

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, January 9, 2018, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:30 p.m.

The Pledge of Allegiance was recited. Mayor James Graven called the meeting to order at 7:32 p.m. Roll call was conducted. Councilmen Jim Haviland, Paul Stibich, Lori Jones, Ed Gorski, Denise Nicolay, Terry Duncan, and Kyle Miller were present.

Also in attendance: Andrew Bemer, Acting Law Director, Chad Gluss, Fire Chief, Vic Nogalo, Acting Finance Director, and Joe Borczuch, Service Director. Audience: 22.

Approval of Minutes

Mr. Stibich moved to **approve** the minutes from the Regular Council Meeting of December 27, 2017; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Miller). **Motion carried.**

Mr. Stibich moved to **approve** the minutes from the Organizational Meeting of Council Meeting of January 2, 2018; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven thanked everyone for attending tonight's meeting. He looks forward to being a good guardian of taxpayer money and looks forward to working with all members of Council that the residents have elected to help manage our business matters and vibrancy of our city. His approach will always be to respect the citizens of Olmsted Falls; you the citizens are his boss and not the other way around. He will make sure that he, along with his employees, will always treat our citizen taxpayers with respect and he would like to establish that respect at the beginning of his term. He would also like to thank the members of his transition team for all their efforts over the past several weeks. He would especially like to thank all the citizens for their great support. This is the best place to live in northeast Ohio and he and his team want to work hard for the citizens to make it an even better place to live. We want to be public servants that work for all of you the citizens. He has no hidden political agendas and he is sure that Council wants that as well and why he is sure all of us can work together and move this great city forward. Finally, he has an update, his first night as Mayor and Safety Director, last Tuesday, January 2nd there was a fire on Cranage Avenue. He arrived on scene and our firefighters did a great job under tough conditions. It was approximately 5 degrees that night, the fire started in the garage and they held it so most of the damage was to the garage and saved the house. The firefighters did a great job.

He would like to start out with true transparency, in front of all Council members there is a financial report from the Acting Finance Director. At the top of the page you will see the general balance as of January 1, 2014 which was a little over \$2 million. On January 1, 2015 the balance was approximately \$1.89 million; on January 1, 2016 approximately \$1.7 million; January 1, 2017 approximately \$1.2 million; and currently the city has approximately \$686,257.00. He believes the number one goal right now is fiscal responsibility, the budget is the most important item. If we all

work together we can get the general fund back up to over a million dollars. The bottom line is that this year and the next three years we cannot spend more than we take in and if we work hard and do that we can move the city forward together.

Communications from Residents

Mary School, would like to welcome Mayor Graven and congratulate him for his position. She also thanked him for running. She stated that she is unsure as to how proceedings work during Council meetings, the legal aspects of it, but, she would like to recommend that when residents make points at the meetings. In the past we were allowed to talk and say whatever we wanted to say and then the Mayor responded. But, in general we did not have an opportunity to correct errors or misconceptions and she does not know if that will be carried on the same way or if that can be adjusted. She wanted to pose that question to the Mayor so we do not get involved in issues where something is wrong but we cannot speak to it after we made our initial statement. Mayor Graven asked Mrs. School if she was referring to some sort of follow-up. Mrs. School replied if there was a need for clarification. Mayor Graven stated that he will be available after each of the Council meetings if any residents would like to speak with him. Mrs. School replied that would be great. She also stated that she knows there are a couple of major issues and that the Mayor has not had a chance to get his feet wet. She knows that sewers are one of those issues as well as her famous bridge on East River Road and she does not want to discuss that issue this evening as it would not be fair to the Mayor. She stated that we are aware that one of the owners has filed a lawsuit against the city and she would like to know how the rest of the residents will know what is happening. She is not asking for that answer this evening. Mayor Graven stated that the administration will communicate with the effected residents as we want to be transparent. Mr. Bemer stated that litigation is usually quite sensitive and there are a lot of privileges involved primarily is the attorney/client privilege. In any potential settlement there is negotiations which also come within the privilege. It may seem that the residents are not getting all the information but sometimes that is necessary due to the nature of the case. If Mrs. School has direct participation in the lawsuit as a party you will certainly be notified of every particular action that is being taken. On the other hand, if Mrs. School's interest is as a resident then not necessarily so as it is basically the people who need to know exactly what is going on so they can make a legitimate decision. He asked if Mrs. School asked if she would be a party to the litigation. Mrs. School stated that before the change came in the administration an ordinance was passed that required everyone on the one side of the bridge, non-owners and bridge owners alike, to participate in payment and she knows that the individuals who are not owners are not happy with that decision. Since then, we have one of the owners filing a lawsuit and we do not know where we are at. Mr. Bemer stated that he is aware of the litigation but as of right now is not familiar with the litigation. Mrs. School stated that she is not present this evening for answers she wants to be kept apprised of what is happening.

Approval of Bills:

Mr. Stibich moved to **approve** Pay Ordinance 2018-01; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Chad Gluss, Fire Chief

Chief Gluss stated that he would like to speak to individual council members regarding the firefighter's dependents fund and will need two members to volunteer to serve.

He would like to know if there are any questions regarding the county mitigation plan. Mr. Gorski asked if Council would receive more detailed information regarding what the plan entails. Chief Gluss stated that he would be able to get that for Council. Basically, Council is being asked to adopt the county's plan. If there were to be an incident in Olmsted Falls this plan would allow the city to become eligible for FEMA funds, if we do not, we would not be eligible for funding through FEMA.

Mr. Haviland asked if Chief Gluss would like this legislation adopted this evening because it is time sensitive. Chief Gluss stated that the plan is due to the county be February 16, 2018, he would ask that Council adopt the legislation on second reading.

Mr. Stibich asked if Council adopted this plan in the past. Chief Gluss stated that this is renewed every five (5) years and began in 2000 and has been renewed ever since.

Joe Borczuch, Service Director

Mr. Borczuch asked Council to approve a requisition to Cargill Salt.

Mr. Stibich moved to **approve** a requisition to Cargill Salt for 500 tons of rock salt for the 2017-2018 winter season in an amount not to exceed \$26,525.00; Mr. Gorski **seconded**.

Mr. Miller asked how these costs compared to last year's costs. Mr. Borczuch indicated that the cost were increased \$1.00 per ton. He will need to go out to bid for the upcoming years as this is the contracts last year. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch asked Council to adopt Resolution 05-2018 this evening as it will allow him to obtain bids for aggregate materials and is done on a yearly basis.

Mr. Stibich stated that the legislation is to authorize the Mayor and Service Department to go out for bids? Mr. Borczuch replied that was correct. Once the bids are received he will distribute requisitions to Council for approval.

Councilman Kyle Miller, Ward IV – No Report

Councilman Ed Gorski, Ward I – No Report

Councilman Paul Stibich, Ward II – No Report

Councilman Jim Haviland, Council President

Mr. Haviland stated in speaking with the Clerk of Council we will be sending out a packet of information regarding Sunshine Laws as well as Council's Rules of Orders.

He stated that he is still collecting Council member's preferences for committee and liaison assignments. This will be completed and distributed to Council.

He stated that there will be a JEDD Board meeting on January 22, 2018 in Council Chambers beginning at 7:00 p.m. if anyone would like to attend. He stated that after this board meeting a joint session will be scheduled with Council and Olmsted Township Trustees in order to discuss the JEDD's next steps.

Councilwoman Lori Jones, Council-at-Large – No Report

Councilwoman Denise Nicolay, Ward II – No report

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated that the Shade Tree Commission and the Park and Recreation Board have already met this year. Both of these boards are down one individual. As she understands information was given to the Mayor regarding a Park and Recreation Board appointment. She will deliver to the Clerk a resume for a Shade Tree volunteer.

She stated that Shade Tree Commission has a question regarding legislation that they would be codified, which is Chapter 1218. They are also concerned that this legislation was adopted incorrectly. They feel that the critical root zone should have been added to 1218.

Old Business - None

Mr. Haviland indicated that he was remiss and did not make a motion for the Statement of Cash position.

Mr. Haviland moved to **acknowledge** the Statement of Cash position dated 12/31/2017 with a general fund balance of \$686,257.82; Mr. Miller **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

New Business

Resolution 01-2018

A RESOLUTION APPOINTING ANGELA MANCINI TO THE POSITION OF CLERK OF COUNCIL IN THE CITY OF OLMSTED FALLS, AND DECLARING AN EMERGENCY

First Reading

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

Mr. Gorski moved to **waive** the reading in its entirety; Mr. Miller **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays.

Motion carried.

Mayor Graven would like Council to be aware that Clerk Mancini does a great job and is the glue that holds this building together.

Ordinance 02-2018

AN ORDINANCE APPOINTING ANDREW D. BEMER AS DIRECTOR OF LAW AND MICHAEL A. DOLAN AS ASSISTANT LAW DIRECTOR AND PROSECUTOR FOR THE CITY OF OLMSTED FALLS, ESTABLISHING COMPENSATION, REPEALING

ALL LEGISLATION INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **suspend**; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Gorski **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ordinance 03-2018

AN ORDINANCE APPOINTING VIC J. NOGALO AS FINANCE DIRECTOR AND TAX ADMINISTRATOR FOR THE CITY OF OLMSTED FALLS, ESTABLISHING COMPENSATION, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH **First Reading**

Mr. Stibich moved to **suspend**; Mr. Gorski **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Resolution 04-2018

A RESOLUTION ADOPTING THE CUYAHOGA COUNTY 2017-2022 ALL-HAZARDS MITIGATION PLAN, AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **discuss**. He would like to ask Council if they would like to review the plan in more detail. He would be in favor of adopting this evening. Mr. Haviland asked Chief Gluss for the deadline. Chief Gluss replied February 16th. Ms. Jones indicated that she believes this is a standard plan.

Mr. Stibich moved to **suspend**; Mr. Gorski **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Resolution 05-2018

A RESOLUTION AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENGAGE ENGINEERING SERVICES FOR, AND TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, APPROPRIATING FUNDS THEREFOR, AND DECLARLING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Miscellaneous New Business - *None*

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

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

The meeting adjourned at 8:01 p.m.

James Graven, Mayor

Angela Mancini, Clerk of Council