

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, May 23, 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 7:59 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan and Kyle Miller, were present. Mr. Edward Gorski was excused.

Also in attendance: Gregory M. Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, William Traine, Assistant Safety Director, and Odis Rogers, Deputy Police Chief. Audience: 13.

Approval of Minutes

Mr. Sculac moved to **approve** the minutes from the Regular Council Meeting of May 9, 2017; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda

Mr. Haviland moved to **amend** the agenda to include an executive session for the purposes of economic development pursuant to ORC 121.22(G)(8); Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mayor's Report and Appointments

ABR Appeal – Mayor Donegan stated that she has spoken with Mr. Pesta who will be working with the resident and she would ask Council to extend the decision deadline to June 15th in order to allow Mr. Pesta time to contact and work with the resident.

Mr. Haviland moved to **extend** Council's decision regarding the ABR appeal filed by Ms. Pistora until June 15, 2017; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mayor Donegan indicated that she received a letter from Mr. Dean regarding a couple of issues. She would like to respectfully indicate that those issues have been asked and answered on more than one occasion. She read the attached letter that was sent to Phase V residents.

Mayor Donegan indicated that the Clerk distributed a memo regarding 20-2017 and 21-2017 and Deputy Chief Rogers will also make a presentation.

She stated that at a Planning & Zoning Commission meeting held on May 3, 2017 the Commission members considered a request to sell the city owned library located at 7850 Main Street also known as the old library associated with 22-2017 before Council. The Commission voted unanimously to recommend Council adopt 22-2017.

9/11 Memorial – We have been working a couple of years on the 9/11 memorial that will be located at the fire station and Chaplain Dean Kavourus has been in contact with individuals in New York City and the Flight 93 recovery and hope to bring this to fruition next year.

She stated that if Council recalls we had individuals from Northwood speaking about the emergency access road. In particular a resident with a fence issue. Mr. Kopchak went out and took photos of the fence and it does not look like the fence is in disrepair. We have asked the resident to provide any further details.

She stated that the Bagley Road started in 2014 and is a county project. They were to begin that project in May of this past year and open in November. Unfortunately, the county did not begin the project until November. She stated that on Tuesday, May 30th the westbound lane will be opened and two weeks after that the entire bridge will reopen with a ribbon cutting ceremony. Additionally, on that Tuesday the Turnpike bridge on Columbia Road will close. This is a turnpike project and they held off beginning the project until the Bagley Road bridge was complete.

Mayor Donegan indicated that she has a few requisition to present for Mr. Borczuch. One is Morton's Landscape to plant eight 3" caliper October Glory Maples on Coopers Turn. This involves digging holes, planting trees, using duck bill anchors to cure them, backfilling with compost, mulching and removal of dirt. These trees are replacing the Ash Trees that were removed last year.

Mr. Sculac moved to **approve** a requisition to Morton's Landscape for eight 3" October Glory Maples in an amount not to exceed \$5,800.00; Ms. Garrity **seconded**. Mr. Stibich asked where the trees would be located. Mayor Donegan replied Coopers Turn in Plum Creek. She stated that Morton's was the lowest, Schill's bid was \$6,960; Big Trees bid was \$6,080; and Morton's was \$5,800. Mr. Stibich asked the reason the tree have to be 3" in diameter. Mayor Donegan indicated that she believes the size is outlined in the Shade Tree policies. Mr. Miller stated that he believes that this is close to the size of the trees that were removed. In his day job, he knows that trees are not cheap. Mayor Donegan indicated that this is governed by the Shade Tree Commission as they have a long standing protocol. Mr. Stibich stated that he is just suggesting that maybe the city could have purchased smaller trees and saved thousands of dollars. Mayor Donegan asked if he contacted Mr. Borczuch to inquire after he received his council packet. Mr. Stibich indicated he did not. Ms. Duncan stated that part of the problem in planting a sapling is that it is more likely to be broken or injured. She does not know if these are the same size as the ones removed due to the fact that the Ash trees had been there for quite some time but unfortunately we all know the problem with that type of tree. The October Glory's are a little less expensive than most of the trees in that caliper range. Poll: 5 ayes; 1 nay (Stibich). **Motion carried**.

Mayor Donegan indicated that she also has a requisition for Rayco Manufacturing to repair the 2009 chipper clutch packing and assembly. This is the first major repair on the unit.

Ms. Duncan moved to **approve** a requisition to Rayco Manufacturing in an amount not to exceed \$2,800 for repairs to the chipper clutch unit; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that the third requisition is for Cutter Concrete and Excavating, Inc., to remove approximately 3,700 square feet of concrete sidewalk at the 252 Underpass and fix any base that needs repair and pour new concrete. This work will take place while the turnpike bridge is repaired to keep any delays on the road to a minimum. She stated when she took office in 2014 an inspection was completed on the underpass bridge and most of the concrete dropped a couple inches within the first couple of years of that project. In our engineer's opinion there were problems with the base and lack of project management. She indicated that Martin Concrete came in at \$22,500 and Spinullo \$22,500.

Mr. Sculac moved to **approve** a requisition to Cutter Concrete in an amount not to exceed \$19,685.00 for the remove of concrete slabs, repair base for approximately 3,700 square feet of concrete sidewalk at the 252 Underpass; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mayor Donegan reminded Council that the turnpike bridge will close on May 30th at 7:00 a.m. for no more than 75 days. The Bagley Road bridge status is that the bridge will be open to westbound traffic only on May 30th. This will allow the fire department access across the bridge and Deputy Chief Rogers and Director Borczuch agreed; eastbound will be open to traffic on June 14th. Also, the fan that operates the vac system on the rear of the sewer truck came apart. These fans typically last three to five years and this sewer jet is from 2005. Director Borczuch does not have a cost for repairs until Mtech gets into the repairs but it could be as high as \$15,000. The sewer fund would be utilized to pay for the repairs. To remind Council the original cost of the vehicle was approximately \$225,000. The roof on City Hall is coming along nicely, they are on the main section of the roof working through all of the HVAC units and around. The covered bridge roof which has needed replacement for approximately a decade has now been completed. The replacement roof was completed with grant money.

Mr. Haviland stated that Council authorized the purchase of an automated signal device to provide safety for the service department and he inquired if that is being utilized. Mayor Donegan stated that she is unsure and would inquire with Mr. Borczuch.

Odin Rogers, Deputy Chief of Police

Deputy Rogers indicated that he is available for any questions regarding the cruiser purchases. There are two ways to purchase one is buy a cruiser from Lebanon Ford on state bid, we would then have to take that vehicle to another place to have work done and possibly a third place to have more work done. The other way is to purchase a vehicle from Statewide Ford, who is not the state bid holder, however under a house bill we can purchase outside of that state bid as long as it is at or under the state bid cost, and Statewide's quote is \$50.00 under the state bid costs. If we purchase from Statewide Ford then Statewide Emergency Products, which is an arm of Statewide Ford would outfit the vehicles. He stated that the cost difference between going with Statewide for everything versus Lebanon and Parr is \$1,200.00. For the \$1,200 difference we feel that it would be better to work with one vendor so if there are any issues with the vehicles or equipment there is only one vendor to deal with. Mr. Miller asked if \$1,200 was more or less. Deputy Rogers indicated that Statewide was \$1,200 more than Lebanon but it is for two vehicles; so technically the difference is \$600 per vehicle. Mr. Stibich stated that you are also not taking into account the travel costs. Deputy Rogers indicated that at a minimum we would have to pay a couple of officers to drive to Van Wert, Ohio pick up the vehicles and take them to Parr or pay for delivery costs which is \$500.00. Mayor Donegan indicated that this is a result of the legislation being introduced and additional questions. Deputy Chief indicated that the cost of the vehicle through Statewide is \$40,333 and again that is for the vehicle, equipment, new radars, front and rear antenna, decals, lights, sirens. He would prefer purchasing through Statewide because once the vehicle is delivered he can put in an MTD and an officer can take it on the road. Mr. Presley indicated that at this point with the dollar amount he has seen finger pointing when you deal with multiple vendors and believes it is well worth spending the additional money. He would also add since the department is changing from Crown Victoria's over to the Explorer it is much more expensive to get the first round of them because none of the equipment transfer over, so you are effectively not only buying a new vehicle you are buying all of the equipment that has to go into it the first time. Once you cycle through and begin replacing Explorers with Explorers the equipment is then transferrable. Mayor Donegan stated that with the new leadership

within the police department there is an ongoing capital equipment overview that the service and fire departments have been doing for decades.

Mr. Sponseller stated that when 27-2017 comes up for reading he would suggested amending by substitution with 27-2017A which includes all the changes that Deputy Chief referenced.

Deputy Chief stated that recently the department has had issues with the tasers as some are seven, eight and nine years old. They are out of warranty and Taser will not fix them. To purchase two new tasers the cost is almost \$3,000 with the extended warranty which we would certainly want. The taser's are handed from officer to officer and end up in a bin in the report. But, another option is the department could purchase 10 new tasers under the Taser 60 plan. This plan provides maximum purchasing flexibility. Instead of paying \$3,000 for the next five years we would use the purchasing flexibility and pay \$1,600 up front and \$2,600 for four years which totals \$12,200 rather than \$15,000. We would obtain ten new X26P tasers; 10 batteries; 10 holsters and 20 cartridges. The cartridges that the department already purchased are compatible with the X26P. When the new tasers are delivered the department would have to turn in 10 tasers and sign an agreement indicating that the department would destroy the current tasers. If the department agrees to destroy the tasers we would receive a \$100 discount per taser. Again, instead of paying \$3,000 for two right now we could pay \$1,600 and get all 10 tasers. We can also budget the \$2,600 for the next four years. This is not a lease program it is a zero interest purchase and the department keeps the tasers.

Mayor Donegan asked that when Asst. Safety Director Traine and Deputy Chief Rogers assumed leadership in the department you found that most tasers were not functioning. Deputy Rogers stated that there were a few tasers that were not functioning but he was able to get a download cable and after speaking with Taser we figured out a way to get them running. We did get some running but the next time one fails it fails at the beginning of a test and not when an officer needs to use it on the road.

Mr. Miller asked how many tasers were currently being utilized. Deputy Rogers replied eight. The most recent ones were purchased about four or five years ago through the auxiliary fund. Mr. Miller stated that this purchase would update all of the equipment. Deputy Rogers indicated that by agreement the department would have to destroy all of its current tasers, which again are all out of warranty anyway.

Ms. Garrity asked what the life span was on a taser. Deputy Rogers indicated that Taser will warranty it for five years. Once the fourth installment is made there would still be a one year of the warranty. The department can keep the ten tasers at the end of the installment period or continue the program. The \$1,600 upfront cost is a discounted rate. Another benefit of purchasing now is that these are 2016 prices and a 3 ½% discount if you enter into the program.

Mr. Stibich moved to **enter** into an agreement with Axon, formerly known as Taser, to replace all 10 tasers with a \$1,716 upfront cost and an annual payment for four years of \$2,640; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

William Traine, Asst. Safety Director

Asst. Safety Director Traine would like to compliment Deputy Chief Rogers for researching. He would like to address the extended warranty for the vehicle purchase as well. For a 8 year 90,000 mile extended warranty the cost would be \$3,700. Because of the extended warranty in the last 1,600 miles

we saved \$9,000 on a complete engine. Mayor Donegan indicated that she believes that could be presented financially.

Communications from Residents

Rich Nemeth, 9102 Devonshire stated that his questions deal with the Bagley Road Bridge, which the Mayor has already answered. He understands that the bridge repairs have to be done. The Mayor stated that the Bagley Road bridge would be open to westbound traffic on the 30th and two weeks later the other side. He asked what the detour route would be for the turnpike bridge. Mayor Donegan replied that is a decision for ODOT and the turnpike, a meeting will be held on the 24th. His presumption is that Usher will be part of the detour. Mayor Donegan indicated that residents will get around on their own or follow the detour. Mr. Nemeth stated that part of his concerns are based on his experiences the past few months with the present detour and how it was laid out and how it was presumed to be done and how it turned out. He travels the area frequently and admires the police department because they are manning and enforcing especially during rush hour. He does feel sorry for those residents that live on Brookside. He notices that a lot of people are upset because there is a detour and do not stop at stop signs. There is a lot of what he considers excessive speed going through the short route through town. He was curious as to the detour route for the turnpike. Mayor Donegan stated that she will learn that route during the meeting on the 24th. Mr. Nemeth stated that he wanted to make sure that there was an understanding of the safety issues that could be encountered with the detour and believes that people that traverse the area will be upset now that there will be another detour. He believes it works on people as far as speeding and not obeying the stop signs. He believes there will be the possibility of conflicts especially at the intersections of Usher and Sprague because it is a blind corner and also Brentwood. He is focusing on Usher because he believes that is how people will travel whether there is a designated detour or not. He would appreciate it if there was some activity on the part of the police to make sure that as these cars are crashing through neighborhoods.

Mike Musto, Columbia Township Trustee stated that we have an annexation issue at Riverside Golf Course. There are lots of rumors going around that the Township Trustees are ok with that and the school board is ok with it but that is not true if that is what you have been told or heard. We have a really good working relationship with Olmsted Falls, we have mutual aid for our fire department, our road crews work together and he would hate to jeopardize any of that for something like this. We are working with the gentleman who wants to develop that piece of property and have had an agreement twice and both times it was cancelled because he decided he wanted to do something different after spending hours and hours in mediation. He cannot go into the details because the issue is still in court. We are welcome to meet with all of Council and have meet with the Mayor at least once. We don't want to fight with Olmsted Falls or argue we want to come up with a good solution for everybody. Annexation would not be one of them.

Barb & Brian Chitester, 9745 E. Northwood, stated that she has been a resident for 17 years. The traffic is horrendous on Sprague Road and she cannot even get out of her street between certain hours. She is in fear of getting hit because you cannot see what's coming. We had an idea that may be a mirror could be installed to show the traffic. Mayor Donegan stated that a mirror was installed at Bronson and Columbia and she would be more than happy to talk with her about it. Ms. Chitester believes that could save an accident or two. She doesn't know why there is so much traffic and has been this way for some time now. She asked if there was any new development regarding East River

Bridge because the road is atrocious that they drive on. She wanted to make sure that we are not going to pave that access to make it a permanent road because that does not seem like an option. Mayor Donegan stated that this bridge has been of issue for 30 years and not dealt with year after year and administration after administration. When the cul-de-sac was being installed there was an option to do more than what was done. Mr. Sponseller stated that the bridge is a complex issue with a number of parties involved. Council will hold public hearings related to findings trying to determine some sort of remedy. Ms. Chitester stated that she wants to make sure that the access road does not become permanent. Mayor Donegan stated that this is emergency access only and the administration and Council are working diligently to come up with a creative solution. She stated that Council held a public hearing a month ago and will be meeting again to discuss this issue. Mr. Chitester asked when the next meeting would be held. Mayor Donegan indicated that she would notify him of the date. Mr. Chitester stated that the left turn where the 252 dog lays he believes it might be nice to extend the left turning ability as this could help alleviate some of the traffic. Ms. Chitester stated that she understands that someone changed E. Northwood to Northwood since she moved in and her street sign also now says Northwood. The issue with the sign being changed is you don't get your mail. Mr. Chitester stated that in the county records there are three or five people that are listed as Northwood and three or five listed with E. Northwood. He went to the post office and asked what the mail route is and what is the name listed in their records and they responded E. Northwood. Mr. Sculac indicated that may have happened when the signs were changed. Mayor Donegan indicated that she would speak with Director Borczuch.

Tony Campanalie, 7565 Clark stated to answer Mr. Stibichs' question about the 3" caliper tree purchase is a 2 ½" caliper tree is almost 3" when you purchase from the nursery. The extra ½" in cost was not that much. What was added to the cost is the anchoring system which is approximately \$100 per tree. If you removed these costs the trees would be below \$5,000. We liked the size of the 3" caliper and the trees will be installed in an area that has no wires and is a prime location. These trees are going in "where they can be planted." There are four or five properties that do not have the room for even a 2 ½" tree and will get some sort of an ornamental tree. We are hoping to make the 3" trees standard operating procedures. Mr. Stibich stated that it is still a lot of money. Mr. Campanalie stated if you didn't have the anchoring system the cost would be reduced.

Mr. Campanalie stated that he wants sewers and is tired of smelling stuff in his front yard. The sewers that the gentleman don't want but keep it a septic area and petition the city. The EPA, even though it does not mandate sewers, the federal government puts the guidelines in place. There is no mandation for sewers but there is mandation for those guidelines of what particle per million and everything that goes into the water ways. The Ohio Department of Health, Cuyahoga County Department of Health, the EPA, Lakes and Streams, there is a whole gaggle of agencies who weigh in on what goes into the water. You can purchase a new septic system which will cost \$13,000 but if you have less than an acre of property it will not meet code. You will have to have more filters and you will have to have 30 days in a row of testing, which is at the property owners cost. If there is a violation you will need to get something else put into place and will still not be within code. The only ones that do meet code six something that you have to have over an acre of land and if you don't you are stuck with a white elephant that you just put \$13,000 into and now another \$5,000 to make it work and it still will not be up to code. You will saddle people with a price tag just to operate the system let alone the electrical costs because the system runs 24 hours a day. If it breaks there is not a lot of people you can call to repair it. They will tell you they will be out in a couple of days or a week and hope they can get the parts. In 2003 if the city would have listened it would cost a million

dollars for sewers and now it's up over \$10 million, if you think for one minute that you will ditch this whole sewer thing you have another thing come because you do not have a chance to stop it.

Stephen Hoca, 26493 Cranage Road, stated that he wants to confirm that the meeting will be the 31st. Mayor Donegan indicated that is the Board of Equalization meeting. Mr. Hoca asked what that entails. Mayor Donegan stated that there is a whole process that she has outlined numerous times. There is a process for sewers and assessments. She asked if Mr. Hoca was the owner of the property. Mr. Hoca replied that he will be shortly. But, someone on his email list had emailed me something. Mayor Donegan stated that whomever owns his home has received a certified letter; in that certified letter, by law, has all of these ramifications and response times; the residents who filed an objection and received by the Clerk, because it is all ORC based; that is a meeting specifically for them. Mr. Hoca stated that his question is that we have a lot of people that and he disagrees with what Mr. Campanalie has stated, there is a chance we can stop this and the reason he believes this is because people want to know their rights, they want to know really where's the EPA mandate, we want to have the option to test we want an outside source to test our septic systems to prove this and we are not getting that he is just getting "well this is going to go through" and there is a lot of people... Mayor Donegan indicated that these questions have been answered and have been discussing the sewer project since 2009. Mr. Sponseller stated that the septic systems are owned by the private entities that own their homes and you can always contact an expert to do whatever testing you want, he would suggest that Mr. Hoca contact the Cuyahoga County Board of Health as well and let them know. That is a double edge sword in all candor. Mr. Hoca stated he knows that but he thinks a lot of people want to know. Mr. Sponseller asked if Mr. Hoca would allow him to finish. Again, that is a double edged sword but to get a test done Mr. Hoca may want to contact the Board of Health as they may be able to come out and perform the testing. What that does frankly is two things, one it will give you an idea of how complaint or non-compliant you are, secondly, it will put them on notice of any potential violations or deficiencies that he may have and theoretically, if this project did not go forward, it theoretically could expose him to the next enforcement action by the Board of Health which they are mandated to administer as the agent of the Ohio EPA through the environmental protection laws. Some of the answers to those questions can be obtained perhaps through the Cuyahoga County Board of Health. Mr. Hoca replied so he calls the Cuyahoga County Board of Health and you can also have a third party investigate that and he wanted to say so there is not going to be a formal meeting. Mayor Donegan indicated that there will be, as she has repeatedly answered, after the Board of Equalization meets on May 31st and is open to the public for those who filed objections, she does not attend this meeting. There are three commissioners that were appointed by the city to hear the objections to the assessments. Mr. Sponseller stated that it is a public meeting but your opportunity to speak will not exist or will be limited. Mayor Donegan reiterated that then a meeting will be held. The Board of Equalization has to hear 40 cases and they are volunteers. She does not know if those volunteers will get through all 40 in one evening or if another meeting will be scheduled. Again, she has always stated that a meeting would be held after that.

Mr. Sponseller indicated that this has been stated many many times and he will state one more time. This is probably the it could be the 12th time that this has come up at public meetings, prior to that there was legislation those are public meetings, public hearings, that is what the law requires that the people be given at least the opportunity of notice and the opportunity to be heard. Whether you realize it or not, you have been afforded notice of all this process that has been going on since 2009 by way of the initial ordinance of necessity to proceed and that failed because of the estimates that were completed. This was all completed at public meetings, you were given notice of that, you may not have had actual notice, but you were given notice of all those things just like everyone else in the

public was given that notice. We are continuing along that process because the previous Council and administration, this Council and administration is proceeding. To suggest that there has not been full and complete discussion and public discourse about this is not accurate. It is required by law that is why the city goes through all the hoops so everyone that has an interest has an opportunity to be heard. In some respects, perhaps this issue could or should have been raised back in 2009 when the resolution of necessity to proceed with this project was discussed. Mr. Hoca stated that he received an email from a woman who said that May 31st at 6:30 p.m. what is that then? Mayor Donegan stated that she does not know who he is speaking about, but she will assume that this individual received notice because she filed an objection. That meeting, as she has stated during the last couple of meetings, the board shall meet for that purpose in the Council Chambers at Olmsted Falls City Hall on May 31st at 6:30 p.m. She is assuming and that is when you get into trouble by beginning to assume, but, she is assuming this individual received a notice because she filed an objection. If you filed an objection you have the right to be heard, the city's bond counsel will be present during the meeting and it is a specific Ohio Revised Code proceeding. Mr. Hoca indicated that was all he needed to know.

Edward Dean, 7594 Mapleway Drive stated that he would like to address questions to Mr. Paul Stibich and the rest of Council because Mr. Stibich is chairman of the legislation committee. He would address Council for consideration asking... the question comes up that Olmsted residents have been easy going; we work together; we are friends and the question came up in respect to having to sign in when you're in the building, which never was before, now so that the police chief is not worn out as one consideration, Council with special legislation may want to consider an ordinance stating that you must sign in in order to be in the building. That should be an ordinance or if it is an ordinance then there should be a sign there saying ordinance such and such that you must sign in. Now, if it's just a request saying hey we ask people who come into the building to sign in a request then that request should be in plain sight to all the people, but you can't single out one or two people and say you must sign in when it's the jurisdiction of this Council not any individual including the Mayor. Mayor Donegan stated that there is no mandatory signing of anything. Mr. Dean asked why she called the police chief. Mayor Donegan replied that Mr. Dean came into the building today to hand out envelopes. She does not think she needs to tell him or anyone else the situation that we all are faced with these days. To randomly walk in and go to finance or walk into Ms. Jones office is not appropriate per the Chief for anyone. So, she simply took Mr. Dean's mail and said simply please respect the fact that we will call whomever you need to speak with to the front desk but to walk through the building during work hours is not something that he has recommended for this building. Mr. Dean stated it is a request then it's not an ordinance. Mayor Donegan replied no. Mr. Dean replied therefore there should be a sign saying please sign in or don't say if you say "I'm not going to sign in" then say "I will have the police chief explain it to you" that is not friendly as fellow residents. Mayor Donegan stated that is not how the conversation took place as Ms. Mancini was in my office and she simply explained to Mr. Dean that if you are coming to City Hall she mans the reception desk, so you want to talk about the chief not having time, as Mayor, Safety Director and Economic Development Director she is also acting receptionist. Mr. Dean dinged the bell and she came out and said hello Mr. Dean, she took his mail. Mr. Dean indicated that he did not "ding" any bell. There is a change in procedure. Mayor Donegan replied there is no change in procedure. Mr. Dean replied his second question is "you did not Mayor Donegan answer any of his questions in my letter so either you are refusing to answer is that correct." Mayor Donegan stated that the letter was addressed to Mayor and Council, she believes she has answered in many different ways. Mr. Dean replied "you have not." Mayor Donegan replied she has but Mr. Dean does not the answers he is receiving. Mr. Dean asked why 40/40/20 it's not fair to the individuals the people who are on fixed incomes. Mayor Donegan indicated that Mr. Dean does not need to raise his voice; the previous Council set that and

asked Mr. Sculac to respond or has the question been asked and answered. Mr. Sculac indicated that this has been asked and answered over the last six months. Mr. Dean asked if it was recorded in a public meeting. Mayor Donegan indicated that she does not want to begin a “back and forth” discussion; she asked Mr. Dean if he had any further comments. Mr. Dean indicated that was in his letter and hopefully you will answer. Mayor Donegan indicated that with all due respect she does not know how else to answer. Mr. Dean replied factually; Mayor Donegan replied she has sir.

Mayor Donegan asked Asst. Safety Director to address the safety issues with the building. Asst. Safety Director Traine indicated that there was discussion regarding ALICE training for Council members. He stated that anyone can walk into the building and you will not know who and if you do know who they are you do not know why they are here. It is common sense, if you have an appointment you are admitted in otherwise you go through a screening process. You just do not walk into someone’s office down a hallway because it brings concern. Mayor Donegan indicated that she is responsible for the employees on the administrative floor. Asst. Safety Director Traine indicated nothing disrespectful to Mr. Dean, a former member of Council, but rules are rules they are made for everybody. If you turned around and your office door was open and someone was just standing there waiting for you; you would be alarmed and nothing more needs to be said. Mr. Sculac stated that when you get to a number of city hall’s, which he has, most have a receptionist even before you get near anyone else in the building. Asst. Safety Director Traine replied that some have metal detectors and screening process and this building does not. Mr. Sculac replied generally you have to indicate who you are here to see or state what your business is and that receptionist will call the individual. We do not have that simply because budget restrictions and we have decided not to spend those dollars but unfortunately the Mayor is her own administrative assistant and the front desk clerk as well as the Clerk of Council. For the protection of all the staff and the building itself he agrees with Asst. Safety Director Traine. Example, as soon as he arrives in the building he goes immediately to the Clerk of Council’s office to inform her that he is in the building, even as a Council member. Asst. Safety Director Traine stated that the administrative floor is predominately females, unless Mr. Sponseller is around, not to say that makes him more cautious and here is an example, a criminal had indicated to the Mayor that Asst. Safety Director Traine, sent him upstairs and at that time he was tied up with another important issue. When this gentleman was sitting in the Mayor’s office explaining his issues, Asst. Safety Director Traine and Deputy Chief Rogers came in and the first question asked was if this individual he had his gun on him. That was an unsafe circumstance and he told the Mayor to never let that happen again. You do not bring a stranger into your office, you greet them in the outer office. This was also part of the reason security measures were tightened up so we can determine who is in the building, where they are going and what they are doing, this also includes the vendors who come in.

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2017-09; Ms. Garrity **seconded**. Mr. Sculac stated that he noticed an invoice was paid for Mr. VanPatton for October. Mayor Donegan indicated that this was a mishap. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Steve Presley, Finance Director – No Report

Mike DeSan, Asst. Finance Director – No Report

Councilman Kyle Miller, Ward IV – No Report

Councilwoman Terry Duncan, Ward III

Ms. Duncan would like to remind everyone to attend the Memorial Day Parade. The Park and Recreation Board works hard to make sure this remembrance moves forward and it is good to have public officials in attendance. The remembrance will begin at approximately 10:00 a.m. at the Village Green. Mayor Donegan indicated that a horse will also be included in the parade.

Councilman Paul Stibich, Ward II – No Report

Councilwoman Linda Garrity, Council President

Ms. Garrity stated that she did receive Mr. Dean's letter and she would ask that the Clerk make sure all of his requests are received. Mayor Donegan indicated that Mr. Dean submitted a records request and those are handled by Ms. Laura Radigan and she does believe that he has received everything that he has requested. Ms. Garrity indicated that she would ask that the Clerk double check. Mayor Donegan indicated that Ms. Garrity could contact the records coordinator.

Ms. Garrity stated that she agrees with Asst. Safety Director Trainee regarding the traffic on this floor unannounced. She knows that one day she walked into Ms. Jones office and she didn't realize that she was standing there and jumped in the area. She had thought she heard her coming down the hall but unfortunately she did not. Unfortunately, we do not have a receptionist and she has always worried about that issue. She did not understand why we allowed the previous administration access to the building on a Friday night after 5:00 p.m. and begin carrying out boxes, unannounced, no one knew they were in the building. She has always had a fear when she is here as she likes to know the doors are locked when she comes in to sign checks if there is no one around. When she comes in to sign checks she looks around to see if anyone is in the building.

Councilman Jim Haviland, Council Pro-Tempore

Mr. Haviland stated that he would like to acknowledge the job the officers have done with alternative routes for the road closures and he commented a couple of months ago that a family member of his was ticketed for speeding through the alternate route and he commended the police for doing it, as they should not have been speeding. He knows that the police will take care of any other detours that are posted. He also agrees with the safety issue and suggested that a "please check in" sign is placed up as a minimal. Mayor Donegan indicated that we have signs that state "authorized personnel" as well as all remaining doors locked, but, stated that she would put up a sign. She would also like to say that the police also ticketed someone who was complaining about the speeding who lives on the same street.

Mr. Haviland indicated that he was recently in Washington DC for Greater Cleveland Partnerships Fly-In and there were some interesting presentations. There was an offer made to all the municipalities and townships and he signed up so any information he receives he will forward to the Mayor. This will include free services that will be provided that he believes the Mayor may be interested in.

Councilman Bob Sculac, Council-at-Large – No Report

Gregory M. Sponseller, 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 – Mayor Donegan stated that the gentleman from CVE Engineering explained the changes at the Planning & Zoning Commission meeting and the Commission unanimously approved adoption.

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 **Third Reading**

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

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 **Third Reading**

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

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 **Third Reading**

Ms. Duncan moved to **adopt**; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Presley indicated that he will be waiting until the last possible week to update the listing to be submitted to the County for those residents that will have homestead exemption for 2018 so the rates are current. This way if there are any house transfers over the summer the records are accurate.

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 **Third Reading** (Mandatory referral to the Planning and Zoning Commission)

Mr. Sculac moved to **adopt**; Mr. Haviland **seconded**. Poll: 6 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 **Third Reading**

Mr. Sculac moved to **table**; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ordinance 24-2017

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

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

Ordinance 25-2017

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$145,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE TO ADD TO THE CITY HALL BUILDING COMPLEX CURRENTLY HOUSING ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS, AND DECLARING AN EMERGENCY **Second Reading**

Ordinance 26-2017

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$480,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REMODELING, RENOVATING AND OTHERWISE IMPROVING A CITY BUILDING WHICH WILL HOUSE ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS AND IMPROVING THE SITE THEREOF, AND DECLARING AN EMERGENCY **Second Reading**

Resolution 27-2017

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS UNDER THE STATE PURCHASING CONTRACT PROGRAM FOR THE PURCHASE OF TWO (2) POLICE VEHICLES AND RELATED EQUIPMENT, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY **Second Reading**

New Business

Resolution 28-2017

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENT OF COLUMBIA ROAD, COOK ROAD, CRANAGE ROAD, ELM STREET, MAIN STREET, MAPLEWAY DRIVE, NOBOTTOM ROAD, RIVER ROAD AND WATER STREET BETWEEN CERTAIN TERMINI, AND THE ENTIRE LENGTH OF CLARK STREET, INLAND DRIVE AND MYRTLE AVENUE, BY CONSTRUCTING SANITARY SEWERS AND CONNECTIONS WHERE THEY DO NOT NOW EXIST, REPLACING EXISTING WATER MAINS AND CONNECTIONS, CONSTRUCTING TWO NEW PUMP STATIONS, ABANDONMENT OF THE EXISTING MAIN STREET WASTEWATER TREATMENT PLANT, AND RELATED RESURFACING AND PAVING, AND DECLARING AN EMERGENCY **First Reading**

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

Resolution 29-2017

A RESOLUTION IMPOSING, RATIFYING, AFFIRMING AND EXTENDING A MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF OLMSTED FALLS, OHIO, AND DECLARING AN EMERGENCY **First Reading**

Ordinance 30-2017

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID CHARGES AND/OR OTHER MISCELLANEOUS CHARGES APPLICABLE TO DELINQUENT OWNERS OF LAND FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY **First Reading**

Miscellaneous New Business

Mayor Donegan would ask Council to contact the law director in order to schedule a meeting for the East River Bridge issue. Mr. Sponseller indicated that a meeting has been scheduled for June 5, 2017.

Such other business that may come before Council - None

Mr. Sculac moved to **adjourn in executive session** to discuss matters of economic development pursuant to ORC 121.22(g)(8); Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:57 p.m.

Ms. Duncan moved to **adjourn in regular session**; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

The meeting reconvened at 9:05 p.m.

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

The meeting adjourned at 9:05 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council