

City of Olmsted Falls
Minutes of a Council Work Session
Tuesday, February 6, 2018, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 6:30 p.m.

The Pledge of Allegiance was recited. Council President Haviland called the meeting to order at 6:30 p.m. Roll call was conducted. Councilmen Paul Stibich, Lori Jones, Ed Gorski, Denise Nicolay, Terry Duncan, and Kyle Miller were present.

Also in attendance: Andrew Bemer, Law Director, Vic Nogalo, Finance Director, Randy Kimbro, Olmsted Falls Firefighter/Paramedic, and James Graven, Mayor. Audience: 12.

Mr. Haviland thanked everyone for attending and Councilwoman Duncan for requesting the work session. He also thanked the Mayor and Administration for their response to this request by Council and their willingness to work with Council on clarifying some important issues. Part of those issues are due to a new administration and clarity that needs to be looked at with outstanding legislation and ordinances. He sees this as an important and productive work session. This is an opportunity to questions and answers. He would like to remind everyone that Council is working for the citizens of Olmsted Falls first and foremost so let's operate with decorum, respect and be mindful of each other's positions. He added a miscellaneous agenda item in case there was anything new from either Council or the administration that needed to be discussed after the agenda was distributed. He would ask that this agenda item be limited to one item per Council member. When the agenda was discussed he added the most pertinent and important questions and issues that all of Council has been discussing. One of the issues he wants to be mindful of is managing through some of the gray areas that Council has questions about and will be one of the singular purposes to tonight's meeting.

Community Paramedicine – Randy Kimbro

Mr. Haviland introduced Randy Kimbro who is a firefighter and community health officer for the Community Paramedicine program. Mr. Haviland stated that he has had a lot of conversations with council members, the mayor, and the fire chief and also with County Councilman Mike Gallagher regarding the meeting held that has been referenced in materials provided to Council. He has had the opportunity to hear many sides of this issue and it will be valuable for everyone to hear.

Mr. Kimbro stated that he is a part time firefighter and paramedic with the City of Olmsted Falls for 30 years and is also the Fire Chief in Grafton, Ohio, and he needs to attend his Council meeting this evening as well which is why he is wearing his Grafton uniform, so he does appreciate Council placing him first on the agenda. He stated that he served as the Community Paramedicine Officer as an additional duty to his firefighter/paramedic duty with the City.

Mr. Haviland stated that he would like to ask what happened to the program as Council was hoping it would run through the end of the quarter this year, he understands that there have been meetings and the program has been ceased and is what Council would like to understand. Ms. Jones stated that she spoke with Councilman Gallagher and the program people at the County and a lot of people because this is one of the programs she supported.

Mr. Kimbro stated that the program was started and based on a master's paper that a non-profit completed and brought to the City indicating that they would like to implement. We initially thought that the paper laid everything out as to how to implement the program, etc., and very quickly found out that was necessarily the case rather the paper was a concept and we had to develop this from the ground up. In our research, even as the program was starting, there were some questions regarding legalities as the state law was changing at the same time, there were also questions regarding the size of our audience as other programs doing this had a minimum population of 60,000 to 70,000 range which Olmsted Falls does not have. We had limited participation from the two hospitals, Southwest who wasn't so interested other than just giving us perhaps referrals but was not interested in any feedback, and one department at Fairview Hospital which was the Chronic Care Clinic initially said that they would have 30 patients they would provide for us. Throughout the program, up until the end, Fairview ended up provided us with a single patient who happened to live in Olmsted Township and the Township was not interested in participating. He stated that for the months this program was in place we had electronic equipment that was placed into individual's homes that could measure their blood pressure, pulse oximetry, which is oxygen in their program, and also their weight on a regular basis. This equipment communicated and uploaded that information to the cloud so these items could be monitored remotely. There was some challenges with that equipment from day one, number one even though it was simple to use because we were going to elderly people's home who had some challenges understanding how to use the equipment, how to understand it was connecting and uploading the information, the instructions that were provided both by the non-profit and others were difficult for these individuals to read, small print, wrong background was the feedback he received from clients. In the end we only had one maybe two people who could us this and we had another four or five who did it as a favor to help us with the pilot and see how it went. Then we had some misconception, a lot of education went into these people's homes either they knew nothing about the program and we had to explain or they thought that this was a 24/7 days a week monitoring and that we would rush over if there was an inappropriate reading, which was not the case, we looked at the records during business hours. The equipment itself turned out to be a challenge and took us awhile to realize that we had some false readings on the equipment where the other community health officer came in after hours and worked with some of the patients, we even had a couple squad calls that were not necessary because the equipment was providing inaccurate readings. There was at least one case that panicked the patient who saw the reading and was worried but it turned out when we used our calibrated equipment on the rescue squad the readings were incorrect with the automated equipment. Again, with our research there were no other Community Paramedicine programs using this automated equipment anywhere else and were doing things differently. Recently when we met with the County and the health department, they were interested in statistics, well with only six people or so in the program we did not have much statistics. Up until this point they had never met with us or asked us to collect certain pieces of information so there wasn't information that we could provide them going forward. That leads us up to today, we had very few people enrolled, even fewer people that were benefitting from the program, problems as he mentioned with the equipment, no data to give back to the county to validate whether this was successful or not largely based on our population and in the end through this process we really came to the conclusion that not only do we need more people but, this may be something that is better regionally based out of a hospital or the county versus individual fire departments. Mayor Graven stated that we were willing to stay on until April 1st but there were a couple of individuals with the county that determined to end the program now. The county will also re-access the program. He asked Mr. Kimbro to discuss the cost if a full time fireman would be added for the program. Mr. Kimbro stated that the original thought was that this program would hopefully bring on another full time firefighter but that is a \$50,000 or \$60,000 base salary plus benefits and would be \$75,000 to \$80,000.

Mr. Miller stated that Mr. Kimbro mentioned that this program might be better through the county, was there any indication that the county was pursuing this. Mayor Graven replied that there was discussion regarding county wide rather than individual cities and will be re-accessing the program. Mr. Kimbro indicated that he did offer to provide any help with the lessons that they have learned.

Ms. Jones stated that she spoke with the people at the county, as this one of the programs she supported, and they told her that like it has been previously stated the city would stay until April but you didn't like the way it was and that you wouldn't commit past April. So, the County decided to pull out now, why put money into a community that doesn't want to keep it past April. Mayor Graven stated that he was willing to stay on until the end of April. Ms. Jones stated that last week the lady on Mapleway pushed the button and Phastar responded and went to her house because she was having trouble breathing and gave her oxygen and then they called the doctor's nurse. So, she guesses that we have stopped servicing the people as Phastar has been servicing them. Mayor Graven indicated that they were not supposed to be. Ms. Jones stated that the data goes to Phastar. Mayor Graven indicated that was another problem; the data is going to Phastar with no hook up to the fire department. When people tried to get ahold of Phastar, obviously people sleep at night, the fire department would never get the call. Ms. Jones stated that they responded to the lady on Mapleway last week and took care of her. She stated that Ms. Vrettos was involved in the startup of the program and she brought her here to give a perspective because Ms. Vrettos has more information than she does.

Mayor Graven asked Ms. Vrettos what her position was with Phastar. Ms. Vrettos replied that she does not have a position with Phastar, she volunteers for Phastar, but does not have a paid position. She knows that has been an assumption that is really not correct. Ms. Jones indicated that Ms. Vrettos was never on the board and is not now.

Mr. Haviland asked the Law Director is it was appropriate for Ms. Vrettos to speak as there are normally no audience comments. Ms. Jones stated that this is a work session for Council. Mr. Bemer indicated that if there is someone that could impart information that would help the work session then by all means call on that person, this would not be a normal citizen response.

Ms. Vrettos stated that most of Council knows her, her name is Bess Vrettos and use to be an employee for the City of Olmsted Falls, she did special projects under Mayor Donegan. One of the projects she worked on was we were looking to form a wellness on campus within the City of Olmsted Falls, through that process of exploring that we were educated on the Community Paramedicine Program. It was presented at a Northeast Ohio Fire Chief's seminar that they invited us to and she and the Mayor looked at each and said this looks like a good fit. She wrote a grant with Drew Ferguson of Phastar to the State of Ohio and it was funded for \$50,000. That grant and many members of Council were invited to the training session that was provided by that grant. That grant was meant to be an exploratory grant, it was meant to be a grant that allowed us to look at the benefits of Community Paramedicine and if Olmsted Falls was an appropriate community to have Community Paramedicine in as a pilot project. The State thought it was a good program, they funded the program, as she said for \$50,000. We brought in Patrick Swayze, from Pittsburgh who is known as one of the experts in Community Paramedicine, we hosted the seminar at Southwest Hospital, and Southwest participated in the seminar as well as people from Columbia Township and some members of Council at that time as well as some state rep's that came in as well she believes Dolan was one that participated. We took that money and started to develop a concept of what a Community Paramedicine program look like would? Ms. Vrettos indicated that she reached out to Drew

Ferguson at that time because she had Drew as a client in 2010 and she worked for him for approximately 3 months in developing what would Phastar a non-profit because we were opening up a school called Davis Aerospace and Maritime High School in downtown and it was with the Cleveland Public School District and we formed a private/public partnership. The school is open and running. In fact today we hosted all the admirals in the county at a luncheon and seminar for the students and we are really proud of that. From there, we wrote another grant now that we had done our research and put some things together and we wrote this grant to the County and she and the Mayor went and presented it to the county. The county funded us another \$50,000 to do a test pilot. We decided in the test pilot that it would be premature to hire anyone full time for the position, because again, this was a test pilot and at the end of the test pilot what we were hoping to do was produce a manual of how do you create a Community Paramedicine Program in all the communities. So, a standard operational procedural manual that would help them, each community would have a different audience that they might be serving but the administrative structure would be there. Cleveland Heights was interested in doing this were infant mortality, Berea was interested for seniors so there was a mixture of needs out there but we needed to have a set guideline on how to roll it out. We decided to go with two part time community paramedicine officers in the City of Olmsted Falls. From the first grant we left \$9,000 in the budget on the table that was to pay the community paramedicine officers until the end of April because they were to be working 20 hours a week and she believes it was at \$25.00 per hour and that was going to be a sufficient amount of money. She thinks that, her understanding was that there were 10 people that were enrolled in the community paramedicine program. In addition to that, we wanted to put a wellness center out here in city hall and she went to the Cleveland Clinic and she requested the Cleveland Clinic if they would like to have naming rights of the kiosk, they said yes. She asked them if they would be willing to pay for the licensing fee and the equipment plus a signing fee for the kiosk and they said yes. We negotiated that they would give us \$3,500 as a signing fee for the naming rights and that they would give us \$1,300 a month plus supply a laptop so that we could do tele doctor visits with patients that might need them that they would be referred. With that money, that was the \$1,300, the Olmsted Falls Senior Center the Jenkins Center, if she remembers correctly and recalls correctly, would have ended up with \$9,000 because what wasn't used on the kiosk was earmarked to go to the Jenkins Center as a donation from the Cleveland Clinic and there was enough money there to maintain the kiosk for the licensing and maintenance of that kiosk. Then, the next thing we did was we engaged the legislator down state because we saw that an issue was how is this program going to be able to keep itself going and energize itself and that was a major concern because you didn't want to create a burden for the city while enhancing services for the residents.

Mayor Graven apologized for interrupting but due to the fact that firefighter Kimbro needed to leave in order to attend another meeting he asked if Mr. Kimbro could speak again and then resume with Ms. Vrettos. Ms. Vrettos stated that she would like to finish her one comment, if she may. Ms. Vrettos stated that Representative Patton, at the time, after she spoke with him because of his involvement with firefighters thought it was a good idea, and the legislation that changed the role of EMS workers, would introduce legislation for us in Columbus that would allow communities to be able to bill Medicare and Medicaid for services provided by a community paramedicine program. The reason that was a good thing is Medicare is burdened right now, when you have a transport to the hospital or someone is admitted or goes into the emergency room that is 40% of the bill versus 40% of a bill that is an in-home visit that's maintaining the person in the home and lessens the burden on Medicaid and Medicare so it was a win/win with everyone. That bill is in the legislator right now H.B. 197, Senator Patton is the sponsor and is giving sponsorship testimony and we will be going

down and testifying for the proponent's portion of that. With that she will stop and pick up after firefighter Kimbro speaks.

Mr. Haviland asked if Firefighter Kimbro had anything to add. Mr. Kimbro stated that we talked about statistics which he planned to bring tonight but with the change of administration we were locked out of the software and does not have the statistics. He indicated that we talked about 20 hours a week and we staffed the office whenever possible but often we would be there for an 8 hour day but have about an hour or hour and a half of work to do following up with people, sometimes a visit, and then we were there basically waiting for the phone to ring again so few people were calling. We did get probably, he doesn't know the exact number, 20 or 30 interest forms from the Jenkins Center but it turned out when we called them back either they had no idea what they filled out, were not interested, one person even hung up on us. So, most of those leads led to nothing which is how we got back to about six or seven people in the program. Mayor Graven stated that after their meeting with the county it was the consensus of the fire chief, the fire union that this program was not working out for a city like Olmsted Falls. Both the union and the fire chief did not want to continue on past April 30th. Ms. Jones stated that maybe after Patton's legislation gets passed and it becomes part of an EMS job.

Mr. Bemer stated that he appreciates firefighter Kimbro filling in the details. What he received from the fire chief was that the city does not have the clientele for this to be an effective program. It was earmarked to have up to 30 individuals and there were about 45 people that attended the meeting and signed up, but they only got three people that were interested. There were issues as to if this was really appropriate for Olmsted Falls. He stated that Bill Young indicated that we do not have the medical clientele here in town for this to be effective program; it certainly maybe where you have a high incident of 20% to 25% of seniors who have health issues. There is a derogatory comment for individuals called "frequent flyers" and they call EMS all the time and it's unfortunate because they do not have a good family support system. Usually you have a combination of illnesses, congestive heart failure is always one of them and kidney disease is the second. He is sure that they have their own cuffs already to monitor their blood pressure, and their physician will tell them if you feel ill, your light headed call EMS. The other clientele is obese and they fall and can't get up and they call EMS. You do not have that here so the program was ill suited for Olmsted Falls. It certainly may work in a larger community but not in Olmsted Falls. So, this was Chief Gluss' decision, it is not working here. Ms. Jones stated that Senator Patton's legislation was going to require all EMS to be prepared to do that in the future. Mr. Bemer stated that was fine but again it is not here.

Mr. Haviland asked if any Council members had any questions for Firefighter Kimbro. Mr. Miller stated that as in our agreement to terminate the program he is assuming that the city is not just walking away from it; he is taking everyone at face value here but it would seem like this was a test pilot to see how this would work out, are we still planning on putting together that blueprint like Ms. Vrettos talked about in terms of a community. A lot of what Firefighter Kimbro and Mr. Bemer said that this doesn't work out in a community our size would be interesting and helpful in putting this test pilot together for another community moving forward so you do not have another similarly situated community running into the same pitfalls we have. Mayor Graven indicated that he informed the County that if they needed any help we would. Firefighter Kimbro stated that we will provide whatever we can to the County both input and what we have learned, the other part is right here in Olmsted Falls even though this approach did not work we did identify these two or three people that we can take a different approach too and refigure how we can visit these people and keeping touch. Mayor Graven stated that he will meet with Chief Gluss to discuss a program that is specifically

tailored to our community that our fire department can run as long as everyone is on board including the fire union, chief, and paramedics out in the field. Mr. Miller stated that hopefully we can also share those insights. Mayor Graven stated that he would be able to tell Mike Gallagher what was working better in our community.

Ms. Vrettos stated that from her perspective being the employee in the city that was overseeing this program it gives her pause when she hears someone else's perspective and she is sure that the reality is always somewhere in the middle and we need to be objective about that. However, to her knowledge it is not an accurate statement to say the community of Olmsted Falls is not an appropriate community for a test pilot program. Nobody, while she was here, was asking the community to adopt this program permanently. We were looking at it as a test program until the end of April at which time the city would make an evaluation of whether or not it was in your best interest. In addition to that, there were 30 patients on the platform from the Cleveland Clinic who were ready to be brought into the program, however, and she wants to be politically correct here so please forgive me she does not mean to offend anybody, but with the type of election cycle we had going on the pause button got hit and there wasn't that cooperation because people were hedging their bets in what was going on, and that is understandable, and didn't know the longevity of the program. Mr. Stibich asked when Ms. Vrettos says "hedging their bets" do you mean the 30 people that were signed up. Ms. Vrettos replied no staff, staff. So, in December we came to find out that basically Olmsted Falls had stopped going out to service the people that were part of the community paramedicine program and the log in information that Phastar has, because every time you went out you would log in and capture that information so we would have that database, we will show that, so Phastar was doing that work. Phastar continued to do that work in October, Mr. Kimbro went on vacation and Dean the other community health officer was on family leave, and during that three week period of time Drew was the one going out and doing the evaluations and servicing the people, and not charging the city for that and continued to do that in December. Mr. Bemer asked if Drew was a medical tech. Ms. Vrettos stated that Drew is present and is EMS. Mr. Bemer asked if he was a certified EMS guy. Ms. Vrettos replied yes. Mayor Graven asked how much Phastar was paid out of the grant. Ms. Vrettos indicated that she would like to get to what she would like to say and would be more than willing to answer any questions from what she has knowledge of. With that those 30 people never got activated, we were told "it was the holidays and we didn't want to go in and bother them with the holidays and we didn't want to do these things." So, with that said, you ended the program as far as she understands it and Phastar was given the message by text that they had three days to get their equipment out of city hall and that the program would be terminated and that their contract was terminated. Upon doing that, because they are dealing with HIPPA issues that database gets shut down at that point or else we will be in violation of HIPPA issues. The reason that this particular vendor was used with the equipment was that the Clinic had a history and working relationship with them and when you are putting these kinds of partnerships together you are trying to ease everybody's hiccup and everybody's heart burn on it and bringing people that they might have a comfort level to. They understood the Clinic and what the Clinic's need was, they even understood Southwest because she believes they may have done some work with Southwest as well. They helped us write this program and develop this program so that we would be able to merge the two hospitals together and run two separate pilot programs. It is her understanding, because she went out last week and visited the participants that were in this program and remain in this program because she wanted to get their testimonials because it gave her a little bit of heartburn when she heard that it was being reported that there was only one patient when she was told the whole time she was here there were 9 to 10 patients. So, she went out and met with four of these people, none of them had been notified that the program had been terminated, none of them had been given any alternative support, and

Phastar continues to service those people and the equipment still remains in their home. That is her perspective that is where she kind of steps out of it at this point. She wants everyone to know she has been a volunteer with Phastar since 2010, that was very transparent and open to everybody, everybody knew she was working on opening a school with them and she is very proud of that relationship that she has. She stated that Drew Ferguson is present and just so everyone knows, Drew Ferguson is an EMS worker, a firefighter, and in addition to that Drew designed a community paramedicine program for Summa and that was how she went to Drew because she knew, through her volunteer work with him, that he had the expertise that would help us build this pilot project. So, it was never based on his master's paper or thesis it was that we were coming in and developing a new program.

Mayor Graven asked how much Phastar was paid out of the grant money. Mr. Ferguson asked which grant money. Mayor Graven replied the \$50,000 from Ohio. Mr. Ferguson replied the LGIF grant. There were three disbursements of \$10,000; \$15,000; and \$17,000. Ms. Jones asked if it was for leasing equipment. Mayor Graven stated approximately \$41,000. Ms. Vrettos asked if Drew could be detailed on what that was for. Mayor Graven indicated that was fine. Mr. Ferguson stated that he has not met a lot of the individuals present. He is walking into this and he is still shaking and his heart is racing because he does not know a lot of what is going on. He has done nothing but try and remain flexible, this was not my thesis, his thesis was a very straight forward program but we continued to adjust the program to meet the intent of the LGIF grant that we submitted on behalf of Olmsted Falls. Ms. Jones asked how much of the grant was used for equipment because from her understanding most of it was for leased equipment and there is still \$9,000 left in the grant that pays the people who went out to the places. Mr. Nogalo indicated that he does not know the balance of that fund.

Mr. Haviland asked Mr. Ferguson if he was still going out to service these patients right now. Mr. Ferguson stated that he is finishing the pilot project. What we proposed here was a pilot project. He is from Chagrin Falls originally, he is a 25 year firefighter at Chagrin Falls, maintain firefighter and EMT. The reason Olmsted Falls worked is because it is a combination fire department, you have both full time and part time personnel. We were not going against existing union policy, at the advisement of Chief Gluss, and that we were offering part time guys additional work in order to complete this pilot project. This pilot project was to run from October to May. Again, whether it was six patients or 30 patients our hope was to gather data and track individual health care to assess whether or not something like this would work. This was not a project that would lead directly into community paramedicine permanently, the Mayor, at the time, expressed interest in running this pilot project with Cuyahoga County and we were going to use the data from this to see how we could improve it. This is not a perfect program, it was never intended to be perfect from the start it is a pilot program. We took the feedback of each of the community health officers, the fire chief, and of the Mayor to identify what worked and didn't work. In the initial proposal to the State of Ohio we were going to purchase a server, create a patient database in city hall and then conduct our own work on a database. Well because LGIF will not cover the purchase of hardware it will only cover service and leases we adjusted the grant to make sure that we could get a patient database that would be HIPPA compliant, backed up, protected, non-evasive so we could retain the patients in a secure format with some insurance that we don't get into trouble if it was ever hacked or corrupt. We kicked off well, we've had our successes and he asks that you reach out to the folks in the community and ask if they like it or not. Is it perfect, no it's a pilot project this is research this is designed to figure out what the next step in health care is. He has been adamant from day one that this remains fire department based because he truly sees as reimbursement becomes available for community

paramedicine you are going to see your private ambulance services and your hospitals getting into the business of EMS in order to make money and the day that our firefighters and fire departments loose EMS we lose a significant revenue stream and we go from four or five firefighters in a station down to two or three because there is no revenue stream to support the fire services if EMS is separated from it. This has always been a fire department based program. He thought he had a fantastic relationship with Chief Gluss, Randy Kimbro he fought for as he worked with Randy on multiple communications projects over several years and Dean was the new kid to the game and he did absolutely fantastic, he could go through his records and how he documented and worked with patients, he was more handsome than he was so all the patients are asking now “where’s Dean.” Mr. Ferguson stated that Dean had a much better rapport as the young handsome fireman. Regardless of what happens Phastar is committed to seeing this project through. He has been a firefighter for 25 years, was the chief pilot of Metro Lifeflight and was there for 8 years, he worked for the Cleveland Clinic as a life flight pilot and program manager and now he is opening up a high school in Cleveland and doing this community paramedicine because he believes it is right; he thinks its right by his brothers and sisters who are in the fire service. As we took on the EMS role in the 70’s and 80’s into the fire service he thinks that we need to assume this role moving forward and that is why he has always been a proponent. He does apologize as he is late to the table and wishes that as the conversations had happened he would have been involved earlier because he really has nothing to hide. He believes over the 22 months he has been doing this project Phastar has actually billed just over \$13,000 and if you work it out to his hours he is working at about \$10.00/hour over two years which is not a significant amount of money for any kind of consulting work or even a firefighter is making better than that. There has been no financial gain to this and he is very committed to making this happen because he thinks it will change the fire industry and he hopes that we can at least continue as a partnership through May; beyond that he has no problems if we go our separate ways. Again, with limited resources and an ineffective billing that is currently happening this may not be sustainable but we have a funded program that would have completed all the way through May.

Mr. Haviland stated that his understanding through his conversations with County Councilman Gallagher is that there was an effort, and discussion, to continue this program and is something that the Mayor knows he was advocating for during their weekly discussions. He indicated that it seemed clear to him that some of the structure of this pilot program was not working and was recognized by the County despite the efforts that it was a pilot program. Maybe with Patton’s ordinance that changes things would make this program work easier for the unions and everyone else. A lot of good work was done. The County has said that they are re-directing this so going back and continuing this is not possible. So, what he wants to make sure is that Council gets some clarity, and does not know if can happen tonight There has been some great testimony and would like to know what Phastar is still going to do; what is happening with the patients that are still out there; and making sure that the accounting with these grants is accurate and there isn’t anything that isn’t being disbursed properly. Mayor Graven stated that Councilman Gallagher assured him that any money that we have outstanding the County will reimburse. Mr. Haviland stated that he would like to know what they are going to do with the data that we have and what Phastar is still doing and believes that is something we can still look at beyond this work session.

Ms. Vrettos stated that Phastar still has an outstanding debt because of the agreement as they leased equipment. Out of the \$41,000 \$13,000 went to Phastar as payment and she believes she sent some of Council a detailed spreadsheet as to how the money was used. City Hall was made wireless through that grant; the equipment was purchased through that grant; and if you go back a couple months ago there was a detailed bill that was submitted which she believes Councilman Stibich

requested information as to what was on that bill was and the dollar amount. She also believes that was broken down and read into the record so you might want to go back and look at that. She also believes she has a copy of those minutes and what was said and what that bill was for. She does not want anyone walking out of here thinking Phastar walked away with \$41,000; they walked away with \$13,000 and the rest of the money was placed into equipment. But, there is still an outstanding lease and now Phastar, a non-profit, is assuming a \$15,000 debt because that contract was not terminated properly. Ms. Jones stated that because our agreement to them to lease the equipment will show \$15,000 we really owe them \$15,000 for that leased equipment to the end of the term. If we get out early they are stuck paying that lease because they signed for the term.

Mr. Bemer stated that he does not have any documentation to that affect and would refer to the finance director. All he knows is that the city paid Phastar \$68,000 over the last two years, we have those figures and we are not sure what we got for the money. So that is something that we cannot address right now because we don't have those figures. Mr. Haviland stated that it was also made clear by the county that they were going to figure out how to continue the work and save the data. He wants to make sure that the grant funds, whether state or county, are accounted for. Mr. Nogalo stated that he has been focusing on the expenditure side due to department budgets and does know that the Phastar expenditures come from primarily the 139 fund which is called the Community Paramedic fund. That fund has a \$50 balance at the end of 2017. He does not see all the grants deposited in that fund. Again each fund is like its own little checkbook and this fund was not in existence in 2014 and 2015 as it was established in 2016 which he is assuming is to account for this program. There was \$2,000 initially paid in 2016 to Phastar out of the general fund then the remaining amounts were out of this special fund. Over the next few days he will look to see where the grant monies were deposited. Ms. Jones stated that she does not believe the city received the county funds yet. Mr. Nogalo stated that the only revenues he sees in this fund is \$31,825 in 2016 and \$55,922 in 2017 so that is \$86,000 that may be the grant but is unsure until he can research. Ms. Jones reiterated that the city has not received the county money yet. Mayor Graven asked how much was paid to Phastar in 2016 and 2017. Mr. Nogalo stated that there was \$27,000 in 2016 and \$41,200 in 2017. Ms. Jones indicated that was mostly for equipment. Mr. Ferguson stated that his total is \$67,700. Mr. Nogalo stated that his total is \$68,200. Mr. Ferguson stated that the \$2,000 was the initial fee because we submitted about six or seven grants on behalf of the city of which two stuck and in the grant writing world that is pretty good. Mr. Nogalo stated that the total would be \$66,200 paid to Phastar outside of the general fund and \$2,000 from the general fund for the onset of the program. Mr. Ferguson stated that a portion of the \$2,000 was from the Fairview Hospital agreement because they committed to the Kiosk sponsorship; we were providing the Kiosk for \$1,000 per month and \$1,500 for the setup; the city billed \$3,500 for the setup and kept \$2,000 on the initial purchase. They are also receiving \$300.00 per month to keep the Kiosk on site so they billed through January or February and had us remove it last week. Again, we are just a service provider, he was not involved in the kiosk, per say, same equipment provider as the in home assessment, but that is a separate agreement with Fairview Hospital that we helped to facilitate that he believes has been terminated. Again, that was cost neutral plus \$300.00 a month. There are four different funds, \$2,000 out of the general fund; and then \$41,000 out of LGIF; leaving \$9,000 for the Pittsburgh consultant who the International Association of Firefighters as well the Northeast Ohio Fire Chief's brought him in so we directly consulted with him for \$2,000. The other amount was because you couldn't get wireless so we couldn't get a lot of this stuff setup so we were provided that as part of Community Paramedicine. Technically the wireless and everything here was part of the lease but we are not going to grab everything and run out because again, he thinks there is still good to be had here. He went from the fire service to flying and then public health. He thinks that we have a broken health care system and

he remains committed to try and figure out innovative ways to doing this. He wishes he could have been at the table the whole time, he tries to keep himself distant from the world of politics but it just doesn't happen. He does not want to be seen as a legacy program of the former Mayor because we worked real hard to maintain that neutrality. We are working with the Cleveland Public School District which spans Mayor's in the Cleveland. He hopes that we can figure out a way to finish this because there is some very good data. The individuals that we are seeing here are very appreciative. One he was sitting with on Friday was contemplating dialing 911 and it was because we gradually watched her weight change. She thought the scale was program but it was not she was genuinely having a health issue. So, we are taking care of people and he would ask that Council consider finishing the project which goes through the end of April, it is fully funded and does not believe the City will take a lose by completing this program.

Mr. Haviland stated that his understanding of the conversation he had from the meeting held with the County Councilman there was an agreement that the program will be shifted from here. He is not sure that the city can reinstate it as it was. He would like the Mayor and Law Director to make sure, at whatever extent we can, we provide the information that maybe necessary for the reporting, making sure that no one is not left whole on this, and if there are any grant requirements we either expend or give back. From his understanding it is the county that needs to craft where we go for the next few months. So, he would like to know how this will work out so the city does not leave the program broken and the residents not served. This information was very important to hear, from both sides, and he believes that the city will be open to this type of a program in the future when the legislation aligns with resources. Mayor Graven stated that he was a firefighter for 30 years. He completed an assessment of the program and did not make this decision alone, he met with Chief Gluss, firefighter Kimbro, and the union. We completed an assessment and the bottom line, if the firefighters said this was a great program of course he would follow. He believes in fire based systems he is a third generation fire fighter, but, the bottom line was after having a great open discussion with the union, the chief and the county we all decided it would be most appropriate to re-assess and we offered to the County to stay on until April 30th. The county decided to move on and re-assess. Again, he speaks to Mike Gallagher once a week there is open communication and he is willing to listen but after sitting down with the union and the fire chief everyone thought this was the best course of action for our community. Again, what works well in Olmsted Falls or doesn't work well here might in another community.

Mr. Haviland stated that it was a collective decision and he believes the Councilman wanted that to be made clear to him as well, so it was not a unilateral decision.

Mr. Ferguson stated that he has a copy of a letter that was sent to residents to let them know that the program was cancelled. As far as Olmsted Falls is concerned Phastar will continue to see these patients through the duration because there is still very good information to be obtained and they are benefitting from it. He stated that he also has three (3) outstanding invoices at this point, if the county has agreed to make you whole, whether that includes paying off this amount or whether we have to go to the county afterwards, please let him know. As a part of the project we committed, this was a front side commitment for equipment. Asked a non-profit to work with the city, acquire equipment for a six (6) month pilot project, which we did. This kind of expenditure takes away from other programs that we are doing. Ms. Jones asked if he knew the amount. Mr. Ferguson replied just under \$15,000 and he will waive the remainder of it. He distributed copies and asked if the city could submit that and if the city could make it whole he would sincerely appreciate it. But, we will be taking care of the residents here and again once it is all said and done we will share that information

and he does think that a lot of folks will benefit from what Olmsted Falls did. He believes that within a year we will be back and hopefully helping Chief Gluss set up a new program.

November 2016 Charter Changes to Sections 4.03 and 5.03

Mr. Haviland stated that he would like Law Director Bemer to begin this conversation. Clearly this is something that we had a lot of questions about and we have some concerns and there were concerns about personnel issues and decisions that were made that directly relate to this. This will be an important topic to discuss and again we will let the law director start and then Council will begin to answer questions.

Mr. Bemer stated that in the memo and support documentation he did some research to identify the concerns a couple of the council members had regarding the Mayor's authority to hire and fire without councilmanic approval. The charter amendment that went to ballot in November of 2016 in Section 4.03 specifically revised the mayoral appointment and termination authority to include without councilmanic approval every employee except directors and commission members. In the discussion in some of the minutes he reviewed also of concern was both city council and mayoral appointments over civil service appointments which come under the umbrella of civil service law. There was also a very clear and concise well done flyer that went out from the Mayor's office to explain to the electorate the nature, with the specific language of the charter as it would be recommended to be adopted and Council received copies. You can see what language was excluded to give councilmanic affirmation over those city employees who were not directors or commission members as that was specifically deleted. That seemed to be a pretty clear demonstration of the charter amendment. Ms. Jones but the copy of the charter she received did not say that. When she received her new councilman packet it had the charter and other stuff and she read it all and it wasn't in there like this is here. Mr. Bemer so the question is whether Walter Drane had implemented the amendment. Ms. Jones indicated that it hadn't been. Mr. Bemer indicated that he cannot speak for Walter Drane. Ms. Jones stated that the charter she was provided and the copy she received for Charter Review did not look like this and that is the truth so that is all we had to go by is what we were provided. Her first question is that there was a mistake in the Charter update in 2016, which is a given, but, can we just go back and change it because it has been two years as provided. Mr. Bemer asked what mistake Ms. Jones was referring to. Ms. Jones stated that this little asterisk was not stricken out on the charter that was online and provided to us. Mr. Bemer replied that the only mistake was Walter Drane not updating our charter, which does not diminish councilmanic approval of the amendments to your charter with amendments to the electorate. The way the process works is the law director presents the issues, presents a copy of the proposed language of the charter amendment to the board of elections, the board of elections communicates with the prosecutor's office and they come up with a laymen's term of how they want the language to be. He has gone through this process before and he has seen language that he said "I don't really like that" and was told tough this is the way it is. That is what you get when you have a multi-layer process of something that goes to the ballot. Ms. Jones stated that this will happen again this year as it is a charter review year and the commission will come up with proposals and the law director will have to write it to present to the board. Mr. Bemer replied just like what was done by City Council. The process was obviously quite deliberate; he say that it was passed in June of 2016 and there were some council members that had concerns about it and there was a vote to reconsider this amendment that motion to reconsider was passed so it went back to Council in August and Council again passed it again by a vote of 5 to 2; from that point it goes to the board of elections, they put their language together and it goes to the ballot. So, he does not believe anyone was deceived or was any mistakes.

What was very significant was the pamphlet that was prepared it had the exact language, here is what you are voting on. Ms. Jones replied yes it did. Mr. Bemer stated that there are a lot of communities that do not use Walter Drane. He stated that Walter Drane is a convenience because it's then online for everyone to tack onto but there are a lot of communities who do not use Walter Drane and they are charged with the responsibilities you go to the official Clerk of Council.

Mr. Miller stated that the Charter that is online currently through Walter Drane has not been updated and he believes that is a big part of the misunderstanding that has gotten us here. The Clerk indicated that Walter Drane has been contacted but no updates would be made until this discussion was concluded. Mr. Miller indicated that it was not the Clerk's fault at all. Ms. Jones stated that she received her copy of the charter from the Clerk of Council.

Ms. Duncan stated that she would like to be clear on what are the positions of directors or rather what city departments are established by charter. She stated that it is obviously in the charter but she wants to know. Obviously it is the law department, the finance department. Mr. Bemer stated that there is a compensation ordinance. Ms. Duncan indicated that was separate. Mr. Bemer replied that Council has established positions that are directorships. Your charter is your constitution and it basically can as a Home Rule authority be consistent with the state constitution or it can deviate from the state constitution. So, you have significant positions that are identified by Charter and you are going to have other positions that maybe identified by state law that the charter is silent on or by councilmanic action. So, you look at your charter and then look at your last compensation ordinance which he believes is 10-2017 and you identify your positions. Ms. Duncan stated that Council's authority, as far as directors are concerned, are not just finance, service, safety and law. Mr. Bemer stated that there is an economic development directorship that was created some time and is in 10-2017, he does not know if it existed prior to that point in time. Ms. Jones stated that the Jenkins Place was called a directorship. Mr. Bemer replied that he does not believe so. Ms. Jones stated that in his filing with SERB he said that the reason that they could not be in the union because it was the director of Jenkins and director of economic development also known as community liaison. Mr. Bemer stated that the filing was completed three (3) days after he took the position. Mr. Stibich stated that just having the name director doesn't mean that it's a directorship it is required to be elected by Council by charter. So, if it's in the charter that they have to be elected that is what is covered.

Mr. Miller asked Mr. Bemer to clarify what Mr. Stibich stated that just because somebody has the title of director that is not a charter granted directorship. Mr. Bemer agreed. If it was a councilmanic action you have the authority to create positions and adopt a salary structure consistent with that. There are directorship's that are identified in state law and usually most charter's will mirror those directorship's but communities can do everything from a senior center director, recreation director, human resources director, parks and rec director, you can do whatever you want according to councilmanic action and set a salary for that as you have that authority.

Ms. Jones would like to know if the employees were fired or laid off. Mr. Bemer stated that these positions were laid off from a standpoint of intended mayoral decision to consolidate three positions into one which would be the new economic development director and those three (3) positions were the special projects coordinator, the business and community relations manager, the assistant manager in the same department. These three (3) would be consolidated into economic development director because grant writing was done by the business and community development manager as well as by the special projects manager and then there was an assistant but we are not really sure he was doing. There was also public relations being utilized we saw at times by the special projects person, we saw

some documentation, she was even involved in some public records and press releases, special liaison to the mayor. We saw those two (2) primary positions given the significance of the change in administration that we were able to find one person who has the ability to do those two (2) main positions and not need an assistant. Ms. Jones stated that for reference before you can consolidate jobs into one position 9.02 says that you have to have approval of Council so you would come to us and state that you wanted to consolidate. She understands that you are doing a whole overhaul but we need to know in advance. Mr. Bemer stated you just would not fill those positions. You have to understand the distinction of what city council has authority over the budget and you have direct responsibility to be accountable to the citizens on the management of budget. Ms. Jones indicated that 9.02 states that if you are going to change job descriptions or combine job duties you have to get permission of council prior. Mr. Bemer indicated that he would research that section. Mr. Haviland stated that he would like Mr. Bemer as Council is being asked to take action on Tuesday for the new consolidated position. Ms. Jones indicated that this is after the fact and should have been done beforehand. Mr. Bemer stated that positions are not being filled. Ms. Jones stated that the duties are being assumed by someone else so you are taking the project coordinators duties and this ones duties and making it a new job and that has to be prior approved by Council with a salary range for that job. Mr. Bemer read 9.02 which states "Council may by ordinance establish additional departments or divisions thereof and provide for the organization and duties thereof. With the exception of the departments established by this Charter, which shall not be combined. Council may combine or abolish any department..." Council can establish another department if they want that has nothing to do with eliminating, according to 4.03, other non-departmental positions. Ms. Jones stated that it states that Council may combine or abolish any department, division, non-elective office, or job classification and may authorize one person to serve in any capacity in two or more departments or divisions when such positions are not incompatible. But, it says job classification combine or abolish department, division or job classification. Mr. Bemer stated that you read that in total what we are talking about is creating new departments. This is new departments. Ms. Jones replied or job classifications. Mr. Bemer stated that in his opinion this is talking about departments and if you want to establish a new department, yes you will have new classifications or probably new job descriptions in that new department. Mr. Haviland indicated that the economic development director position has been used before by the previous Mayor. He stated that Council can take this into consideration when asked to take action on Tuesday on the new economic development director.

Mr. Haviland asked if there were any further questions regarding what happened with the Charter and the sections that we looked at that led to some misunderstanding and the gray area. The Mayor has clearly stated why he made the decisions and why he had the right to make the decisions he made no matter how difficult for anyone to receive. He operated under the charter and the law and unfortunately we did not have an updated version.

Ms. Nicolay asked if anyone that was let go considered for the new position that was created before someone else was brought in. Mr. Bemer replied no, we did not think they had the qualifications. Mayor Graven stated we did an assessment and over four weeks he reviewed everyone. He had to make some tough decisions; he did not like making them but was something that had to be done. Mr. Stibich asked if the Mayor evaluated their qualifications. Mayor Graven replied that he evaluated everyone over four weeks. Ms. Jones stated that she thought Bev Smith and Kitty Fenderbosch did the evaluations. Mayor Graven replied that they did help him so it was a very thorough and well-reasoned and we took our time with the evaluations. Mr. Bemer indicated that Bess did not return to work so she was considered job abandonment and figuring out what she did that position needed to be filled as mayor's liaison. So, we looked at what the position that was held by Rosann Jones and what

James Riddle did. They were both asked to tell us what they did and what they were working on. It became quite obvious that whatever they were doing was far and away of a lesser significance than what they should be doing to qualify their job description, he would take that statement back as Ms. Jones did not have a job description. That was some of the background that went into finding out. We thought Ms. Jones was the grant writer but then found out that she did the lesser stuff and Bess was the primary grant writer. When we asked Ms. Jones what she did and to document it she had nothing other than a list of here is everything that she has done in her tenure and here is what the amounts were. A lot of void from her in that regard so the question is we need to find someone and we knew what the Mayor's candidate is and what she had done in the past and thought this would fill two positions. Mayor Graven indicated that he did not make these decisions on day one, he took four weeks, he the law director and two volunteers helped with the assessments and we took our time. He felt and the law director feels that we did a very thorough review, we did not make rash decisions. It was very tough and he would love to keep everyone but as well all know we do not have the money to keep everyone and he had to make some tough decisions and it was a tough day. Mr. Bemer stated that we did not discuss the Jenkins Place. He comes with the capacity that in his other position and make no bones about it Rocky River has a Cadillac senior program. So, what do the two ladies at the end of the hall do? Well, here is their schedule, they play scrabble and pinochle. Ms. Jones stated that they do water colors. Mr. Bemer asked Ms. Jones if there was a problem and asked that she not interrupt so much, he respects her time and asked that she respect her time. So, that's what their programming was and when we looked at the numbers there was less than 50 people a month coming to their department, most of the time if they had a luncheon or something, cause there's very little activity going on. So, he asked if there was a silver sneakers and the answer was yes but it's next door. He then asked about Meals on Wheels and the answer was yes we have that program but it's next door. He asked where the rec program was for the kids and teens. The answer was that's next door. He then asked what was next door and the answer was a community center which is a 501c3 and it used to be all together but there was a decision made to separate. He then stated that we needed to find out how to create this public/private partnership again because it seems like the apparatus is already in place and this other community that he is familiar with he asked how many senior volunteers did the city have and the answer was none. Again, the other community is a larger and double than Olmsted Falls but they have a senior volunteer appreciation day, they have enough senior's, eight in particular, who are volunteers, 16,000 hours which is the equivalent of eight full time employees helping out why not have a senior volunteer program and everyone thought that was a good idea. So from there, nothing was going on at the Jenkins Place we started talking to Donna Winter and Ms. Winter said it would be great and would love to come back as she use to do that. This seemed to be a brainless decision and Donna Winter back and to consolidate again and coordinate your rec program with your seniors and have someone that will then do the private flag football and softball leagues and work with the schools. It was not a hard decision a "dim bulb" went on and this is what we need to do. Mayor Graven stated that after Mr. Bemer brought up volunteers he did find some senior volunteers to help up to save the city money. Mr. Bemer stated that Jenkins Place came up with Ms. Winters and asked about the Jenkins Place and it is a great asset and we will continue as is.

Mr. Haviland stated that there were concerns regarding what the use of the new renovated facility that is well-liked by our citizens would be. He indicated that the Mayor did tell him that he is looking at the private/public partnership in an effort to increase efficiencies and save money and what the Mayor is planning on doing with the facility at the end of the hall. Mayor Graven stated that obviously we want to keep the facility, we are going to try and make improvements, and try to eventually expand the hours. Our goal is to make it bigger and better and save money with the private/public

partnership instead of duplicating services. We will attempt to obtain two goals; improve it and save money at the same time.

Ms. Jones stated that she would like to explain why it was split. First the senior had to have stair access but she does not know how it is next door and they wanted something where they could have ADA accessibility. You can get federal money and monies through the county but you had to have a low income designation our seniors are automatically considered low to medium income designation whether they are or aren't it's an automatic consideration so we could get money for a senior center but we could not get it for the kids and other programs because they did not meet the qualifications for the block grant. Originally it was going to go into the old library that is now going to be a restaurant, that was the original site for the senior center, and then it was moved to City Hall. That is why it was split because you could not get a subsidies if you had other programs going with the senior center it was strictly for senior considered low to moderate and that is where our money came from. With the CDBG funds they were billed by units so the CDBG money covered the expenses of the employees at the senior center that did not come out of the city. Plus there is additional funds that was coming with the kiosk of \$1,300 a month and \$9,000 of that money went to the Jenkins Senior Center. There is money that you can apply for and get which is why they did it; it had nothing to do with what the city was paying and that is why they did it to get monies to subsidize it. Mr. Stibich asked if Ms. Jones is saying that the money should have been used for a salary for the senior director. Ms. Jones stated that there was money specifically targeted for a director of the senior center and it was charged by units. For example, however many people came in for however long, if a person was there for five hours and she thinks it was in 15 minutes units. If you look at the grant from the county. Mr. Haviland stated that the block grants are diminishing. Ms. Jones but the county still has money to give us this year the question is can they take that money that is supposed to go to seniors and use it as a contract. Mr. Haviland asked for this public/private partnership. Mr. Bemer stated that he will look into the grant money and our 501(c)(3) is also eligible for grant money. He stated that grant money is critical in any public entity no doubt about that but your first and foremost responsibility is providing services to the residents.

Ms. Duncan asked if the city was prepared for someone to make sure that we don't have to refund the initial CDBG \$100,000 grant we received to remodel the end of the hallway. Mayor Graven stated that we are operating every day and will not shut it down. Ms. Duncan asked if we are remodeling it for offices for the Mayor. Mayor Graven replied no it will stay a senior center. Ms. Duncan asked if the \$20,000 grant that was received from the county and she does not know how county grants are administered are we getting that money. Mr. Nogalo stated that he has to get all the grants straight. Mr. Bemer stated that he believes that the grant money for the Jenkins Center was all received at the end of 2015 or 2016. Ms. Jones indicated that there was operating money as well. Ms. Duncan stated that the grant money to remodel was one thing but the operating money is what she wants to know what it is being spent on now since we don't have a director. Mayor Graven stated that we have volunteers running the center and the grant was a drawn down monthly and are working with the county. Ms. Duncan stated that you are still trying to figure that out. Ms. Jones asked if the city was paying anyone right now. Mayor Graven stated that the city is not paying anyone right now. The money that comes in we will use to upgrade and improve. Ms. Jones stated that the Mayor got rid of the director but cannot sign a contract with the Olmsted Community Center without Council approval for a contract. Mr. Bemer agreed.

Safety Director Compensation

Mr. Haviland stated for full transparency and in the court of public opinion he has spoken with the Mayor and there have been some cuts and campaigned on a tight budget and he is looking to increase what the safety director and mayor's salary was last year. Council asked for justification and his special skill set for the safety director position.

Mr. Bemer stated that within the memo prepared and distributed to Council he broke out both the history of this position being held by the Mayor over the last two administrations as well as the specificity identified in Ordinance 10-2017 with the notation that a part time position would be paid not at the full range rate but at 50%. In any position you are always concerned about conflicts of interest and compatibility and there is an ordinance in the administrative code 230.03 which he reviewed along with a number of researches on conflicts of interest and compatibility of positions and he cited a number of them both in definition form. The most recent one was a 2016 opinion regarding compatibility. When you analysis the charter which clearly demonstrates and provides for the Mayor to serve as safety director along with whether or not obviously that position is compatible with the Mayor. So, 230.03 is not going to come into play as well as given the councilmanic action regarding the pay ordinance of 10-2017 concerning the additional compensation for a full time sitting employee who does additional part time work as well as the past practice of former mayor's being compensated for the same thing as well as internally. Councilman Stibich had mentioned that if this is approved you may have a mayor making over \$100,000 a year and Councilman Stibich was right on in that assessment. So, notwithstanding ordinance 27-2016, he apologized as it was not 10-2017 but rather when the ordinance was first provided in Ordinance 27-2016. Mr. Haviland asked if he was citing the Councilman's comments at the time the ordinance was adopted. Mr. Bemer replied yes. Mayor Graven asked if anyone else commented. Ms. Duncan stated that she believes she had a pretty strong discussion at that time and that is when we put in the note that is part of this legislation "for such additional position shall not be more than any rate of pay that is 50% of the range of compensation," it doesn't say "shall not be at least or at most" it says "not be more than" which means it can be less than. Mr. Stibich stated that as he recalls at the work session that we had Mr. Miller's original proposal for that limitation was 25%. Mr. Miller replied that he believes it was 1/3. Mr. Stibich stated that it was less and then it was raised up to the 50%. Ms. Duncan stated that this is legislation and if we cannot all agree on what "not more than" says we need to revisit this legislation. The Mayor, and she is going back one of your former council members that assisted you, did indicate to her when she first came here to serve on council was that the safety director's compensation was added to the mayor's position primarily because the mayor did not want a pay increase. Mr. Stibich stated that is correct and is his understanding also, it was originally at \$5,000. Ms. Duncan stated that the safety director's compensation was added which meant the mayor received an increase. Essentially two years ago the same kind of conversation came up in sessions, so, and she does not recall if it was executive session, so she will not go beyond its been discussed. She believes that this Council needs to revisit the safety director position because paying a mayor, no matter what your qualifications, \$102,000 out of a 9,000 person community is not going to go it's just not going to go and it's not a good thing. Mr. Stibich stated that the real question to ask; is he fulfilling his duties as Mayor and is he actually performing a function as safety director. Now arguably when Blomquist was Mayor he did some minimal cursory duties as safety director but he couldn't do anything that Mayor Graven can do as a firefighter. Ms. Jones stated that we keep hearing we are in dire straits financially and we are laying off people so how can we justify. Mr. Stibich stated that when this legislation was passed he noted on the pay ordinance right after we past it that there was a large payoff to Mayor Donegan and he asked for the calculation on that and Mayor Donegan had no qualms about taking the maximum

upper end of that limit and taking the 50%. Mayor Graven stated that he understands where Council is coming from. Mr. Stibich indicated that it was also retroactive to January 1st. Mayor Graven stated that he can understand.

Mr. Haviland stated that there was a conversation and we looked at comparables across other cities large and small looking at the compensation of the executive understanding that we needed to be competitive and that is how we arrived at this ability to do the safety director position. The Mayor's justification and expertise for why he believes he can command the higher level is what? Mr. Bemer stated that one of the other things, which he failed to mention in his opening comment, was that we have some firefighters and current person who is in charge of police department who made \$101,000 last year so there is a philosophical argument along with that which is you have people in your safety forces making more money than the person who not only is the safety director but the mayor as well. Ms. Jones stated that you see that a lot in smaller cities that is not uncommon. Mayor Graven stated again that he does understand where council is coming from. Real quickly his background, he was a firefighter for 30 years and a lawyer for 27 ½ years and believes that the person who is the safety director leading the fire department and law enforcement department is a 30 year firefighter and a lawyer. He does not believe that you could find anyone else in northeast Ohio that has the background that he does to be safety director. He is not stating that he has to have the top pay he is comfortable being anywhere in that range. Again, he can understand both sides but the fact of the matter is the leader and person who is heading the police agency right now, he doesn't know what you want to call him as we don't know what his title is, made \$101,000 last year we had a firefighter making \$97,000 a year and a fire chief making \$95,000 so he believes that someone who is both Mayor and Safety Director with a fire/law background he does not believe that it is asking too much that you make slightly more than the people under him make. He is not stating that he has to have that top salary as he understands everyone's concerns. Mr. Stibich stated that the range is \$35,000 to \$45,000. Mayor Graven replied \$30,000 to \$45,000. Mr. Stibich stated that half of that would be \$15,000 to \$22,500 a difference of \$7,500.

Mr. Haviland stated that this is on first reading. Is there anyone else that has questions? Mayor Graven stated that he did speak with Councilman Miller over the weekend and he stated that one concern he had was that the ordinance states that he would make the same as the safety director did last year and asked that it be changed to read "up to." He does agree with that suggestion and the law director will be making those changes. Mr. Bemer stated that he will add "not to exceed the range."

Mr. Haviland stated that if he finds that the finances are problematic, depending on what council decides to do before the third reading, what would be the Mayor's position on adjusting that salary. Mayor Graven indicated that he is flexible and if he had to go to 50% of the \$30,000 versus 50% of the top range he does not have a problem with that and again if he was not the safety director we would have to pay someone else probably \$45,000 a year. He would submit that their qualifications would not be as good as the qualifications he has. Mr. Haviland stated that he understands that the Mayor did go to the fire and homicide at 2:00 in the morning.

Mr. Miller stated that as a point of clarification and he does not believe anyone at the table is worried about the Mayor's credentials to be the safety director. He cannot think of any other person that is more qualified to be safety director. As a point of clarification the way the ordinance is written you would not have to take it down to 50% of the lower level. If you decided you wanted to take it down to \$5,000 or \$10,000 which is what he believes Councilman Duncan was referring to and that the Mayor would be in his right to be able to do that as well. So, going from the lower end of the scale to

the upper end of the scale as Councilman Stibich said is about \$7,500. If we do run into financial issues the Mayor would be able to have more leeway from there. Again, he is leaving that up to the Mayor as he does with all the other ranges for the employees of the city. Mayor Graven indicated that he does not have a problem with flexibility.

Mr. Stibich stated that he has been in office a little over a month, what has he done as far as safety director's duties. Mayor Graven indicated that the first night he responded to a fire on Cranage. He received a text at 11:15 p.m. and was there until about 2:00 a.m. This morning he responded to a drug raid a couple of streets over from here. They were growing marijuana in the basement. He is changing the city's use of force policy because he believes that we may be facing some liability and would like to change that policy. Mr. Stibich asked who he was working on that change with. Mayor Graven indicated that he is discussing it with Odis and Bill Traine. He also had a retired commander from Cleveland Police come in and complete an assessment of the police department, even though he is a lawyer he is not an expert. He also had a retired Battalion Chief from Cleveland come in and work with him to complete an assessment of the fire department to try and make improvements. He worked with Chief Gluss to obtain an ALS engine, which is an advanced life support engine. He spoke with the CEO of Southwest Hospital to get the equipment donated. He wants to be a hands on safety director. The bottom line is we want to improve the community and try to keep our people safe. He is also looking at the motorcycle unit as it is very dangerous and we are looking at putting that officer back in a vehicle. If you are on a motorcycle there is an increase change of death or injury and cannot do pursuits that same as in a cruiser.

Mr. Gorski stated that the way he interprets the language "the compensation for such additional appointed position shall not be more than at a rate of pay that is within the range that is 50% of the range of compensation identified above." The way he interprets this leads him to believe that the compensation for that position is within the range set and is 50% of that range. Again, anyone can tell him he is wrong but that is his interpretation. Mr. Stibich stated that was also his understanding. Mr. Bemer stated that \$30,000 to \$45,000, if that is the range of a safety director, then it would be \$15,000 to \$22,500. Mr. Gorski stated that is the way he is understanding it. Mayor Graven stated that if a separate safety director is hired the lowest salary would be \$30,000. Mr. Gorski stated that it would be counter to what Mr. Miller said and Ms. Duncan's understanding that the safety director could accept a salary that is below what this 50% range allows for. Mr. Haviland stated if \$15,000 was minimum you could accept \$10,000 or \$5,000; it is not mandated to be in that range. Mayor Graven stated that the way the ordinance is currently written is that he would be paid the same as the safety director was paid last year which was \$22,500 and again he is willing to be flexible. He believes the lowest level would be \$15,000. Mr. Gorski stated that his understanding of the language in 10-2017 is that the range of compensation for the safety director position based on his interpretation has to be within 50% of that range, if you are holding another position. Mr. Miller stated that his interpretation of the section that states "for any such appointed position shall be not more than at a rate of pay that is within the range" so "not more than." Mr. Gorski stated that Mr. Miller's interpretation is that it cannot exceed the maximum amount that is in the range. Mr. Haviland stated correct it cannot exceed \$22,500. Mr. Stibich stated that it does not state that it cannot be less than.

Mr. Bemer stated that as a term of art, it leaves a little bit to be desired, and when you have issues like this you look at what the past practices have been. At least you have one metric to take which was what did you pay your last Mayor for duties of safety director, then you apply this language as you know in ordinances and salary at a rate not to exceed; but there is a presumption that you pay that rate not to exceed rather than saying well you can give him \$1.00 cause that doesn't exceed the rate. So,

you have to look at how things have been applied in history and in past practice as well as what is the normal understanding of compensation ordinances. Ms. Jones stated that Ms. Duncan was involved in the writing. Ms. Duncan stated that we have paid the safety director at the rate of \$1.00, a prior council did that. Mr. Stibich replied and \$5,000. Ms. Duncan stated that when it was \$5,000 it was dropped to \$1.00 so that has happened. Mr. Bemer stated to take the range that you have an apply your past practice and your discretion.

Mr. Haviland stated that the current ordinance is \$22,500, the maximum. So, in between now and Tuesday, as the Mayors has heard Council's concerns he asked that he think about it as we are not going to negotiate at tonight's table. He believes this was an important conversation and to hear why the Mayor believes he is justified.

Mr. Gorski stated that this is not anyone on Council bashing the Mayor's credentials. As Mr. Miller stated the Mayor is absolutely qualified for this position, that is not a concern at all, obviously it is the compensation that we are concerned about.

Ms. Nicolay stated that she believes that the people of the community are watching and what is going on and with the people he had to let go and then they are going to see that he took another salary. Mayor Graven stated that he understands. If you look at everything in total you have the leader of the police department making \$101,000; we have a line firefighter who is not even in a command position that made \$97,000 last year so he wants everyone to look at the totality of the circumstances. Again, he understands what Council is stating. Ms. Jones stated that her deputy and superintendent make \$20,000 less than her. Mr. Nogalo stated that it is awkward for the Mayor to talk about his own pay. He does not have an increase over the prior mayor's rate of pay. Ms. Jones stated that he does because he makes \$20,000 more than she did to start. Ms. Duncan stated that the base pay is higher with the new term there was a \$30,000 increase. Mr. Nogalo stated that within the term you cannot have a pay increase. This term started in 2018 and the auditors will audit and he cannot believe that in term last year that you could have an increase in that position. Mr. Gorski stated that it was not an increase during the term. Mr. Stibich stated that the Mayor's salary remained the same. Mayor Graven stated that if it is voted on in the middle of the term you are not supposed to increase your pay in the middle of the term. In two years if there was an increase he would not be able to take the increase until the term was over. He believes the way Mr. Nogalo is explaining it that the prior mayor had an increase in total compensation. Mr. Nogalo stated that you always establish for the next term you cannot in the same term.

Economic Development Director

Mr. Haviland stated that Council is being asked to consider legislation to appoint an economic development director who is Paula Accordino who is present this evening. Ms. Jones interrupted and stated also to consolidate jobs. Mr. Haviland stated that we had a previous discussion under the second agenda item that including part of the job consolidation discussion and does not want to revisit that issue but would like to discuss the reason why the Mayor would like to appoint Ms. Accordino and what assets she would bring into the administration.

Mayor Graven thanked the Council President for allowing him to make comments. He stated that Ms. Accordino's has a degree from Baldwin Wallace and is also working on her master's degree at John Carroll and believes that she just has to complete her thesis and her master's degree will be completed. From a professional background she was a small business owner, she also had a

consulting firm and most importantly she worked at University Hospitals grant writing, raising money and he believes she raised over \$30 million. He believes that she will be an asset to the city and will do a great job and will help bring money into the city and we are lucky to have someone like her as an employee.

Mr. Bemer stated that he spoke with Ms. Accordino and asked that she provide her curriculum and business resume, which she has done. He stated that grant writing is going to be important here and are already behind the eight ball and need to get started. He stated that she has already identified all the grant applications that she has written. She is a former business owner here in Olmsted Falls and has gotten involved in the last couple of years so some of the publications that she put together are also attached. The downtown flyer and also did a strategic plan which is attached and completed last year. If you have any other questions Ms. Accordino is also present.

Ms. Accordino stated that she feels honored to be invited by Mayor Graven to participate and help in this great city. She grew up in Westlake but spent a lot of time here as a child. She attended 4H and had horses so she had lots of friends here. She went to the Olmsted Falls prom in 1984 so her heart is very much here. She had a business for two years in the historic downtown and also ran her consulting practice and communications. The front of her professional career has been spent in development communications, major gifts, fundraising. She has her portfolio here she would share if anyone is interested. She was fortunate enough to get a graduate school education and thought she knew how to raise money when she went to UH. She was there in the first year of their \$1.2 billion dollar campaign and was a part of raising \$55 million dollars in that one year. She was involved in a lot of capital campaigns so she has experience working with builders, people involved in economic development and various aspects of building, renovating, and restoration. So she has this interesting perspective and background. She was also one of three people on a team for the \$30 million dollar Ahuja grant which we successful got to build a hospital. So, on the other side of it she has also written for magazines, long form journalism, press release the whole gamut of communications and lots of special events as well.

Ms. Nicolay asked what plans Ms. Accordino has that she wants to bring to this city. Ms. Accordino stated that specifically for the city she thinks a real vital component of economic development is downtown revitalization. We have had some discussions about bringing in Main Street to use that four pronged approach for promotions offering economic development plans and programs, business incentives, and bringing the community together. Also, with her background in PR she believes that we can communicate that effectively too and get the whole community changed as well as involving the Chamber of Commerce. Ms. Jones asked if Ms. Accordino was still the secretary of the downtown organization. Ms. Accordino replied no.

Ms. Jones stated that there is no job description. Mayor Graven indicated that the economic development director has been a position for many years. Ms. Jones stated that it was stated that other things would be added. Mr. Bemer indicated that it has not been completed yet. Mayor Graven stated that there are a lot of people here who wear a lot of different hats. We have a lot of employees doing a lot of good work and learning a lot, we are not a large city where you can do just one. Mr. Bemer indicated that we could ask Ms. Accordino to coordinate and get a job description within a week. Ms. Accordino indicated that she could.

Mr. Miller stated that in terms of the consolidation of three different positions into one position approximately how much would we be looking at saving. Mayor Graven indicated that it is over

\$100,000. Mr. Miller stated that this is just a ballpark number but he will ask this same question next week. Mr. Nogalo stated that when the budget is unveiled there will be better numbers but ballpark around \$100,000. Mr. Bemer indicated that with the Jenkins Center employees it is approximately \$110,000. Mr. Miller stated that he only means for the three positions being consolidated into one.

Mr. Haviland asked if the Mayor will be asking, in order to get his team in place, will you request that Council suspend and pass the legislation next week. Mayor Graven indicated yes so that the city can move forward but are flexible. If Council would prefer a couple of readings he is willing to work with Council. Mr. Haviland stated that he would like to know the specific job duties as well as have Mr. Miller's question answered.

Ms. Accordino indicated that she has reviewed the existing economic development director's job description and in her mind the things she will be doing are exactly on point with what is already written with some additional communication responsibilities.

Miscellaneous

Mr. Haviland stated that he would like to know if Phase V is moving forward. Mayor Graven stated that it is going. Obviously with the weather the project has been slowed down. Again, full transparency he has spoken with Mr. Sheehy and believes he is a very competent engineer and does a great job. He sends emails to him each week to keep him updated. He stated that with the first phase of the Phase V project Mr. Sheehy sent out letters to all the residents to keep them informed. He stated that he is going to attempt to keep communications open with the residents because as long as you have open communication with them it will help answer a lot of questions. He stated that he will attempt a forum with those affected residents to keep them updated.

Ms. Jones stated that she is open, and like the Mayor said he wants to reorganize and do things, but could he let Council know in advance so that we can approve the job descriptions and changes like we are supposed to in the future. Mr. Bemer indicated that 9.02 addresses directorships and is not going to get into legal dynamics of how to interpret. Ms. Jones reiterated that it states "or job classifications." Mr. Bemer stated that it is modifying directorships Ms. Jones that is how you interpret legal language, you look at the entire paragraph. Ms. Jones read "Council may, by ordinance, establish additional departments, or division's thereof, with exception of the departments established which shall not be combined. Council may combine or abolish any department, division, non-elective office, or job classification and may authorize one person to serve in any capacity in two or more departments or divisions when such positions are not incompatible." She got a legal opinion on that. Your legal opinion is different than others. Mr. Bemer stated that any lawyer that's here can express their opinion on a legal interpretation and he is willing to listen. Ms. Jones stated that the intent of it was job classification because we approve the job classifications and the salary ranges.

Mr. Haviland stated that he respects what Ms. Jones is saying and tonight was a good start to increasing communication. Certainly when you come in you are going to have a lot of changes you will make just as any new administration. We talked about the gray areas and the areas that were not clear and we addressed those. He believes that what Councilman Jones is asking, which he does not believe it was intended not to follow the rules the charter, the laws, we will just make sure we continue to communicate. Mayor Graven indicated that he speaks weekly with Council President Haviland on the phone and usually a couple times a week so he can be informed as the Council President. We have good communication. Mr. Haviland stated that he does appreciate that. Ms.

Jones asked if he was aware that five people were going to be fired a week ago Friday. Mr. Haviland stated that he was not aware of that and probably should not have been aware of it at that particular time. Mayor Graven stated that he talked in general about it. Mr. Haviland stated that he did not know the specifics. We questioned the authority to do that, we pushed back on that and that was answered tonight. We have talked about the importance of engaging Council and do everything we need to. Ms. Jones stated that like Mr. Stibich stated at Clevland.com that several councilman were consulted prior to the firings and she did not know. Mayor Graven stated that he cannot have a group conference call with all of Council. Mr. Stibich stated that as far as he is aware he and Mr. Haviland were aware. Mayor Graven stated that he speaks with the Council president and Council Pro-Tempore because if anything were to happen to him or the president the pro-tempore is in line so he tries to keep in communication with the both of them. But, the president more often than the pro-temp.

Ms. Duncan asked where the Mayor was for approving or submitting recommendations for vacancies. Mayor Graven stated that he has one and asked if there was another person. Ms. Duncan stated that there was one applicant for Shade Tree, which was Ms. Hawkins, and then there was one for park and recreation. The Clerk does have the information. Mayor Graven stated that he will speak with the clerk tomorrow to get the matter addressed. Ms. Duncan stated that the Board of Ethics has a vacancy. She stated that legislation committee she would like to hear from anyone who is on it and would like to know when a good night to meet in case legislation comes up. She would like to have one when necessary. The Clerk asked if she would like to set the meetings up on a quarterly basis. Ms. Duncan stated that quarterly would be excellent.

Mr. Bemer indicated that he spoke with Mr. Stanislav who is the chairman of the Civil Service Commission and in the course of that discussion he alluded to the fact that there should be a council liaison and there had not been for the last years. Mr. Stibich stated that it was Jay Linn before he resigned. Ms. Jones stated that she is the liaison to Civil Service.

Mr. Gorski asked if he was chair of insurance should he be on legislation committee since it is a sub-committee of legislation. Mr. Haviland asked if he had the desire and ability to do that and for continuity it would make sense. Mr. Gorski stated that he could and feels if he is on a committee that is sub-committee of one he should be on the other.

Ms. Jones stated that Ann Marie did not get her last pay through December 31st but Santo got his last week. Mayor Graven indicated that he spoke with him and he is paid in full. Ms. Jones replied that he did get his check last week but Ann did not get hers through December 31st. She said she is not paid through December 31st. Santo got his pay last week. Mr. Nogalo asked in what manner. Ms. Jones replied salary. Mr. Bemer indicated that she should call Mike DeSan or Mr. Nogalo as Ms. Jones has mentioned this before and Mike DeSan informed him that she got paid 26 pays in 2017 so if you are in touch with her have her talk to Vic or Mike DeSan. Ms. Jones indicated that there are years that she has gotten 27 pays because it's every other week she thought city people got paid. Mr. Nogalo indicated that in November they went to twice a month which is bi-weekly so the last pay in December would be basically everything up to December except the last week. Ms. Jones indicated that is what she is owed the last week just like you paid Santo. Mr. Nogalo indicated that we got paid the first week of January for that one week. Ms. Jones stated that she never received it and that is why Santo got his last week. Mr. Nogalo indicated that he would check with Mike DeSan.

Adjournment

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

The meeting adjourned at 8:41 p.m.

Jim Haviland, Council President

Angela Mancini, Clerk of Council