

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, September 12, 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 7:32 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Ed Gorski, Terry Duncan, and Kyle Miller were present. Mr. Paul Stibich was excused.

Also in attendance: Santo Incorvaia, Asst. Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, William Trainee, Assistant Safety Director, Chad Gluss, Fire Chief, Rosann Jones, Manager Business & Community Services, and Joe Borczuch, Service Director  
Audience: 14.

**Approval of Minutes**

Mr. Sculac moved to **approve** the minutes from the Finance Committee Meeting of June 27, 2017; Mr. Gorski **seconded**. Mr. Miller pointed out a grammatical error. Poll: 5 ayes; 0 nays; 2 abstains (Miller, Duncan). **Motion carried.**

Mr. Gorski moved to **approve** the minutes from the Regular Council Meeting of June 27, 2017; Mr. Sculac **seconded**. Poll: 5 ayes; 0 nays; 2 abstains (Miller, Duncan). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of July 11, 2017; Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of July 25, 2017; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of August 29, 2017; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

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

**Mayor's Report and Appointments**

Phase V – Mr. Don Sheehy, City Engineer is present to give Council an update. Mr. Sheehy stated that the Equalization Board met and made their recommendations to Council. We are in the process of moving forward to the construction phase. He stated that the project will be broken into four (4) individual bids. The first will be advertised a week from Thursday and be a two week advertisement. Once those bids are open he will report back to Council with the project's first contractor. He believes it is important to remember that during this process we have to evaluate the bids, and the contractor will set the schedule for the first part of the work. There will be comparisons based on timing and price; once we have our first bid set back we will have a better idea as to the timing on when things will get going. Even smaller issues, like sequence of work or which street will be done first, we leave some of that in the contractor's hands because this way they can bid in the most competitive way.

Each contractor has sort of a means and methods approach to building a job and some of the strategies and those are proprietary to each of the contractors so, we work with the contractors to develop the best way and most economical way for them to deliver the product we are seeking bids for. Once we've awarded a contract then we would typically sit down with the group of people that are being affected by the first phase and take them through the sequence of work, what to anticipate, when things will actually begin, and basically describe the whole project to them. At that point we typically send out an individualized memo to all the residents with a drawing and aerial picture of their house, how them where the sewer will be installed and then work with them to determine where they want their connection. This is a time intensive process but well worth it because it gives each of the residents a chance to say "I am worried about this tree" or "I want to put the connection on this side of my driveway" and we coordinate.

Mayor Donegan asked why we have not had a public meeting. Mr. Sheehy replied that until we have a bid we do not have a final number nor have we hired anyone to do the work. Once we have hired a contractor to do that portion of the work then we can have an intelligent conversation about when the project will begin. To do that in advance we would make all sorts of predictions as to how they are going to do the work but the contractor may change that so we want to make sure we are giving people accurate information rather than having two meetings, the first meeting not really meaning a whole lot until we actually have the contractor on board. Mayor Donegan asked if this meeting is to say "I don't want to participate in the sewer?" Mr. Sheehy replied no that time has passed. The Board of Health still has their date on raw sewage in the creeks and they have been "on hold" essentially from enforcement except for a handful of spots typically due to the sale of a property where they had a failed system that had to be replaced. Other than that every system out there is generally antiquated and needs to come out. This will provide a much safer, cleaner, and really better system and easier to manage over time. Mayor Donegan asked is there such a thing as "well we can opt out of this if we wanted to?" Mr. Sheehy replied that is not an option once the sewer is in you need to connect and the Board of Health will enforce. Mayor Donegan stated that we know what happened from 2009 through 2013 and we reported in 2014 how we tried to salvage this project in a number of ways. There seems to be some idea that "well you should of asked me first because I could of opted out." She is only familiar with a certain setback distance that allows you to opt out. Mr. Sheehy stated that if you run a sewer down a particular roadway or in a particular neighborhood before that sewer is installed actually, once the sewer is planned for that neighborhood you cannot pick and choose which house are will contact. Everybody has to connect; if you have access to a sewer the Board of Health will have you tie in.

Ms. Duncan stated that from her reading of the Board of Health website and also this is mandated by state law, we are not talking US EPA we are talking basically Ohio Revised Code which has gone through several changes and is updated through 2015. Mr. Sheehy stated that there are federal requirements that the Ohio EPA is following, so in terms of the legal precedent it's been the law of the land that's been in place for close to 30 years in terms of, if you have access to a sewer the Ohio EPA will have the Board of Health enforce that requirement.

Civically – Mayor Donegan stated that this is a mobile app. We have been fortunate to be able to use Ready Notify over the last couple years. We had a service previously that we paid for only if we used it, but we never used it; it was like a reverse 911. We applied and received Ready Notify early in 2014 at no cost to the residents, and we try to watch what we use it for. Over the years as we try to get communications out, because obviously communication with the constituency is very important, but some do not like receiving information on Evening in the Falls and that sort of event. Our city has not

over used Ready Notify as others have. Civically made a presentation about a year and a half ago and it was a newly launched mobile app that allows residents and visitors to browse the app for latest announcements from a growing network of government and community organizations. This is an Akron based company and at this point the cities of Strongsville, Fairlawn, Oberlin, Olmsted Falls and Akron have engaged Civically. The cost per year is \$500.00. We will try to boost the acknowledgement of downloading the app for both Apple and Android to get out the latest announcements. We have put this information on Facebook and other areas.

ODOT – She attended an interesting meeting with ODOT today, specifically surrounding the number of projects that we would like them to tend to as well as those they have on their list. We also talked about the TLCI, which is the implementation grant, and federal funding is attached to this particular grant and ODOT will most likely oversee the project. If you recall, this grant is the aesthetic improvements like sidewalks on Orchard and Mill and various other changes to make certain that pedestrians and vehicular traffic is appropriate. We also talked about a culvert North on Columbia Road heading towards John that the county has on for 2018. We talked about Safe Routes to schools which has been something we have been very interested in for the last three years and there have been some innovative approaches that we will be taking towards that. The last issue was when will 252 be resurfaced. Unfortunately, and she does not have the specifics, but that project is rated low and is not looked at to be resurfaced in the next five to seven years. Every road is rated and we rate all of our roads on an annual basis which is how the service director chooses which roads need to be done and how far we can stretch our money.

The health insurance committees have been working throughout the summer because obviously health insurance is one of the benefits of being an employee and expanding that role to an EAP or wellness plans will be discussed. We completed an overall health survey to all full time employees, which is approximately 30 and we had almost 100% submission. The survey was used to gauge what is most important to the employees and what wasn't. That information will be considered as we move towards renewal at the end of December.

We will be putting up some new signage on the front wall of the building. We will add “Welcome to Olmsted Falls City Hall and Police Department” and also adding “Olmsted Recreation and Jenkins Place.” You will see this transpire in the next month or month and a half.

There seems to be some rumblings regarding Council minutes and how come the minutes are not on the website. Historically special council meetings are for very specific items and not for regular agenda items. So, minutes of City Council meetings, which are these folks not her, are posted after they are formally approved by Council. This has been done historically and is basically the rule of the land. She is unsure if it's Roberts Rules, or the ORC, but until this body has had the opportunity to approve the minutes, no minutes will be posted. They have never been posted in any kind of draft form. You can imagine the governing body that approves the minutes not being able to review the minutes before posting. Today we had minimal changes but other times there have been some significant changes. This information has been restated on our website and just to be clear City Council minutes will be posted after the minutes of the meeting are formally approved by Council. You will see all the minutes approved this evening posted on the city website in the morning.

She would also like to discuss the Town Hall meetings that she held over the summer. There were a lot of different appreciated comments as well as our biennial financial report, good compliments on that.

Mayor Donegan stated that there has been some discussion regarding the general fund balance, for example “what happened to \$1.5 million; and in 2013 I left you with \$2.5 million.” Based on the reports we have she would like to briefly go over the general fund end balances. In 2009 the balance was \$951,186.45; in 2010 the balance was \$590,102.40; in 2011 the balance was \$788,528.23; in 2012, as you can appreciate the economy starts picking up, it was \$1.2 million; in 2013 it was \$1.9 million; in 2014 it was \$1.7 million; in 2015 it was \$1.6 million; and 2016 it was \$1.5 million. We have also articulated everything we have done to spur economic development for example, built a service garage; a \$500,000 Council approved roof on City Hall all to garner and support economic development and so we continue to maintain a strong fund balance.

She would also like to discuss special meetings and communications from residents during those meetings as there seems to be some sort of an issue floating around. What she loves about Council minutes is it has a great laid out history that is approved, we do not do verbatim minutes but we do pretty darn close to verbatim minutes. These are important documents for historical purposes. Until this Council special meetings never allowed for communications from residents on the agenda; so you can go back to the agenda’s from 1970. Special Council meetings are usually held during Council’s summer recess for specific items, however this Council at the request of some feedback they received asked to change that communications from residents be allowed at special council meetings but the comments be made only to items germane to what is being voted on.

Mayor Donegan informed Council that the 4<sup>th</sup> Tuesday in December is the day after Christmas and would be the regular Council meeting. If Council can make the clerk aware of their preferences as she knows Mr. Presley will need the meeting for various financial requirements. The meeting can remain the same or changed, at Council’s preference.

We received a thank you from a resident regarding tree removal. He wanted to thank the service department for the quick tree removal. The employees of the department were very professional, safe, and very protective of shrubberies and property. They did a great clean up and wanted to thank the department head for the great job. The resident lives on Mill.

She would like to also briefly discuss the arborist. We had a paid consultant arborist that goes back to the approval at a September 25, 2001 meeting. At that time the certified arborist would be utilized for city trees, not private property. There has been some issue with why can’t we use the arborist. In order to cut costs for an outside arborist the service manager, Gerry Peters, went through classes and became a certified arborist. He did this on his own time and his own dime. He did so to provide credibility and accuracy in the removal of trees because there were some people would indicate that the department took down twigs off of their trees and now their trees will not blossom. She would like to pay particular attention to a motion that was passed many years ago and one councilman, Mr. Dean, who had an issue with an arborist going onto private property and telling individuals that certain trees must be removed or what to plant. The point is that we do not have an arborist that goes onto private property if she has a tree that is dead on her property she has to call a tree service like everyone else. She wanted to make this clear because there might be some misunderstandings.

She informed Council that the custodian, Bob, suffered a very debilitating illness, he actually found himself paralyzed from the waist on down after waking up. This is a very unusual issue and she does not believe the medical community has yet to figure out what happened to him. Fortunately, he was here today with his walker and is getting some feeling in his one legs and has some good mobility in the other. Please continue to keep him in your thoughts and prayers.

Lastly, and this will be a surprise to everyone. We are very pleased to report something that the city has never received. There has been a lot of talk about financial accountability and financial record keeping or that we are not being open and honest. The fact is in 2011 we were on the state's unauditible list and today we received the Auditor of State Award. She will read the announcement into the record because she thinks it speaks to Olmsted Excellence, what we are about, and the job that two full timers and one part time finance director does and what we wanted to deliver in 3 ½ short years. The State Auditor David Yost writes "Dear Mr. Presley, congratulations based upon your recently completed financial audit it gives me great pleasure to inform you that the City of Olmsted Falls has received the Auditor of State Award. Clean and accurate record keeping are the foundation for good government and the tax payers can take pride in your commitment to accountability. The Auditor of State Award is given to those entities that file timely financial reports in accordance with GAAP as well as receive a clean audit report. The clean audit report means that your financial audit did not contain findings for recovery, material citations, material weaknesses, significant deficiencies, a single audit findings or any questioned cost. Congratulations again for receiving the Auditor of State Award and my office looks forward to continuing to work with you to ensure clean accountable and efficient government for all Ohioans." She stated to Mr. Presley that she could not be more proud to have him on our team, she couldn't be more proud of the job he does, or more proud at the job done by Mr. DeSan or Ms. Veloski. Mr. Presley stated that this is much appreciated and is the effort of all of us in the finance department but also all of you here that go through the appropriations and listen to the budget and pay attention to it and understand why we do what we do and this is a reflection of that, thank you.

### **Communications from Residents**

**Kevin Kelly, 9153 Lakeview Drive**, stated that he has a few questions. Over the summer there is a lot of stuff going on in the community a lot of chatter in the community, stuff that he never thought would come true, so he has some questions and it is to settle some neighborhood a lot of people in the neighborhood are asking questions and have asked him to come here tonight and ask some questions. He understands that there was an executive session to discuss pending or imminent litigation of Ohio Revised Code 121.22 this evening. He would imagine that we are not allowed to know what that discussion was about this evening. Mayor Donegan asked Mr. Kelly to go through his questions. Mr. Kelly stated that what he has noticed is it's the same thing that he found on the minutes of August 3, 2016 when the executive session to discuss matter of personnel pursuant they adjourned on that date and then they decided to it was a situation it was Przybys-Donagan claim against the city police department and the citizens within the policy limits of insurance coverage directing the law director to the city's insurance carrier. My question is so that evening when there was a recess he is wondering what council members were present for that meeting that evening. So, he is wondering what Council members were available for that meeting and during the recess what was discussed during the recess because they came back after the recess and decided to turn over the claim against the city from Przybys-Donagan to our insurance. So, he is wondering what for the insurance let's see it said to the for the policy limits of our insurance so what was the claim that was sought at that meeting from Donegan-Przybys what are our policy limits, who did they get legal advice from during that meeting to go for a 6-0 vote to decide to move forward to let insurance pay Przybys-Donagan and did anyone defend the police officer's actions after they were notified by cause it seems to me the case the police were notified by a family member a concerned family member and another question is the safety director a lot of times he hasn't seen anything about the safety director a lot of times when you are dealing within a city the buck stops at the safety director and he doesn't see anything that we

got rid of the two police officers we were able to find something a disc under a rug and something in the garbage to get them fired and so usually when there is a problem with a public safety within a city the buck stops at the safety director so he is wondering what if you could give me some answers. Mr. Incorvaia stated that he would be happy to meet with Mr. Kelly after the meeting as he has asked a lot of questions. We will move on to the next portion of the meeting but he would be happy to meet with Mr. Kelly after the meeting. Mr. Kelly replied so you do not want it on public record as to. Mr. Incorvaia replied sure he does but Mr. Kelly has asked a lot of questions and he does not have all the answers. Mr. Kelly asked for the dollar amount that was requested. Mr. Incorvaia indicated he could not as he does not have that information in front of him. Mr. Kelly replied "you don't recall." Mr. Incorvaia replied he was not present as he is the assistant law director and is filling in for the law director this evening. Again, he reiterated that he would be happy to speak with Mr. Kelly after the meeting and if he would like to give him his list of questions he will be happy to get a response for him. Mr. Kelly asked if this would increase our insurance premium and who negotiates the insurance for the City of Olmsted Falls. Mr. Presley replied that the claim year was not 2016 it was the prior insurance carrier whose claim this would fall under. The insurance is not negotiated it is taken out and proposals are submitted to the city from insurance companies who are approved to do business within the State of Ohio and the lowest proposed price with all things being equal will get the insurance for the upcoming year. Mr. Kelly stated that all things being equal they would know that we were sued for \$450,000. Mr. Presley stated that the current insurance carrier does not have this loss on their experience it goes to the prior insurance carrier, they are aware of the loss runs and it will be made known to them. Mr. Kelly replied that's great. Mayor Donegan asked if this was out of the general fund. Mr. Presley replied the only thing that would be out of the general fund on any insurance claim would be the amount of the deductible per insurance line, not the total of the claim. Mr. Kelly stated that when he heard that the Mayor of the City was after the citizens for half a million dollars he said bogus and didn't believe it at all, he voted for her at one point so he didn't believe any of that until it came out and now he understands that there are a couple police officer's and some other people because of things that were said they, he doesn't want to say exactly what they say, but, they are going to propose lawsuits and they are finding fault with what was said about them. Now, if it goes against the Mayor or the police chief are the citizens of Olmsted Falls on the hook for that as well or do they sue the Mayor and police chief personally, if they find that it's... Mr. Incorvaia stated that he wants to make a couple things clear. First, Mr. Kelly asked a question about a lawsuit and he believes the finance director informed him that the particular lawsuit was settled really without any input from the city it was settled based on the insurance company's investigation and their findings were that they were going to settle, it was within the policy limits, we have minimal say on what they do within the policy limits. Secondly, Mr. Kelly is asking him to speculate on a lawsuit that maybe filed, may not be filed, every city gets lawsuits filed against it, we respond accordingly. Mr. Kelly indicated that he did not know if we were liable for things that are against the Mayor. Mr. Incorvaia replied some are frivolous some are non-frivolous. We are confident the actions that we take are according to law. Mr. Kelly stated to follow-up on Mr. Incorvaia's statements, we turned it right over to insurance, at no time prior to that did we try to negotiate a settlement, he is just thinking if he is the Mayor, he represents the city and somebody is suing or coming after us for whatever it was, a million dollars, they negotiated down to \$450,000 he would think geez let's try to settle this thing ahead of time. Mr. Incorvaia indicated that is why the city has an insurance company. Mr. Kelly replied so this opens the door if something happens again we just turn it over to the insurance. Mr. Incorvaia replied that they will do an independent investigation and if their investigation shows that there was some type of issue or error then they make a settlement offer that is how it works. Ms. Garrity stated that this was not something that Council voted on. Council did not vote on that. Mr. Kelly stated that it said "Mrs. Garrity seconded and it says Ms. Duncan authorized consent to the

city's insurance carrier settlement to release all of Przybys-Donagan claims against the city its police department officers within the policy limits insurance coverage and directing the law director so to notify the city's insurance carrier, Ms. Garrity seconded, poll 7 ayes; 0 nays motion carried." Ms. Garrity stated that what Mr. Kelly is referring is the settlement with the Mayor with the insurance company. Mr. Kelly replied to send it to the insurance company. Ms. Garrity replied that she knew nothing about it, the amount until she read it in the paper like him that is not something that Council voted on. Mr. Kelly replied so Council had no idea what the Mayor was coming at the citizens for the dollar amount or what the lawsuit did entail, nobody knew. Mr. Incorvaia stated so it is clear, when Council gives the authority to the insurance company, the insurance company has the authority to settle the case with our approval or without our approval up to the policy limits if they go beyond the policy limits then they have to come back and speak with City Council, but when they independently investigate and find that there should be some type of settlement then they move forward on that settlement. They do not necessary need Council's approval, but, it has to be within the policy limits. The case Mr. Kelly is referring to was within the policy limits, they did not come back to City Council and ask for money, it did not come from the city's coffers. Mr. Kelly replied that he understands but at some point how did they know even the dollar amount that the Plaintiff is looking for. If he came in tomorrow and said "I'm suing the city" you would just turn it over to the insurance, you don't know the dollar amount. The attorney, no one has any idea what the Mayor was after. Mr. Incorvaia replied that they had an idea. Mr. Kelly replied Ms. Garrity had no idea. Ms. Garrity stated she did not have any idea. Mr. Incorvaia stated that when the insurance company reviews a case they independently, no one here on City Council makes the assessment, the insurance company makes the assessment, the insurance company makes a decision, is this a valid case or not. As long as it is within the policy limits there is no need to come back to city council and ask for more money, they did not do that. The insurance company said this settlement is within the policy limits and we don't need to tell them what we settled it for, we don't need to get City Council involved. Independently the insurance company makes a decision, they look at it and said this is a case that deserves some type of settlement. Mr. Kelly indicated that Mr. Incorvaia is part time so he does not know what the policy limits are. Mr. Incorvaia replied that he does not have that information in front of him. Mr. Kelly replied he didn't know what our policy limits are, he would imagine they are pretty large because of that pay-out there. As for the safety director was there any discussion with the safety director after this incident, he is wondering, because the safety director oversees the police department so at any time he sees that going after the police chief going went after someone else and usually most cities the safety director say "hey the safety director is in charge of training, in charge of overseeing the police department" was anybody ever questioned, the safety director as to the policies or anything. Mr. Incorvaia replied that he is not sure if the insurance company looked into that or not before making a settlement but it was a unique situation as you certainly can understand. Mr. Kelly stated "and the safety director is?" Mr. Incorvaia replied here it's the Mayor. Mr. Kelly stated ok and you get paid additional to be the safety director. Mayor Donegan replied yes as they have historically. Mr. Kelly asked if Mr. Incorvaia would get back him about the policy limits. Mr. Incorvaia replied that he would be here after the meeting and Mr. Kelly is more than welcome to speak with him after the meeting. Mayor Donegan stated that she is not clear as to what meetings Mr. Kelly is referring to. Mr. Kelly replied that he is referring to the meeting on August 3, 2016 there was a special meeting. Mayor Donegan indicated that he can look at the beginning to see who was in attendance. Mr. Kelly stated that he does not have that page here. Ok, Mr. Linn moved to adjourn into an executive session for purposes of pursuant to the ORC and then they discussed the situation for 35 minutes and then adjourned he means got back together and then there were 7 ayes motion carried. Mayor Donegan indicated that her only point is if he had the complete set of minutes he would of answered his question, she thought one was who was in attendance, at the beginning of each

Council meeting, Special Council meeting, any kind of meeting, there is attendance. Mr. Kelly stated that he would have thought if someone was here in attendance at that meeting they would have remembered so nobody was in attendance at that meeting. Mr. Miller stated that Mr. Kelly indicated that the vote was 7-0. Mr. Kelly replied yes. Mr. Miller indicated that there are seven members of Council so that would be all of us were here except for Mr. Gorski who was not in this position. Mr. Kelly replied that answers your question right there so all seven that are here were there. Mayor Donegan replied she was not there. Mr. Kelly stated that all seven. Mayor Donegan replied that she was not involved in any of those discussions so she could not answer him. All she can do is refer back to the front page as to the attendance. Mr. Kelly stated that he does not understand how in the hallway you will figure out what the city limits are but you don't know. Mayor Donegan indicated that we would have to pull the documents. Mr. Incorvaia stated that he would be happy to answer Mr. Kelly's questions, he did not give him the questions beforehand, if he would like to give him the questions he would be happy to get answers for him. If Mr. Kelly would like to speak with him after the meeting he would be happy to get the answers for him. He will not have all the answers immediately. Mr. Kelly replied he appreciates it.

### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-14; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays.  
**Motion carried.**

### **Officials Reports:**

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

Ms. Jones stated that she previously discussed with Council a service called Xcelligent which provides available properties for lease or sale in the community. If you visit the Economic Development page on the city's website you will notice this listing at the bottom. They are currently having a difficult time zeroing in on Olmsted Falls versus Olmsted Township properties because of the zip code, but, she has offered to work with the person who is seeking out those properties and hopes to have a complete list soon.

Friday is the last of a series of four day break dialogues she has done for the business community and will take place at City Hall. If anyone is interested in attending the program begins at 8:30 a.m. At this program we will discuss inside/outside displays, window displays, interior displays, waiting room atmosphere, and how that affects your customer base. Unfortunately, a big part of the business community has not taken advantage of this opportunity but the group that is supportive has hopefully learned something each time. We have had good discussions and a good time together.

She is in the process of preparing a resubmittal for the NOACA grant that we did not get funded last year. That grant is due in October which is 42-2017. This is necessary legislation to submit the application. Once again we will apply for what they call "multi-module pathway," because we can't say sidewalk anymore, on Columbia Road. This is for bicycles, pedestrians, wheelchairs in an attempting to get greater connectivity to our downtown business area, our municipal campus, and our parks. Once you get to Bagley you are pretty much everywhere, so we are hoping that we will be successful in the coming fall or beginning of next year.

She continues to work with Bess Vrettos and Steven Strategic Communications who is the entity we hired in the spring to help promote the Vintage Market Place, Heritage Days and Evening in the Falls

events this year. She believes this helped out a lot because they posted regularly on Facebook and tweeted and did some radio spots on TAM and 102. She had a lot of people say that they heard the promotion on the radio. We are wrapping up our year with them and they are producing a small video for us that will be sort of a phase one video about Olmsted Falls. Once completed we will post on the city website and Facebook.

She stated that quite some time ago Mr. Sculac asked if we could look at the properties we own and start seeing what we were able to divest ourselves of. She has been spending a great deal of time working on three particular properties that we have had interest in, our Roosevelt, Tyndall Falls, and Bronson Road properties that people have approached her about. She continues to find out details on the properties for example, if they are buildable or not buildable. She will be working with law director and is hoping by the end of the year to get these properties back on the tax duplicate.

She stated that there has been previous discussions regarding getting letters out to homeowners who own homes in the Historic District, the National Register District, or on the Ohio Historic Inventory because when they have to appear before ABR about an exterior improvement or modification a lot of their angst is that they didn't realize this needed to happen. The Mayor wanted to be pro-active and asked that a letter be sent to all of the people who fall into this category with a follow it letter that would be sent to new owners from the monthly transfers she receives. She stated that Janet Tomasch, the ABR Chairwoman, also wrote a letter that would be sent to a new homeowner who moves into one of these properties stating Welcome to the Olmsted Falls Community, you are the caretaker to this property and this are issues you need to know. The letter also is used to promote the Heritage Home Loan Program. It was suggested by our law director that someone from the Ohio History Connection review the letters to make sure they are accurate before sending them out. Once those are completed copies will be placed in Council's mailboxes.

Mayor Donegan stated that we also have new ABR guidelines. Ms. Jones stated that the ABR guidelines were basically taken from national guidelines and are over 20 years old. Recently we had someone from the Ohio History Connection, which is the new name for the Historical Society of Ohio, review them and make some suggestions as to changes. These changes are extremely minor and our City Planner, George Smerigan, is currently in the process of implementing those minor changes. There have also been discussions regarding having these guidelines available online and at the building department. The letter that will be sent to homeowners will also indicate where they are located as well. We also have someone coming to meet with ABR members, an invitation was also sent to all of Council, at the end of September. He will communicate to us exactly what ABR and the city have the ability to do with regard to homeowners because things can get a little fuzzy over time and we want to make sure we are doing right by our residents and ourselves as well as keeping the community the way we hope to keep it and making it a desirable place to be and live. She stated that she will re-email all of Council to see if it is possible for you to attend. Unfortunately, this will be a daytime meeting. Mayor Donegan stated that we also have conference call ability if anyone would like to call in.

She stated that Great Lakes Publishing will be sending out the Olmsted Falls magazine in November. There may be a little bit confusion because we all received an Olmsted Falls magazine a couple months ago which was produced and sent out by the Chamber of Commerce with another company. We did not know the Chamber was producing this magazine at the time we were planning the Cleveland Magazine issue. The Chamber of Commerce did a publication for Olmsted Falls and Olmsted Township with items pertinent to Olmsted Falls sent to our residents and items pertinent to

Olmsted Township sent to township residents. This was more of a guide and informational type publication. She believes our Olmsted Falls magazine that will come out in November will be more story driven. This publication will also be used as an insert in the Cleveland Magazine issue in November which allows people from outside the community to see.

She and the Mayor and Mr. Borczuch continue to work with Mill River Plaza who are being really agreeable to some changes. There will be changes to signage at the street signage and on the buildings along with a type of partnership with the grant we received from NOACA for Mill Street which won't occur until next year. The Mill River Plaza owners have agreed, at their own expense, to continue that project so when you cross Mill Street and walk into the plaza you will not walk into a driveway and oncoming traffic but rather an indicated walkway. This will not only be a beautification project but a safety project because the whole idea is to make our downtown more pedestrian friendly. We may see that project in the plaza this year so we are excited and the signage change will be huge.

We will have our last Vintage Market Place of the season the last Sunday in September this year from noon until 5. This has been a wonderful event for our downtown businesses and our community. They bring out a lot of people and if you haven't been to one please try and attend. There is a lot of very cool stuff and a lot of really creative people.

Finally, she got out the 2005 piece of legislation and blew the dust off of it where Council indicated the naming of the agricultural heritage district on Columbia Road from Uncle John's to the turnpike. She is now in the process of navigating a design for signage to mark those areas. Mayor Donegan stated this is part of delivering a message about where you live and why you live there and to expose what your heritage has been. At one point we were the largest agricultural district in Cuyahoga County. We will be putting up signage not unlike Kamms Corner or West Park to point out our AG district which is still in operation.

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

Mr. Borczuch indicated that the concrete project has been completed in the Bradfords Gate area, including Brentwood. Our road paving projects were completed last week which includes parts of Water, Lewis Road north of the railroad tracks down to Chestnut Grove. The \$25,000 reimbursement funds given to the city by the County was used for Lindberg. Mayor Donegan indicated that we only have about \$219,000 for road repairs every year maybe \$225,000 which is generated by the levy. We have applied for grants and creatively worked with our engineer to do some collaborations whether it's with the department of water or other funding mechanisms. There has some questions as to why we re-did Lewis Road when it was just repaired. Mr. Borczuch indicated that Lewis Road has not been redone in a very longtime other than patching here and there. We fixed the edges of the road, added new base into those areas and ground off the rest of the pavement, then re-laid the new pavement over the top. This is a county road and we do the maintenance on the county roads and extend our dollars. This is the first time this portion of Lewis Road has been touched in quite a while. We did the section just south of the tracks last year. Mayor Donegan stated that if you have driven down these roads they are unbelievable. She asked Mr. Borczuch to quickly indicate how he was able to stretch the dollars on Lindberg. Mr. Borczuch indicated that generally we cut two to two and a half inch mills and fill especially down through Lindberg and Sprague due to the traffic, with the limited dollars the county gave us this year, \$25,000 for materials, we went with an inch and a half mill which allowed us to stretch out the pavement south of West 2,000 feet all the way down to Wyleswood. There is a little give and take you thin out the pavement a little, may not last as long but

you are getting more bang for the buck per say because we get a lot of complaints about the county roads. Lindberg is a \$1.3 million dollar street to be redone so \$25,000 does not go far.

We are also finishing up our in-house concrete work over in Tyndall Falls and multiple other areas where we have basins that we are fixing. He is finishing this up before leave season picks up which is not to long away.

Mr. Borczuch indicated that he is still working diligently with the turnpike to finish up that project. We ran into a few snags, with the design of the project by the turnpike commission they stopped the project limits short of existing catch basins. The old bridge had scuppers which handled all the water, this bridge was not designed with them so they wanted to use the existing basins but didn't put them into the project. He was able to kind of finagle that with them. Then they didn't notice the incline off of the approach slab of the bridge, they had more fall than they had across the whole entire bridge. So, instead of listening to the trucks bang on it all the time he spoke with Mr. Presley and with our state highway monies we were able to involve the contractor there and they extended those work limits which gives us a smoother transition through the project. He is hopeful that the epoxy will be going on the walls this week and finish this project in the next couple weeks.

There is a very minor punch list left for the roof he believes there were four and three have been resolved. He is currently waiting for one last inspection on the HVAC units and once that is complete this project will be closed.

#### **Chad Gluss, Fire Chief**

Chief Gluss stated that since being promoted he has increased training. Last year his department completed 117 classes and year-to-date we have completed 147 classes and he anticipates being around 200 by the end of the year. His department has really stepped up the training. He also thanked Mr. Borczuch for the fire hydrant in the back of the building as they are back there quite a bit. Since the Mayor hired Mr. Szell and Mr. Bromund we have been able cut the non-benefit overtime. In 2016 it was 376 and so far this year we are at 125 which equates to about a \$10,000 savings. He foresees that total being \$15,000 by the end of the year.

Lastly the Mayor has asked him to seek some leadership training and he has been accepted into the National Fire Academy in February for a new chief's symposium and is a weeklong class. He is also currently applying for an executive officer program, which is a one year commitment, through the International Association of Fire Chief's. The application is due October 6<sup>th</sup> but only allow 20 participants. He should hear if he was accepted sometime in mid-December.

#### **William Traine, Asst. Safety Director – No Report**

#### **Steve Presley, Finance Director – No Report**

#### **Mike DeSan, Asst. Finance Director**

He will have third quarter comparisons for the next finance committee meeting. He believes that the bi-weekly pay periods will begin in October which he will discuss during the finance committee meeting.

**Councilman Ed Gorski, Ward I**

Mr. Gorski stated that at the July 25<sup>th</sup> meeting we announced that the City Council of Olmsted Falls as well as the Mayor were the recipients of the Stephanie Tubbs-Jones Freedom Award from the organization Cleveland Stonewall Democrats. The award is given to city bodies that improve the lives of the LGBT community which we did back in February and March with the enactment of our human rights ordinances. The reception for that award was held this past Sunday which he attended with the Mayor, Mr. Sculac and Mr. Haviland. He believes he speaks for all of Council when he says that he thinks we can consider that award a great honor and a great feather in our cap for the work that we have done in improving human rights throughout the city.

**Kyle Miller, Ward IV**

In early July he had the opportunity to deal with some law enforcement in a community just South of Olmsted Falls and going through that situation made him really glad that he lives in Olmsted Falls. He appreciates all the work that our law enforcement does and believes that really goes to the Chief, he is doing a great job and he is glad the Chief is here. He is very appreciative for everything your officers do for us.

**Terry Duncan, Ward III**

Ms. Duncan asked when the next newsletter would go out to the residents. Mayor Donegan indicated that in February, April, and May we spoke about when the different reports and newsletters would be sent out. We are currently working on one to go out some time probably at the beginning of November so if she has any items she could submit them to her. Ms. Duncan thanked the Mayor but at the point the leash law for dogs that she received a complaint from a resident about won't be of importance as she is not sure how many people let their dogs run free as they are taking a walk in November, December and January. She suggested that a reminder of the law be written in the Spring. Mayor Donegan indicated that Ms. Jones will put that on the list. The financial report was to go out in July because we established the time lines at the beginning of the year but because of all of the activities, who writes the reports, and then outsourcing the graphics it was late. We are planning on one in October but it may be mailed beginning of November but we can certainly put an article in the March newsletter as we usually sent one out in March, July and October which has been the trend.

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

Mr. Sculac would like to hold a finance committee meeting at 7:00 p.m. prior to the next Council meeting in order to update Council. He would like to begin the budget process shortly after that in order to allow the budget to run three readings and have it finalized by the second meeting in December. Mayor Donegan asked Council to review the updated strategic plan when considering the budget.

Mr. Sculac moved to **acknowledge** receipt of the monthly Mayor's Court report dated 09/01/2017; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac asked that council acknowledge receipt of the Statement of Cash position dated 08/31/2017.

Ms. Garrity moved to **acknowledge** receipt of the Statement of Cash position dated 08/31/2017 in the amount of \$1,163,667.10; Mr. Miller **seconded**.

Mayor Donegan stated that during the last Council meeting Mr. Stibich had an issue with the general fund balance being so low and we explained to him that there were transfers not reported. She asked Mr. Presley to discuss the transfers and what transpires. Mr. Presley indicated that the fund transfers had not occurred and the property taxes were delayed by the County, also the number Mr. Stibich referred to was after the outstanding encumbrances which in July we did all the second half purchase orders, large items such as central dispatch, prisoner care, worker's compensation, health care, all of those purchase orders were loaded in for the 2<sup>nd</sup> half of the year so there was an extremely large outstanding encumbrance which made the ending balance that \$400,000 number. Without that explanation he can understand where Mr. Stibich might have been a little concerned but from his advantage point knowing that the property taxes were not received from the county and that all of these expenses that aren't going to be expenses until later in the year were already included he is still looking at ending the year in the million dollar range and is comfortable with where things are at this point. Mayor Donegan stated that previously we had a service director who was very very part time not day to day and the finance director and Ms. Jones were the only ones here but now we have a full complement of directors making sure Council has updates and answers. However, if you have questions, please forward them to your clerk. This is a good example, since Mr. Presley was not present at the meeting we would have attempted to get the answers. It is important if you have questions to get them to the Clerk ahead of time and we will make sure we come fully prepared to answer those questions. Mr. Presley indicated that Council can also call him at any time, if anyone does not have his cell number he will certainly forward it to them. This is a snapshot so if you do not know the circumstances surrounding it before, after and compared to something else you will not have all the information available to make a fair judgment. Mayor Donegan stated that or you will misjudge and contribute to fake news.

Mr. Sculac stated that having been the finance chairman for a number of years he would reiterate the Mayor's comments. After speaking with Mr. Presley the city never had \$2.5 million in surplus at the end of any given time year. Also, taking into account that Governor Kasich eliminated the inheritance tax during the last few years and the fact that we had always been recipients of about \$150,000 to \$200,000 per year created a crisis in terms of dealing with the financial situation. The other issue is the failure of the general fund levy in the last few years which also eliminated about \$250,000 worth of income so we are looking at about a \$400,000 to \$450,000 loss of income within the last five or six years and the city is still able to maintain over a million dollar surplus. In terms of dealing with some of the needs the city found is where we might be down from the \$1.9 to about \$1.6 in actual carryover. Mr. Sculac wanted to make very clear, in terms of, the fact that to his knowledge there has never been a \$2.5 million surplus.

Mayor Donegan stated that it was three years ago when the city took the huge financial hit from the state and the renewal. She believes the city has done significantly well.

Poll: 6 ayes; 0 nays. **Motion carried.**

**Councilwoman Linda Garrity, Council President**

Ms. Garrity stated that at the last meeting she wanted to talk about her concerns with the financial report but had to save her comments for the first regular meeting of Council. Her first concern is that in the past the financial information, especially how we break down the dollar into what portions come to the city and the schools, etc., historically has always gone through finance committee. Being a member of finance committee we would work on that but, that didn't happen this year, and she is very disappointed. Her second concern, and she spoke with Mr. Presley about it, as you know as the

Council President she co-signs checks and has been doing that since the previous council member resigned in February. She feels like she has been very diligent and always contacts the finance department to find out what time the checks will be ready so she can time her day to co-sign the checks. For some reason that did not happen. She would like to clarify during the last set of checks, while Council was on recess, she signed payroll checks but not expense checks and she is not sure why. To make a long story short there were a couple of checks that she questioned and would not of signed if she would have been in the position to sign.

Regarding the financial report, she is not in favor of taking a project, and she has discussed this with Mr. Presley, and breaking it down so that the individual costs fall under \$2,500. According to the city charter if an expense is over \$2,500 that item has to come before Council. She is a board member of NOCCA and we know that Council controls the purse strings that is where our power comes in. When we take a project, like the finance report, and break it down into individual costs so that not one cost is greater than \$2,500 therefore it does not have to come before Council. She is not in favor of that practice. Another issue is there was a check to Julie McCormick and when people call her on the telephone and ask her questions she has to have a clear conscious, she has to be able to put her head on the pillow at night as she likes to sleep. We paid Julie McCormick \$1,225 and when she questioned Mr. Presley he said it was for the graphics for the financial report. She had some concerns and googled Julie McCormick just to find out, and she verified with Mr. Presley, because she didn't want to jump to any bad conclusions, but, this was the Council woman from Brook Park that just spent 10 days in jail in July. She can look around the table here but she does not know who would think that would be a good idea. She does not believe it is a good idea and would not have signed that check. If anyone else wants to call her at home and ask her she would not have signed that particular check. She was told that Rosann would have done that but Ms. Jones was on vacation but that doesn't seem legitimate because that sounds like there was some poor planning. The other thing is she is sure we could have found someone in Olmsted Falls that could do graphics she knows it. She has not researched but can bet that we would have found at least one person in Olmsted Falls. She is not sure why we are farming out work to Brook Park and knows that Brook Park is not coming to Olmsted Falls and giving us work. So, when you breakdown the costs, again Julie McCormick was \$1,225 and the printing and postage then the amount goes over \$2,500 but there were no signatures required. What disturbs her the most, and again she likes to sleep at night, but inside the front cover was Olmsted Excellence with the goals. Those goals say adopted in 2014 but were developed in 2013 and she can truthfully say they were developed by Your Falls Team as she has boxes and boxes of flyers in her basement showing where the goals were outlined. Those were taken without her permission and she is very upset about that. She contacted Mr. Linn, our previous Council President who was part of Your Falls Team, and he also said that his permission was not obtained. So, her question is why is the campaign slogans used on the inside of the financial report? She is not in favor of that and would not have been in favor of that. The fact that the information was lifted from Your Falls Team that was used as a campaign slogan in 2013 and she also has to say that she and Mr. Linn had to defend Your Falls Teams in a quasi-judicial setting at the Elections Commission in Columbus, Ohio. She and Mr. Linn spent, out of our own personal monies, \$10,000 in attorney's fees to defend Your Falls Team. Again, she has ownership to this information and thinks its plagiarism to say the least. She does not like the idea that it was lifted and nobody asked her permission because she would have said no if somebody would have asked. She does not think its professional courtesy to steal someone else's information and in academia that would be plagiarism. Again, she does not think there is a place for campaign slogans in the financial report.

The last thing and she has brought this up before, when she co-signs a check she likes to know what it is for. She has brought this issue up before and Ms. Mancini can check the minutes, Mari Alice Zacharyasz attorney fees. When she previously brought this up she was reprimanded and was told “no more checks for Mari Alice Zacharyasz” and when she asked why do we have more checks to sign for legal fees for Mari Alice Zacharyasz she was told “it was a mistake.” Well every pay ordinance, every time she comes up to sign checks there are more checks for Mari Alice Zacharyasz. She asked why there could not be an accounting. Why do we keep paying Mari Alice Zacharyasz, we already have a law director and an assistant law director. The amount also bothers her because, again it was two amounts and they fall just under \$2,500 they come to \$2440 which was dated August 25, 2017 and was on the previous pay ordinance so she didn’t get a chance to sign that check and is not sure why but would not have signed it. She has stated before she is not signing anymore checks for Mari Alice Zacharyasz and knows everyone on Council has heard her say that. So, in every pay ordinance there has been checks and she has never gotten an itemized description on what we are paying Mari Alice for.

Lastly, on a completely different note as everyone knows she is a nurse and recently we had the suicide death of a young woman in our area, Joselyn Flores, and it has been reported that she hung herself due to a diagnosis of depression. She is everyone to think about her family but also to reach out if you know of anyone that is on any type of mood altering drug, please be a friend to that person and remind them to take their medication because any loss of life through suicide is one that should not happen.

Mr. Presley stated that, as he mentioned to Ms. Garrity, the checks she did not sign consisted of a small check run done on August 25th, which was a Friday and normally would not have happened but there were checks that had to get out and had to be paid relative to the construction and some of the other projects. Relative to her signature not being on there she is correct, at that point it was a matter of getting them done and out. He signed and reviewed them. People are entitled to their opinion as to what they will sign or not sign but the work relative to all of them had been completed, had been done and provided to the city, therefore from his position as finance director it was appropriate to sign the checks and pay the bills that had been presented to the city. On her other comment regarding the booklet being three different vendors, there were three different components just as there was two years ago when the finance document was sent out. There is the graphic design and layout which would be the layout of the entire booklet, not just the graphs, the presentation and color selection in order to make it printer ready, that is a separate item and that is what the individual did done that the Mayor hired to do the layout to make it look the way it currently looks. The second item of the document is the actual printing and certainly the graphics individual is not capable of printing and the printer was the one who was hired to do the printing of the document from the camera ready artwork. The third section of that was the post office to actually deliver the item to all the residents. There is no reason why all three of those would have fallen under one roof and been hired as one contractor therefore he feels the comment is inappropriate that it should have come to Council. His analysis to Ms. Garrity was if we were repairing a sewer pipe with one contractor who was to provide the pipe, stone, and the labor and that was over \$2,500 but yet we decided to cut it into three purchase orders to the same vendor that would be inappropriate and would have had to come to Council because the same vendor was doing all three of those items on the same repair. But, here we have different vendors doing different portions of this report and therefore it was appropriate that it be handled in the manner that it was.

Mayor Donegan stated that the 2014 report which pretty much looks the same, we adopted the colors and the layout was the same as this current one, so everything is the same. She would like to mention that we have used several different graph artists and there was no issue approving those same vendors mentioned in 2014, 2015, 2016 or 2017. She would like to draw everyone's attention to our first newsletter in March of 2014 in which we have Olmsted Excellence strategies and tactics and there was no issue then. This is something that our strategic team has adopted for continuity perspective. You have a government that says what they do and does what they say and that is exactly what you have. There was no issue then and all of a sudden there is an issue now but she will not speak to those but just because it's said doesn't mean it's so.

### **Councilman Jim Haviland, Council Pro-Tempore – No Report**

Mayor Donegan asked Ms. Garrity to keep her comments brief. Ms. Garrity stated that she wishes we could keep all comments brief. She does want to clarify that as we were stressing previously, historically this information for the financial report has always come through finance committee and it's important when other things are done historically, and she thinks it should be the same with this report. The only reason she brought up Ms. Jones is because she was told by Mr. Presley that that is what happened she didn't dream this at night. The last remark she will make when the Mayor pulled up the 2014 flyer the reason there was no objection was because Your Falls Team was in existence in 2014 and those were our campaign slogans but now Your Falls Team has disbanded and no one asked her permission that is plagiarism in a professional world.

### **Old Business**

#### ***Ordinance 34-2017***

AN ORDINANCE UPDATING AND ADOPTING NEW CHAPTER 208, CODE OF ETHICS, OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **Third Reading**

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

Mayor Donegan noted for the record that this is the first update of the Ethics Policy since the 1970's, it takes us awhile but we are managing to complete updates.

### **New Business**

#### ***Resolution 42-2017***

A RESOLUTION AUTHORIZING THE SUBMISSION OF A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE GRANT APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) AND ACCEPTING THE GRANT UPON AWARD TO THE CITY, AND DECLARING AN EMERGENCY **First Reading**

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

**Resolution 43-2017**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER **First Reading**

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

**Ordinance 44-2017**

AN ORDINANCE AUTHORIZING RATIFYING AND AFFIRMING THE CITY'S APPLICATION FOR GRANT FUNDING, ACCEPTING THE SAME IF AWARDED, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH, THE CUYAHOGA COUNTY EXECUTIVE FOR THE PILOT PROJECT FOR COMMUNITY PARAMEDICINE SERVICES FOR THE RESIDENTS OF OLMSTED FALLS AND DECLARING AN EMERGENCY **First Reading**

Mr. Sculac moved to **suspend**; Mr. Miller **seconded**. Voice Vote: 5 ayes; 1 nay (Garrity). **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Ms. Duncan moved to **adopt**; Mr. Gorski **seconded**.

Ms. Garrity stated that she voiced her concern many months ago at Southwest Hospital when the paramedicine program was first discussed and feels it is a true duplication of efforts. We are training a group of people but these people already exist and they are called nurses. We have licensed, practical, registered nurses and to her it is an insult to the nursing profession that now we are going to hire another group of people that will take this ownership. There are plenty of nurses out there and for that reason she will be voting no on this ordinance. Mayor Donegan stated that as Council knows Southwest General is a partner in this program as well as the Cleveland Clinic. If you know anything about the affordable care act and all of the holes in the whole system, this was a garnered service under the affordable care act approved by Kasich and there is current legislation on the books a very integral piece, so as a nurse she sees the role for this.

Poll on adoption: 5 ayes; 1 nay (Garrity). **Motion carried**.

**Miscellaneous New Business - None**

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

Mr. Haviland moved to **adjourn** into executive session to discuss matters of pending or imminent litigation pursuant to ORC 121.22(G)(3); Mr. Gorski **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:00 p.m.

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

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

The meeting adjourned at 9:51 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*