewer treatment plant operator which is really what septic's are. You need to think about what you have and how to maintain it. Basically, he appreciates the opportunity for the Board of Health to work in partnership with communities so we make good decisions and make sure that the facts are heard because the community is held accountable for the quality of the discharge under the general permit MS-4. These things affect a community and you are making decisions that make the most sense going forward for the residents. All he cares about is to make sure there is no "we should of talk about that a year ago" and that is why he went to the meeting to make sure that people that he knows, in some cases, or don't know are getting a fair shake. He was really disappointed with what the whole meeting was about which made him have to say something. He told them it was a great power point for a younger person who knows nothing about septic's but he is scared to death about kids falling into septic tanks and the problems you are having out west but we have not talked about the people here with backyards that have to make decisions with failing systems and are looking at spending \$10,000 to \$15,000 on a septic system or an upgrade versus comparable numbers for a sewer connection.

Mayor Donegan stated that there was another letter distributed which Mr. Salk, the Olmsted Township Service Director sent her, indicating that they are already predicting cost overruns and a lot of scare tactics and misinformation. There is an effort to videotape residents on Bronson Road in Olmsted Township who had some sort of a project that they are making sound similar that faced overruns that do not make sense. She wanted Council to get some factual information in terms of what is going on by some individuals who are well meaning, but, this has not been done in a vacuum it is caring a torch from one administration to another to make sure it is completed. Secondly, the costs of the upgrades could be more or less than the assessment. When you look at her own assessment in 1998 and then look at current day dollars its pretty good. We continue to receive grants from other resources thanks to Mr. Sheehy and Ms. Jones. More importantly to take responsibility for what we are responsible for and the fact is there is sewage being dumped. In order to receive the grant we had to be in the top 10 and we were. The idea that we are not being transparent or that there are no meetings that we are keeping this hush hush, clearly, we have been talking about this unfortunately since 2009 and some who are feeding this scare tactic know how the process works. We have to get the funding, which has been explained, we then work with bond counsel, we hold equalization boards, then we have another public meeting to let everyone know so to intimate that we are not having public meetings or doing this in secret is simply irresponsible and not true for this Council, the former Council and this current administration.

### **Communications from Residents**

**Ken Roth, 10835 West River Road**, stated that he was present for a portion of the finance committee meeting and understands that the city is concerned with the cost of a rec center. He stated that a rec center is just bling for the community and does not know of any that has broken even. You have to be very financially careful there.

He stated that he has never seen a community in anomeric with signage. As you come north towards the school there is a sign for a school crosswalk that blocks the 20 mph school zone sign which

doesn't make a lot of sense. If you go by the green book of Ohio signage it says it has to be so high. Mayor Donegan asked where the sign was located. Mr. Roth replied on Columbia Road. Mayor Donegan stated that the city is attempting a pollution elimination of signage.

Mr. Roth stated that his mother spent some time in the Kemper House and we was around the city a lot. It seems as though the landscaping businesses have high jacked the roads, they use them for parking for half an hour, 45 minutes without any regard of safety of the people on the roads. Last year and the year before he stopped downstairs to talk with the police department about an individual who parks on Elm Street as you go up the hill not only blocking the road you have to move over but it's a blind shot, you take a chance. Yesterday he noticed on Columbia Road by the greenhouses someone was doing a landscaping job, parked in the road and had the whole north lane closed for at least half a day. Yesterday he had lunch with his wife and when he went home he was there. When he came back later he was still there and again this morning he had five or six vehicles all parked in the road and was dumping mulch on the asphalt and using a skid steer to truck it back. It seems as though no one takes note, he cannot believe that no one from the police department has gone from Bagley Road to Sprague Road in two days. Today he stopped and said that the fella was still there and the response he received was a look like "what are you bothering me for." He came up and talked with Ms. Vrettos and then he spoke with Ms. Mancini who attempted to call around but did not get a response, everyone was busy he guesses. He went about his business and got an e-check, spent about 20 minutes there and came back and he was still there so he took some video of traffic dodging in and out there was no traffic control whatsoever. He came back and told Ms. Mancini that this is one of the reasons that citizens have a dim few of public service when they don't get any, they come and make the officials aware of the public hazard and after half an hour it's obvious no one made a trip down to talk to them and get them off the road or at the minimum have traffic control. So, Ms. Mancini saw someone come in and hollered for them to go down and check it out. His concern is just exactly what is the position of the community with regard to these hazards do you cite them. He knows that you have to have a registration to do landscape work here, what are the rules and regulations once you get the permit, he would think that you have to not impede traffic. Mayor Donegan stated that they have been cited before and suggested sending general letters to the general landscapers indicating what they need to be aware of. Mr. Gorski asked if Mr. Roth was referring to commercial landscapers and not city services. Mr. Roth indicated that these were private contractors. He stated that the landscaper he is discussion was Bruno's Landscaping and they had five or six vehicles and there was traffic every light change. Mayor Donegan stated that we do care. Sometimes it does not seem like we are responsive but we do take it seriously.

Assistant Safety Director Traine stated that every year it is brought to our attention and it was brought to his attention today as well. He stated that the landscapers know better and should not block the street. Mayor Donegan stated that Officer Dunegan did go to the area once Ms. Mancini spoke with him. Mayor Donegan suggested that each March the city should send a letter to the general landscaping indicating what needs to be done by them.

### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-08; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays.  
**Motion carried.**

## **Officials Reports:**

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

Ms. Jones stated that Clover Development came to the city a couple of months ago regarding building a three story senior rental facility by the service and fire department properties. Ultimately, with the help of the City Planner the city decided not to move forward. She stated that the owner of the property across the street from the fire station, Mr. Brookins, came to meet with her and Mr. Smerigan regarding a potential project for his vacant land, which was basically warehousing. She spoke with the Mayor regarding informing Clover Development that the city has decided not to move forward. She then contacted Mr. Brookins and gave the contact information for Clover. She stated that Mr. Brookins has received an offer on his property from Clover pending some additional sewer information. Clover Development is aware that they will need to appear before the Planning & Zoning Commission. She stated that this could help when we re-apply for a NOACA grant for connectivity from Columbia Road south to downtown.

She stated that with regard to the protected class legislation adopted by Council and the concern of our local business community regarding how they should react or things they may need to do, she contacted labor attorneys who work in the field and are completely removed from the city in order to hold a series of lunch and learns. The first one will begin with an attorney from and will start with an attorney from Margolius. This individual works in the discriminatory field and is willing to do hold a session pro-bono. She will address our business community and answer questions they have regarding how they need to prepare and how to look at it beneficially in terms of business. We will continue these lunch and learns with additional ones on education on cross marketing; doing a business plan; business loans and helping businesses with their window which is their first face to the community. These were prompted by the legislation and believes it will be good to have ongoing educational opportunity the will be beneficial to everyone. Mayor Donegan stated that this is the series we previously spoke about with Mrs. Sparks and historic issues. Ms. Jones has discussed the fact that business plans are lacking and marketing not being available. These are areas of expertise that are missing. This series was prompted by a conversation with the President of the Chamber of Commerce from Lakewood in order to see what they provide to their local businesses.

### **Joe Borczuch, Service Director**

Mr. Borczuch stated that the renovation for Christians in Action is moving forward.

He spoke with Terik Roofing and they will begin the roof replacement next week. The service department will remove the chimneys in-house.

He stated that the Covered Bridge roof replacement will also being next Tuesday.

He would request Council approve a requisition for the repairs of the sink hold on Forest View and Wilderness Trail. The sink hole was rather larger under the pavement and required over 120 gallons of chemical grout to expand and fill the void.

Mr. Stibich moved to **approve** a requisition to United Survey, Inc. for the repair of a sink hole at Wilderness Trail and Forest View in an amount not to exceed \$6,020.00; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he has met with the Turnpike and Suburban Maintenance who will be performing the deck removal of the turnpike bridge. He stated that letters have been sent to all residents on Columbia Road as well as the businesses north of Bagley Road. They are on schedule for shutting down the bridge after Memorial Day.

**William Traine, Asst. Safety Director**

Mr. Traine stated that individuals from Christians in Action came in for a tour of the renovation and were very grateful for all the city's work and help. In the near future there will be an upcoming meeting with all the chaplains, Jewish, Baptist, and Lutheran ministers to see how they can help each other and the residents.

**Steve Presley, Finance Director**

Mr. Presley indicated that the 2017 note ordinances will be placed on the next Council agenda for first reading. He stated that the city will retire \$695,000 and will pay off \$70,000 or \$75,000 of that note and reissue a one year note for the balance.

He stated that he is also working on the 2018 tax budget which will need to be approved by Council prior to summer recess.

He stated that he was on vacation as were the two individuals working on the Allied Waste audit therefore could not schedule a meeting prior to tonight's meeting. He will be speaking with them to coordinate a meeting in the near future.

**Mike DeSan, Asst. Finance Director** – No Report

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

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

**Councilman Paul Stibich, Ward II**

Mr. Stibich would like to inquire about the payment to Phastar listed in the pay ordinance. Mr. Presley indicated that this is the company assisting the city in the grants for Community Paramedicine. Mayor Donegan indicated that Phastar is a 501(3)(c) that helped the city apply for, and ultimately received, funding for the Local Government Innovative Fund for Community Paramedicine and is a drawn down on the grant.

**Councilman Kyle Miller, Ward IV** – No Report

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

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

Mr. Sculac asked if the Brookins property would need to be re-zoned in order to facilitate the building of a senior rental facility. Ms. Jones replied no as the property is currently zoned MUTND. Mayor Donegan indicated that a letter should be sent to Ms. Kennedy indicating that these individuals are in preliminary discussions. It was stressed to Mr. Brookins that he will need to be a good neighbor to Ms. Kennedy.

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

Mr. Haviland thanked the Mayor and the Clerk for setting aside the next two Monday's for follow-up JEDD meetings.

**Gregory M. Sponseller, Law Director**

Mr. Sponseller indicated that a couple of re-zoning issues have come before Council that were approved, based on the recommendations from the Planning & Zoning Commission, and the Zoning Map will need to be revised.

He reminded Council that a special Council meeting will take place on Monday, May 8<sup>th</sup> at 7:00 p.m. regarding the Bakers Creek Bridge matter. He stated that discussions are ongoing with some of the residents for possible resolution.

He stated that 22-2017 regarding the Old Library building does require a mandatory referral to the Planning & Zoning Commission and requests that Council forward that to them.

**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**

***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 **Third Reading**

Mr. Sponseller indicated that he would request that Council consider adoption as a predict to the public hearing that will take place on May 8<sup>th</sup>. This resolution does not take any action other than to declare Council's intent to hold that public hearing.

Mr. Miller moved to **adopt**; Ms. Duncan **seconded**. Mr. Stibich wanted to confirm that this resolution expresses Council's intent to ascertain the existence of a public nuisance in this matter. Mr. Sponseller replied that was correct and hold a public hearing. Poll: 7 ayes; 0 nays. **Motion carried.**

***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 **Third Reading**

Mr. Stibich moved to **adopt**; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

## **New Business**

### ***Resolution 19-2017***

A RESOLUTION DECLARING THE NECESSITY FOR PROVIDING FOR THE PAYMENT OF STREET LIGHTING IN THE CITY OF OLMSTED FALLS, OHIO, THE COST OF WHICH WILL BE PAID BY SPECIAL ASSESSMENTS UPON ALL PROPERTIES BENEFITED AND DECLARING AN EMERGENCY **First Reading**

Mr. Miller moved to **discuss**; Mr. Gorski **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried.**

Mr. Miller indicated that he did not see any information attached to the resolution and would like to know what is currently being used to pay for the street lights. Mayor Donegan stated that these are “housekeeping items” and do have a cost perspective to residents. Mr. Sponseller indicated that 19-2017; 20-2017; and 21-2017 are “housekeeping resolutions.” He stated that 21-2017 is presented to Council each year which sets the rate for trash disposal. He stated that 19 and 20 are presented to Council every two years which has taken place for approximately 20 years. This resolution helps the city pay the costs of street lights, this is standard and authorized by the Ohio Revised Code, most cities do this on an annual or bi-annual basis. He stated that this is introduced in May so that it may run three readings and be submitted to the County prior to their deadline. He stated that that shade tree assessment is per the city code and the state law for the maintenance and improvements of the shade trees in the tree lawns. The third one is the actual rate charged to residents for trash pickup and those rates will be confirmed by Allied Waste prior to third reading.

Mr. Miller stated to be clear, me as a homeowner pays taxes to the city plus pay a special assessment onto my taxes for the street lighting and the trees. Mayor Donegan indicated that it is a minimal amount and is currently on the tax duplicate. Mr. Presley indicated that total street light revenue is approximately \$109,000 or \$110,000 and shade tree is \$34,000 and the refuse is based on the actual contractual amount. Mr. Sponseller stated that the amounts received from the county are earmarked specifically for these items only.

### ***Resolution 20-2017***

A RESOLUTION DECLARING THE NECESSITY OF CONTROLLING THE BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS-OF-WAY, AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF OLMSTED FALLS; ESTABLISHING A SINGLE DISTRICT FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE OHIO REVISED CODE; PROVIDING FOR THE ASSESSMENT OF THE COST OF THOSE SERVICES AND DECLARING AN EMERGENCY **First Reading**

### ***Ordinance 21-2017***

AN ORDINANCE ESTABLISHING THE RATE TO BE PAID BY RESIDENTIAL PROPERTY OWNERS IN FISCAL YEAR 2018 FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL, AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY THE COSTS OF SAME TO THE CUYAHOGA COUNTY

FISCAL OFFICER FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION WITH OTHER CITY TAXES IN 2018 **First Reading**

**Resolution 22-2017**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN REAL ESTATE SALES AGREEMENT FOR THE CITY OWNED BUILDING LOCATED AT 7850 MAIN STREET (OLD LIBRARY BUILDING), MAKING FINDINGS RELATED THERETO, ALL TO PROMOTE BUSINESS AND ECONOMIC DEVELOPMENT IN THE CITY **First Reading** (Mandatory referral to the Planning and Zoning Commission)

Mr. Sculac moved to **refer** to Planning and Zoning Commission; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

**Ordinance 23-2017**

AN ORDINANCE RATIFYING AND AFFIRMING THE DECISION OF THE ARCHITECTURAL BOARD OF REVIEW IN ABR DOCKET NO. 06-2017, AND DECLARING AN EMERGENCY **First Reading**

**Ordinance 24-2017**

AN ORDINANCE REVERSING THE DECISION OF THE ARCHITECTURAL BOARD OF REVIEW IN ABR DOCKET NO. 06-2017, AND DECLARING AN EMERGENCY **First Reading**

**Miscellaneous New Business - None**

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

Mr. Gorski moved to **adjourn**; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:08 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*