

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, October 10, 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, Paul Stibich, and Kyle Miller (arrived at 7:34 p.m.) were present. Terry Duncan was excused.

Also in attendance: Gregory Sponseller, Law Director, William Traine, Assistant Safety Director, Rosann Jones, Manager Business & Community Services, and Joe Borczuch, Service Director  
Audience: 10.

**Approval of Minutes**

Mr. Sculac moved to **approve** the minutes from the Finance Committee Meeting of September 26, 2017; Mr. Gorski **seconded**. Ms. Garrity indicated that on page 265 it states “maybe the other cemeteries are backwards” and she does not believe that is a correct statement. Mr. Stibich stated that the point is was this a correct statement or not. Mayor Donegan suggested that the motion be withdrawn in order to allow the clerk to relisten to this portion of the meeting prior to adoption. Mr. Sculac **withdrew** his motion; Mr. Gorski **withdrew** his second.

Mr. Gorski moved to **approve** the minutes from the Regular Council Meeting of September 26, 2017; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

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

**Mayor’s Report and Appointments**

Clover Communities Olmsted Falls – At the last Planning & Zoning Commission meeting there was approval of a conditional use and development plan for Clover Communities which is a 55 and older age restricted senior resident 3-story condo’s. There will be 119 units and located next to the turnpike on Columbia Road. This is part of the MUTND and is a good place for this type of facility. She stated that the homeowner in front of the property, Mrs. Kennedy, has had flooding issues due to the previous owner of the property but Clover will be working with her to reduce her flooding issues. This is the first facility in the new MUTND zoning classification.

Park & Recreation – She stated that the board is charged under charter to deal with land usage and as some will recall she was on the board when some of the land was purchased. She wants to be very clear that the land the fire station and service department was purchased different ways. One was from the general fund utilizing development fees which the city collects from developments and the other was the park and recreation levy. Both fire and service sit on the land and the footprint that was purchased out of general fund money. The remaining property is park and recreation land which is why the board is looking at utilizing the back portion for walkways, green space, maybe baseball fields, etc. She stated that whatever happens on the property the park and recreation levy will need to

be made whole. She wanted this to be clarified as there seems to be some issues with people indicating that the service garage was built on park and recreation land and that is not the case.

Dog Park – Mayor Donegan stated that she has had a number of requests for a dog park somewhere in the city. She would ask Council to place this on their agenda and discuss. The park and recreation has begun discussing a strategic plan and she would like Council's view on this request as this is part of Council's purview. Mr. Haviland asked if there was any recommendation as to where one would be placed. Mayor Donegan stated that there has been previous discussions and will gather up that information for Council.

Ohio Flags – She stated that the ceremony will take place the weekend of July 4, 2018. This is a very nice ceremony which takes place in the city every other year and is a well worth ceremony.

TLCI – She stated that Ms. Jones has applied for the TLCI grant which is connectivity from Sprague to the downtown area. Obviously, it is an important part of the master plan and is an important part of our strategic planning process. To build a community you build connectivity with multi module pathways and/or sidewalks. If you recall the city applied for three NOACA grants last year and received two of those three. She stated that Clover Communities wrote a letter of recommendation which will help us boost our opportunity to receive the grant. Additionally, Clover is taking great effort and extending their sidewalk from the back of their property to the turnpike.

Railroad – She would like to acknowledge for the record Norfolk Southern's appreciation of working with us on holding all trains for the Heritage Days parade. This was the first time ever that the trains were stopped for a parade and we had them backed up to New York and Chicago.

Pay Date Changes – Council received a memo from the finance department indicating the new dates. For the record, the city paid employees twice a month and overtime and uniform allowances were calculated manually. By changing the pay dates to every other week we will streamline the finance area and be more automated. This change has been planned for 3 ½ years and was implemented the beginning of October.

Property & Liability Insurance – She indicated that Mr. Presley is receiving another auditor award for his financial recordkeeping with the City of Avon Lake and Mr. DeSan is helping his father celebrate his 70<sup>th</sup> birthday and she is not sure if all quotes have been received. The legislation will move to third reading and our insurance expires on 11/14/17. For the record, she would like to state the costs of the property and liability insurance from 2012 compared to now. For property and liability professional and otherwise insurance we paid we paid \$73,906 in 2012; we paid \$68,931 in 2013; we paid \$68,192 in 2014; we paid \$67,925 in 2015; we paid \$61,051 in 2016; and we paid \$63,877 in 2017. We also added a million dollar coverage for the service garage and other assets as well as increased our cyber coverage. Today compared to five years ago we are paying \$10,000 less.

YMCA – She stated that Mr. Sculac has been very involved in this project and we had a very quick conversation with Mr. Hilk, the new CEO of YMCA. They have done a tremendous amount of due diligence and research and obviously they are Y's that are doing well and those that are not. There is some hope to bring a YMCA because we still want to make good on recreation for all. We have a fantastic senior center that is continues to grow in enrollment. The Y is interested in this area and we have some land that we have been working with them on. She indicated that in the next couple weeks we will meet with them again and she will advocate for a facility to be built in Olmsted Falls. At the

end of the day, if it's in the Falls or this particular area and it brings residents additional recreational services and a gym she's all for it.

She indicated that Ms. Vanyo has resigned from the Park and Rec board so she will be looking for a new member. If Council has any recommendations she would be happy to take those into consideration.

Voting has changed this year and will be located at Falls Lenox primary school. The move is being made because there is an issue with the elevator at the Community Church.

She would like to read into the record a letter she received from Ed Smega. "Dear Chief Trainee, my wife and I want to express our appreciation for your officer's response to an attempted burglary at our home while we were away on vacation. My daughter was there alone with our dog who's barking apparently frightened away the would be burglar. Upon the officer's advice she moved out of the house until we returned from vacation. During the remainder of the week I would get periodic notifications on my phone that a motion sensor at my front door detected movement generally in the middle of the night Cleveland time. When I checked the video it was a police officer checking my property. When we returned one of your officer's came by and went around the house with my wife. Your officer's displayed a calming, reassuring, professional demeanor and were diligent in watching our home while we were away. They all deserve recognition for their work." She thanked the Chief and appreciates the extra diligence. Chief Trainee indicated that the officers involved were Dunegan and Daugherty.

She stated for the first time ever under the approved economic development budget the city will have an ad in the Northeast Ohio Relocation Guide which goes to all city visitors and says "discover the magic and relocate to Olmsted Falls." The guide will be produced this year and one next year. The city also received a discounted rate for the advertisement.

Phase V – She stated that there are still some people that are under the assumption that the Phase V sewers are an option. Again as she has noted to everyone the last thing that a Mayor and Council members want to do is assess property owners anything. We have reduced millage and taxes slightly by paying off the fire station. She built her home 20 years ago with a brand new septic system and was told she would get sewers so she understands it is not pleasant for anyone. She stated that Ms. Jones received information from and Rick Novickis from the Board of Health and read into the record (see attached). She also posted this information along with the minutes when Mr. Novickis was present at a Council meeting. The sewers will cost \$13,000 over 20 years; or, for six systems to potentially be retrofitted, between \$5,000 to \$10,000 and the rest of the residents would need to pay up front \$13,000 to \$15,000 for new systems. She wants to make clear that this is an agreement the City made in 2009 with the Board of Health. Again, in 2010 we received a grant, in 2013 Council, which she was a member of, rejected that grant by law because it was 10% over the budget. The project was underfunded, under engineered and lacked total competence and we then attempted to resurrect the project. As you know, the engineer was able to negotiate with the first \$2 million dollar grant for engineering fees that date back to 2007 in the amount of \$600,000 so we were able to pay for all of that engineering. Unfortunately, we had to go back to the old engineer, Michael Benza, and request these invoices because no invoices existed and we received a check for \$600,000 last week. We received another grant a year ago and Council has passed all the necessary requirements and are now waiting on plans from our engineer.

She stated that on November 11<sup>th</sup> the Berea Animal Rescue will hold another vaccination clinic at City Hall. Residents can come in and receive discounted vaccinations and other medicine for their animals from 11:00 a.m. to 3:00 p.m.

Lastly, to make it very clear on some of the scrutiny about selling public property she had the clerk pull minutes of the hand full of properties that have been sold. In 2001 the city sold two properties on Columbia Road and the Council members that that time were Dean, Johnson, McManus, Mixon, Holbrook, Fenderbosch and Smith; and in 2006 we was sold old North Hall, which is now the Moosehead, the Council members at that time were Lowery, Majeski, Clarke, Smith, Fenderbosch, Thompson and Vitale. In 2016 the former service garage was leased not sold; the police station area was authorized to be leased to Christians in Action for \$1.00 a year for 20 years; we entered a real estate agreement on the old library with buyers who will build a restaurant and in March we approved a lease of space upstairs. So, in terms of leasing or selling space it's been a well-documented public policy. It is difficult to be in the city services business and be a landlord at the same time but she believes the majority of Council has felt that if purchasers maintain the integrity, for example, the library will be restored which gives the building potential versus a dilated building that was falling apart.

### **Communications from Residents - None**

#### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-16; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

#### **Officials Reports:**

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

Ms. Jones stated that residents will receive the Great Lakes Publishing Cleveland Magazine version of the Olmsted Falls magazine within the next week. An issue will be delivered to each home and business in Olmsted Falls. This edition will also be an insert in the November issue of Cleveland Magazine delivered to the west side. Mayor Donegan asked what costs the city incurred for the publication. Ms. Jones indicated that the city purchased a full page ad. Mayor Donegan asked if any further monies were expended. Ms. Jones replied that they sell the ads and the ads sold matches the amount of story space you get. They do a good job selling ads and it is not a cheap publication to advertise in. She would like to thank Ms. Ann Reichle who purchased a full page ad for her coffee shop and pizza shop. That is a big expense and investment for businesses in Olmsted Falls and she appreciates it. She will also acknowledge that thank you with all the individuals who purchased ads for this publication.

We have scheduled our next health and wellness fair for March 23, 2018 which is a Friday. Southwest General will be participating and sponsoring the event in an amount of \$2,000 which helps a great deal. Southwest will also provide us with a number of caregivers so the seniors can have their blood pressure, vision, sugar and all the measuring kinds of tests checked, in addition to a lot of information from vendors and providers. Last year was the first fair and we had 102 people in attendance and we are hoping to do better next year.

As the Mayor stated she submitted the TLCI on Friday. She will also write a proposal to Baldwin Wallace as they are offering a program that will give an organization students for spring if they can develop a project the students can work on but also write a competitive grant application to the college. She would like these students to work with ABR to construct a historic home brochure which would include a map of our historic district along with communication informing homeowners of their special homes. We discussed doing this type of project in a letter but it was suggested that we do this in the form of a brochure. If the BW kids can put this project together they would then apply to BW to print and if she can stretch that out to include more projects she will.

She will attend a meeting downtown on Friday regarding CDBG. This grant has always been difficult for us because we do not have any low to moderate income areas or what they call an immediate need kinds of areas she is going to see if there is something we can apply for.

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

Mr. Borczuch indicated that the department is working on the residual asphalt and concrete work as leaf season will begin next week; brush pick up has been completed for the year. He stated that the culvert replacement at Elmer and Usher is being completed in-house. This project will take approximately a week as there is a gas line approximately three inches from the culvert.

He also submitted a requisition which he spoke to Mr. Presley about who asked why the city did not have the equipment already on hand. This rake will restore all the ditch enclosure areas that the city completes rather than renting one each time and gives the department opportunity to complete these projects when they can rather than waiting. The rental costs are \$500.00 to \$600.00 per week.

Mr. Stibich moved to **approve** a requisition to Leppo Rents for a 6' landscape rake in an amount not to exceed \$5,852.00; Mr. Miller **seconded**. Mr. Stibich asked if this would be a purchase; Mr. Borczuch replied yes. Mr. Stibich asked if this would clean out the ditches. Mr. Borczuch indicated that a backhoe is used to dig and clean out the ditches. When the ground is regraded after an enclosure is done this rake would be used. Mr. Stibich asked if the rake would be attached to a truck. Mr. Borczuch indicated that it is attached to skid steer which enables them to drive up and down the swale area. He stated that this is a belt driven multi-fingered rake conveyer which pulls the stones out of the area and helps will labor. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he hopes to present to Council at the next meeting bids for the underpass lettering. Mayor Donegan stated that this recommendation came from the old service committee. The lettering will read City of Olmsted Falls. This is all part of the master and strategic plans to enhance our borders to let people know when they have arrived into our city along with landscaping upgrades.

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

### **Councilman Ed Gorski, Ward I – No Report**

### **Kyle Miller, Ward IV**

Mr. Miller stated that on Sawmill Bend in the Plum Creek area there was a replacement of a service line from Columbia Gas and they did a good job of restoration but they left cones in the middle of the road for approximately the last two weeks. He asked if Mr. Borczuch could contact them and see if

the restoration is completed and then request that they remove the cones before any residents begin moving the cones.

**Councilman Paul Stibich, Ward II – No Report**

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

Mr. Haviland asked if the relocation guide would be delivered to recruiting firms that specialize in helping executives and others relocate. Mayor Donegan indicated that this came from the Economic Development Blue Ribbon Committee and before we hired Juniper to give us our highest and best use regarding the land we own she also met with Team NEO and this is our ongoing commitment to get people aware that the city is open for business and that we have great real estate to offer. We even got it into the hands and are aware that the director of the airport is looking to potentially move to Olmsted Falls.

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

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

Mr. Sculac moved to **approve** the Statement of Cash position dated 09/30/2017 in the amount of \$1,236,596.77; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that the Planning & Zoning Commission approved a conditional use permit last week for Clover Communities. This will be a three story facility with 119 apartments, 127 parking spots and 34 of those spots are covered. If you look between the turnpike and Schuster's Greenhouse that is basically where the structure will be built. They do not have the amount of frontage needed so the facility will be built from front to back. The facility will be quite a ways off of Columbia Road and will not interfere with Mrs. Kennedy's property. They will need to come back to Planning and Zoning for more approvals. This initial approval permits them to move ahead and complete all the engineering and drawings. They are enthusiastic and have four other facilities in the immediate area that some of us looked at prior to the meeting. This will not be a onetime shot as they do remain and run the facility. They are also looking at other locations in Cuyahoga County to build additional facilities. This is a 55 and older facility which will give us an opportunity to keep some of our residents who are aging but don't want to move out of the community.

He stated that he and the Mayor spoke with the executive director of the YMCA. He stated that early in his career he had the opportunity to be an executive director with the Canton and Cleveland YMCA. They built a number of facilities over the years that were not successful but in the last decade they have gone to regional facilities. There are regional facilities located in Lakewood, North Royalton, and Avon Lake. They are building larger regional facilities from Lake County through Lorain County. During the conference call he and the Mayor were informed that the YMCA hired a developer and a research company to be able to determine where they should locate an additional facility, which is hopefully in this area. They try to get land that is somewhere in the center of a particular area. We did offer some space here and hopefully we may have a YMCA facility here or in a region that would be contiguous to us. Their studies have shown that people prefer not to drive any more than six minutes from their home to a facility. He is hopeful that we will be able to facilitate this with them in the near future.

**Gregory M. Sponseller, Law Director**

Mr. Sponseller stated that the formal lease agreement with Plum Creek Wealth Management has been sent to the prospective tenant and we are hopeful and optimistic that it will be signed in the relative near future, as authorized by Council.

He indicated that the Mayor brought up matters relative to city owned real estate that has been sold and as he has previously stated with respect to the old library, and as a reminder, we have deed restrictions in the conveyance of the old library so in the event that it is not utilized for the purposes Council authorized there is a reversion to the city, keep that in mind because it is a unique parcel. Mayor Donegan stated that is important to protect the city and citizens. Mr. Sculac stated that with the senior center being moved into this building in space that was vacant for years and put together with a grant that Ms. Jones found, it enabled the city to lease the former Jenkins Center to the Wine Cellar which produces considerable amount of income to the city. We also leased the former service garage to an athletic facility which again produces income. The City is always looking for ways to expand income and hopefully with the first tenant upstairs that will be an impetus for other individuals to come. We also completed a very major roof replacement which was an absolute necessity before we could even rent that and as he understands there were leaks coming down the walls of the building onto this floor and he believes we would not have been good stewards of this facility had we not spent the money to repair the roofing issues.

Mr. Sponseller indicated that Ordinance 47-2017 is somewhat of a housekeeping measure in terms of confirming the registration for contractors and would ask that Council consider suspension and adoption this evening, if deemed appropriate.

Mr. Miller asked for an update on the Baker's Creek bridge. Mr. Sponseller indicated that he would talk to him after the meeting as he does not want to get into too much detail publically. It is now up to the appellants to take the next step, the city has done everything we are required to do.

Mr. Borczuch indicated that the noise wall along the turnpike on Redwood is probably 75% completed. He stated that he and Chief Gluss located the fire holes so addresses could be added if there was a fire on the turnpike. Mayor Donegan stated that the city became aware of the in January of 2014 and turned it around quickly in order to submit the application. She learned more than she cared to learn in her first couple of weeks about noise walls. The City received a million dollar grant from the turnpike along the most the nosiest area in the city. The following year we applied for the second leg which is the Tyndall Falls/Lindberg area. After we applied for it the turnpike put a hold on the grant because of easement issues and they suspended the grant. She called the Turnpike Commission to see when we could count on the grant because she believes they have worked through all the easement issues. The work on the wall has been completed without any real issues from Redwood area. She will inform Council once she hears back from the Turnpike Commission regarding if we should reapply for the grant or if they will confirm receipt of the original grant in 2015 for Tyndall to Lindberg.

**Old Business**

***Resolution 45-2017***

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR MUNICIPAL PROPERTY AND LIABILITY INSURANCE COVERAGE FOR A ONE (1) YEAR PERIOD AND DECLARING AN EMERGENCY **Second Reading**

## **New Business**

### ***Resolution 46-2017***

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEAR 2018 AND TO DIRECT THE CUYAHOGA COUNTY FISCAL OFFICER TO CREDIT THE CONSIDERATION PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS FROM TAX SETTLEMENTS DUE THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **suspend**; Mr. Gorski **seconded**. Mr. Miller asked for clarity on what public health services consist of. Mayor Donegan replied that this is used for individuals that call in regarding lead poisoning, vendor permits, immunizations, ear testing, food poisoning, restaurant issues, any type of health care services that the Board of Health provides. Mr. Miller asked in the Mayor's opinion is the city getting the best services for the amount of monies spent. Mayor Donegan replied yes. **Voice Vote**: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Gorski **seconded**. **Voice Vote**: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Gorski **seconded**. **Poll**: 6 ayes; 0 nays. **Motion carried**.

### ***Ordinance 47-2017***

AN ORDINANCE UPDATING, RATIFYING, CONFIRMING, RECONSTITUTING, AND RELOCATING THE REQUIREMENTS, PROCESSES, AND CONTENT FORMERLY CONTAINED IN SECTION 1424.07 FOR REGISTRATION OF CONTRACTORS PERFORMING WORK IN THE CITY BY UPDATING AND ADOPTING THE SAME AS NEW SECTION 1448.10, "REGISTRATION OF CONTRACTORS," IN CHAPTER 1448, PERMITS AND FEES, OF THE CODIFIED ORDINANCES OF THE CITY AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski 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**.

## **Miscellaneous New Business - None**

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

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

The meeting adjourned at 8:22 p.m.