

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, June, 26, 2018, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:30 p.m.

The Pledge of Allegiance was recited. Mayor James Graven called the meeting to order at 7:31 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 D. Bemer, Law Director, Vic Nogalo, Finance Director, Joe Borczuch Service Director, and Paula Accordino, Economic Development Director. Audience: 7.

Approval of Minutes

Mr. Gorski moved to **approve** the minutes from the Council Work Session of June 5, 2018; Ms. Jones **seconded**. Mr. Stibich indicated typographical errors. Poll: 5 ayes; 0 nays; 1 abstain (Miller). **Motion carried.**

Mr. Gorski moved to **approve** the minutes from the Regular Council Meeting of June 12, 2018; Ms. Duncan **seconded**. Ms. Jones indicated that Ms. Bouhall submitted a letter and asked that it be attached to the record but that is not included in her copy. The clerk indicated that it will be attached to the signed minutes as well as included in the minutes that will be placed on the city website. Mr. Gorski, Mr. Stibich and Mr. Miller indicated typographical errors. Poll: 6 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven stated that after months of quiet under the new administration the City of Olmsted Falls is involved in the revival of an old case from 2016. As many of you may have read last evening there was an article on Cleveland.com. For the record, the author of the article never contacted him, the law director or the officer involved or anyone else from the city. Unfortunately, there were a lot of mistruths in the article and was not a factual article. In response to a lawsuit filed by Christie Elko who was arrested in September of 2016 on charges of domestic violence, resisting arrest and assault on a peace officer, the city has compiled a historical file in which the former Mayor and former temporary Assistant Safety Director, Mr. Trainee, commended the conduct of Sgt. Floyd Takacs for the handling of the incident which was discussed in this article. Recently, the plaintiff filed suit and claimed that Sgt. Takacs was verbally abusive. In the September 2016 incident Sgt. Takacs and another officer responded to a 911 call of domestic violence. During the investigation that ensued Christie Elko was found to have physically assaulted her live in friend. When Elko was advised that she was now under arrest she began to use extremely profound language directed at Sgt. Takacs and began to actively resist arrest. During the scuffle Sgt. Takacs suffered a laceration on his right knee, Ms. Elko was not injured. Sgt. Takacs received no discipline for this incident and indeed he was commended by then Mayor Donegan and temporary Assistant Safety Director Trainee. He was commended on two separate occasions but none of this information was placed in the article. The

first commendation was in an email Traine sent to Donegan and all the police officers, he wrote “in the process of arresting a female when she became belligerent, obnoxious and physical Sgt. Takacs sure went through the run of the mill with her. Her violent behavior led him to injury his leg and tore his pants let alone the names she called him in an attempt to get him infuriated. She was successful subdued and arrested. During this time he showed great composure and professionalism, the way he handled the situation and he should be commended for the great restraint that he showed, a job well done.” Traine added “I would like to personally thank every member listed for your dedication, your professionalism and the pride that you take at being an Olmsted Falls Police officer, keep up the incredible work.”

Mayor Graven stated that in the minutes of October 24, 2016 City Council meeting read “Donegan stated that she would like to share something that Assistant Safety Director Traine sent to her regarding our police officers. There were at least six different instances of officer’s who work for us and who exceeded their duties. The first event was when Sgt. Takacs was on a domestic call and he went through the process of arresting a female when she became extraordinarily belligerent and obnoxious. Her behavior towards him was extraordinarily violent and he handled the situation with great composure and professionalism. She would like to commend Sgt. Takacs.” He stated that you cannot believe everything you read on Cleveland.com or the Plain Dealer. Unfortunately, there isn’t journalism anymore as these writers do not get the whole story.

He stated that one of the claims in this lawsuit also mentioned in the article is that Sgt. Takacs did not have his body camera on to record the incident and that he turned it off. This is false information as he in fact was wearing the camera but the former Mayor and former temporary Assistant Safety Director Traine knew that the cameras malfunctioned frequently because they were so outdated. In fact in an early September 2016 council meeting the former Mayor stated “the city purchased these cameras two years ago, sat on a shelf for a year, and now we have determined them to be garbage.” He stated that Traine added “these cameras are not reliable and when the officer’s need them they find that they are not recording.” Being aware of this the current administration recently applied for grant funding to purchase both new body worn and in car cameras. In closing, myself and the entire administration stand by and support Sgt. Takacs and support our entire police department. We look forward to bringing out all the facts at trial and the city is confident it will prevail, especially given the former administration support for Sgt. Takacs both during and after the incident. Since his administration took over on January 1st Sgt. Takacs has been an exemplary employee and there have been no incidents concerning him on his watch.

He stated that police officers have a tough job. Just in Northeast Ohio last week a Mentor officer was killed, a week ago a Parma Heights officer while making an arrest was shot and wounded. We need to support all of our officers and not throw them under the bus like the media has done recently.

Communications from Residents – None

Approval of Bills:

Mr. Stibich moved to **approve** Pay Ordinance 2018-12; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays.
Motion carried.

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch stated that the work on Hickory will be starting the week of July 9th, weather permitting. The work will include concrete replacement and will cost approximately \$250,000 to \$275,000.

The work on the culvert on Columbia Road is proceeding, ODOT will take the full 21 days to complete the project as they ran into an issue with a water line.

He stated that Fabrizi is patching Columbia Road before moving onto Mapleway in order to reopen Columbia Road in both directions.

He stated that he would ask that Council consider adopting 38-2018, 41-2018 and 44-2018.

Paula Accordino, Economic Development Director

Mr. Gorski asked if she expected Council to allow three readings for 43-2018. Ms. Accordino stated that she went to great lengths to provide information and this is somewhat of a timely issue and would have an impact on the opening of the library steakhouse. Mr. Gorski would like to commend Ms. Accordino for the plethora of information she did forward to Council as it was very informative.

Vic Nogalo, Finance Director

Mr. Nogalo stated that the June statements will be sent to Council within the next 10 days. He stated that Councilwoman Jones has indicated that she would like quarterly reviews of the financial situation. Ms. Jones indicated that she did check with the Clerk and that meeting has been scheduled for July 24, 2018, which is the 4th Tuesday.

He has also spoken with the auditors and the final report is due to the state by July 30th so the audit team of Zupka is putting the final touches and he will have a full report to Council of the 2017 financial audit. Ms. Jones asked if the auditors would meet with him to discuss the audit. Mr. Nogalo replied they would and is open to Council members and he will make sure that all of Council is informed and will ask the auditor's to hold that meeting after five if possible.

Mr. Nogalo stated that special assessments for 2019 will be due to the County the second week of September. He will be working on those assessment lists over the summer and will have them prepared by the end of August. He is unsure if three readings will be possible for the legislation.

Mr. Nogalo stated that he discussed the tax budget and note issuances during the finance meeting. He stated that the city will be looking into a document management system. He is also looking into a city credit card and also establishing more ACH transactions. Ms. Jones stated that Council will approve which vendors can be paid by ACH transactions; Mr. Nogalo replied yes.

Councilman Kyle Miller, Ward IV

Mr. Miller indicated that this evening will be his final regular Council meeting. He stated that when he and his wife purchased their home in the Plum Creek community we did not really know what we were getting into, like most first time homeowners. We figured out a lot as we went with regard to maintenance. He also paid his RITA late a couple of times but we did figure it out. Ultimately the

sense of community was palpable immediately. He cannot tell you how many tools he borrowed from his neighbor and still does not know who shoveled his driveway on more than one occasion when a snow storm hit in the middle of the day and they knew he had young children. It made him realize that Olmsted Falls is a wonderful community and a slice of Americana and is a throwback to the way communities use to be. From there, he has been honored to have been elected by his friends and neighbors to represent a community as great as this one. In his short time on Council there have been a number of very difficult by necessary decisions that have been made by this Council. He knows, personally, that he stands firmly by each and every one of the votes based on the information presented to us at the time and commends everyone on Council as we end up being put out on an island a lot to make decisions that other people don't want to do or simply wouldn't do otherwise. He would like to thank the public servants at City Hall, past and present, his colleagues on Council, past and present, for their guidance and also his family particularly his wife for dealing with the kids while he attends meetings and also for his children when they don't have dad home to read them stories at night. There is a lot of sacrifices that he does not think most people realize when they are calling us and yelling at us at 9 at night. Also, most importantly, his neighbors for putting their trust in him each and every day to make sure he is representing their interests. Although he soon will not representing the city in an official capacity he will still certainly be one of its biggest advocates even when he does move away.

Councilman Ed Gorski, Ward I

Mr. Gorski stated that it has been an absolute pleasure serving with Mr. Miller on Council and he will certainly be missed.

He stated that this afternoon he had the opportunity to speak at a county council committee of the whole meeting as the County Council is considering adoption of a nondiscrimination ordinance that is similar to what was passed in Olmsted Falls last year and he was there to speak as an elected official in the county to offer his support for that ordinance.

He would also like to read a letter that he received from a resident who could not attend tonight's meeting due to her physical limitations. This letter is from Ms. Roberta Schwimmer of 8093 Brookside Drive. "I was recently informed that a zoning change has been proposed that will affect my property and the property next door to mine. I live next to the old fire station formerly the service department and currently owned by the city. The zoning for both parcels would be changed to multi-use allowing a commercial business to open in the existing city owned building or even a new building to be constructed. As you know this area is part of the Olmsted Falls Historic District. I understand that expanding the downtown has been a part of the master plan for the city for some time. Such an expansion would drastically change the historic character of this neighborhood even making it far less desirable as a residential neighborhood. I have discussed the zoning change with my neighbors. They are not at all in favor of such commercial expansion with its many inconveniences, the loss of integrity of our historic district and the negative affect on property values. I have been told that more than one buyer is interested in the city property on Brookside for the purpose of opening a restaurant. The corner of Brookside and Mill Street already has one of the highest incidences of accidents in the city. The traffic is heavy coming from three directions with only one stop sign. Everyone living on Brookside and Mill is already affected by this traffic. A restaurant would add additional traffic congestion and significantly increase the risk of getting in and out of our homes. My home would of course be the most severely and negatively impacted. A restaurant next door would make it almost impossible for my home to be sold as a residential property again. However, a multi-use designation might raise the value of my property for commercial use and therefore my property

taxes. Higher taxes would cause financial hardship for me while the new zoning would be of no benefit to me while I live here. Following preservation guidelines my century home is the most unaltered and authentic of any historic home in the city. Multi-use zoning would make it more than likely that my house would be torn down after my death. Finally, please be aware that I am handicapped and live alone. The noise and lights of a restaurant would be detrimental to my well-being and overall health. But, more distressing is the cost to my safety a restaurant with late hours would present a security issue that I would be unable to alleviate. I would like to request that I be informed of all meetings of the Planning and Zoning Commission and City Council meetings whenever the zoning change will be considered so that my neighbor's and I can attend to express our concerns. Respectfully submitted, Roberta C. Schwimmer.”

He stated that Ms. Schwimmer also apologizes for misspelling the Mayor's last name.

Councilman Pro-Tempore, Paul Stibich

Mr. Stibich indicated that Fire Chief Gluss distributed a memo in Council packets requesting approval of a service agreement for servicing the two cardiac monitors for the department.

Mr. Stibich moved to **approve** a requisition to Physio Control the purchase of two life pack cardiac monitors in an amount not to exceed \$3,283.20 and authorize the Mayor to enter into a four year service agreement; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Mr. Stibich moved to **move** into summer recess with the stipulation that Council members hold the 4th Tuesday of July and August open for any special meetings needed; Mr. Gorski **seconded**.

Mr. Gorski indicated that Council needs to also authorize the finance department to pay bills during summer recess.

Mr. Gorski **amended** the motion to add authorization for the finance department to pay all bills during the months of July and August; Ms. Duncan **seconded**.

Ms. Jones asked if there was any dollar amount limit that should be set so that the city does not spend \$200,000 bill during this recess. Mr. Gorski indicated that this would need to be authorized and signed for by the Council President. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Ms. Jones asked if any further dates should be left open. Mr. Stibich stated that interviews also need to be scheduled for the council seat vacancy. He would like to schedule them for July 10th and July 11th as there are four candidates and does not feel that it would be prudent to interview them all in one night. Mr. Gorski agrees as he feels council should be able to digest all the information that will be taken in and does not want Council to be hasty in its decision. Ms. Jones stated that she does not feel it would be fair to the 4th candidate if all the interviews were held in one night. Mr. Gorski indicated that Council does have 30 days from July 15th to appoint a replacement. Ms. Jones suggested that Council meet on the 24th. Mr. Gorski stated that Council would need an executive session. Mr. Stibich stated that the interviews are completed in executive session but the discussion regarding the candidates is completed in executive session and then the appointment will take place during open session. Mr. Gorski stated that he would agree to July 10th and 11th for interviews and if Council feels after the interviews on the 11th further discussion is warranted a meeting date could be scheduled at that time. Mr. Stibich suggested that Council meet on Thursday, July 12th for further discussion if needed. Mr. Miller stated that if the interviews are held prior to Mr. Haviland's return

on July 15th he would not be able to attend. He indicated that if the vote for a candidate is held after Mr. Haviland's return Mr. Miller would personally not be able to vote under those circumstances. Ms. Jones stated that she asked a judge who indicated that typically you would not put someone into a position until the position is vacant. Mr. Miller stated that an individual cannot be appointed until the seat is vacant. Mr. Stibich stated that a choice could be made with an appointment after July 15th.

Mr. Bemer stated that it is not uncommon when there will be a new council member to begin giving them packets in order to bring them up to speed even though they are not officially sworn in. This happens in an election by the electorate which is typical in order to begin orienting the individual. He stated that if you are not going to conduct business or have any deliberations until the 24th it does not appear to be a reason to have a swearing in until July 24th. Mr. Gorski stated that his question is can Council appoint prior to Councilman Miller's vacancy. Ms. Jones stated that you can know who you will vote for but not have the official vote until after the vacancy. Ms. Nicolay stated that Council can make a decision on the 11th but not announce it until the vacancy on the 15th. Mr. Bemer would suggest waiting until Mr. Miller's resignation becomes official. Mr. Stibich stated that if Council made a decision on the 11th or 12th it would not final. Mr. Gorski stated that he would prefer that Council at least have an idea on a potential appointment before the 24th. Ms. Jones asked if it was a plurality of Council or does Council need ¾'s of a vote. Mr. Bemer replied that it was a majority vote. Mr. Stibich stated that interviews would take place on Tuesday July 10th and Wednesday July 11th beginning at 7:30 p.m. with the second interview at 8:15 p.m. on both dates. Mr. Stibich stated that the appointment would then take place on July 24th at 7:00 p.m.

A resident from Ward IV asked why this would not be an election but rather an appointment. Mr. Gorski stated that according to the City Charter positions that are vacated are appointed by Council. The resident asked when the next election would be. Mr. Gorski replied November of 2019. Mr. Stibich indicated that Council has 30 days to make the appointment otherwise the Mayor appoints.

Councilwoman Lori Jones, Council-at-Large

Ms. Jones stated that she would like Mr. Miller for his time on Council and she has found that Mr. Miller has always been open to considering new ideas. She lives in Ward IV and he has been her councilman for a while. As a Ward IV resident she is concerned who will represent her and believes that Mr. Miller did a good job.

She stated that Council has not heard anything regarding union contracts. Mayor Graven indicated that the unions have agreed to delay negotiations until the Fall. She would ask that Council be kept informed of the progress of negotiations.

She stated that she will send Mr. Nogalo some questions that she would ask he have ready for the July 24th meeting.

Councilwoman Denise Nicolay, Ward II

Mr. Nicolay would like to wish Mr. Miller good luck. She has not worked with him as long as others but he has brought a lot to the table.

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated that Mr. Miller will be missed. She thanked him for what he has brought to the table. His new suburb will be all the better for having him there.

She would like to invite everyone to the 4th of July parade and ice cream social. The parade will begin at 11:30 a.m. same route as the Memorial Day parade and she is hoping attendance is good. Mr. Stibich asked if Council would have a vehicle in the parade. Ms. Jones stated that she will be in the parade. Mr. Stibich asked that the service department provide a vehicle for the parade.

Andrew D. Bemer, Law Director

Mr. Bemer stated that he attended a seminar in Dublin, Ohio regarding the enactment of HB 478 which will become effective on July 31st. This bill promoted small cell wireless telecommunication devices and their structures. This is the second such bill, the first was SB 331 and was deemed unconstitutional for violating the single subject rule by four of the five jurisdictions in which litigation was filed; the fifth remanded the case back to the trial court after 478 was passed. The bill allows for the telecommunications industry to construct poles in cities right-of-ways as well as attach microwave small cell facilities to all those poles; it also gives limited authority to municipalities to utilize their home rule authority to pass legislation to identify target districts in which such poles would either be prohibited or restricted or conditional. The legislation is quite extensive and is called "right-of-way" legislation and also provides for design guidelines to limit the height of these poles to between 35 and 40 feet, as well as limiting the distance between them to 300 feet. He is unsure if we are a target community but it is his intent, he has a couple of templates, to get some legislation drafted for Council's consideration on July 24th. He knows a number of communities that are anticipating somewhere in the area of 30 applications to their building department to forward to their planning commission. These applications would be submitted to Mr. Borczuch and the building department which would then be forwarded to the Planning Commission.

Mr. Bemer congratulated Mr. Miller on his move and will look for the press release indicating that he is running for Strongsville City Council and believes that he will get endorsements from everyone in Olmsted Falls.

Mayor Graven thanked Mr. Miller for his service to the City of Olmsted Falls. He believes that he will see Mr. Miller at area functions in the future.

Old Business

Ordinance 31-2018

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COSTS OF CONSTRUCTING AND INSTALLING SANITARY SEWERAGE SYSTEM IMPROVEMENTS, INCLUDING ALL NECESSARY APPURTENANCES THERETO COMPRISING THE PHASE V SEWER PROJECT, AND DECLARING AN EMERGENCY
Third Reading

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

Ordinance 32-2018

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$135,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF

PAYING COSTS OF ACQUIRING REAL ESTATE TO ADD TO THE CITY HALL BUILDING COMPLEX CURRENTLY HOUSING ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS, AND DECLARING AN EMERGENCY **Third Reading**

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

Ordinance 33-2018

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$440,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REMODELING, RENOVATING AND OTHERWISE IMPROVING A CITY BUILDING WHICH WILL HOUSE ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS AND IMPROVING THE SITE THEREOF, AND DECLARING AN EMERGENCY **Third Reading**

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

Ordinance 34-2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND SECTIONS 6.01 AND 6.03 OF ARTICLE VI OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO PROVIDE FOR A NON-PARTISAN PRIMARY ELECTION FOR MAYOR, AND DECLARING AN EMERGENCY **Second Reading**

Ordinance 35-2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE IV AND ARTICLE V OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE DUTIES OF MAYOR AND PRESIDENT OF COUNCIL SO THAT THE PRESIDENT OF COUNCIL SHALL NOW PRESIDE AT REGULAR AND SPECIAL COUNCIL MEETINGS, AND DECLARING AN EMERGENCY **Second Reading**

Ordinance 36-2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE V SECTION 5.01 OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE TERM OF CITY COUNCIL FROM TWO (2) YEARS TO (4) YEARS AND INCLUDE STAGGERING OF THE NEW FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY **Second Reading**

Mr. Miller moved to **discuss**; Mr. Gorski **seconded**.

Mr. Miller stated that he understands that this legislation cannot be amended but perhaps this would be something to look at in the ordinances. A gentleman in the audience brought up a good point, if a council person would leave with a four year term someone would essentially be appointed to serve for 3 ½ years rather than have a person elected to fill the unexpired term. Ms. Jones agrees. Ms. Duncan stated that this suggestion would require a change in the charter as well. If this amendment does pass Council could then review as a Council driven amendment. Ms. Jones asked if Council could add a piece on for this November. Mr. Bemer can be initiated by Council themselves. Mr.

Gorski asked if this would be considered under Ordinance 37-2018 as clean up language. Ms. Duncan stated that Council would have to amend the Charter as this not a housekeeping issue.

Ordinance 37-2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE XIII OF THE CHARTER OF THE CITY OF OLMSTED FALLS BY ADDING A NEW SECTION TO AUTHORIZE CITY COUNCIL TO REARRANGE THE NUMBERING AND TITLES, CORRECT TYPOGRAPHICAL ERRORS, AND REVISE OBSOLETE LANGUAGE, AND IN THE CHARTER, AND DECLARING AN EMERGENCY **Second Reading**

Ordinance 38-2018

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 10-2017 WHICH ESTABLISHED A COMPREHENSIVE GRID SCHEDULE OF NON-UNION POSITIONS OF EMPLOYMENT AND RANGES OF PAY FOR SUCH POSITIONS, WITH THE ADDITION OF A PART TIME POSITION OF BUILDING ADMINISTRATOR, AND DECLARING AN EMERGENCY **Second Reading**

Mr. Stibich moved to **suspend**; Mr. Gorski **seconded**. Ms. Jones stated she requested a cost benefit analysis as well as the difference in order to determine if we can justify this cost and that we would not be losing money based on the trend. Her other concern is that Director Borczuch said that this person would work evenings and weekends, which maybe fine for some residents, but contractor's typically do not work on evenings and weekends. Director Borczuch stated that this is a way to help residents so they do not need to take off of work. This individual would also be here first thing in the morning and during the middle of the day, as needed. Ms. Jones asked why Director Borczuch did not provide her the additional information she requested. Mr. Nogalo stated that he is still working on the analysis and trying to break down all the variables going back to 2016 because the previous analysis was for 2016 and 2017; we are trying to gather all that information. Mr. Stibich stated that the issue is the fees being collected not necessarily the cost side of it. Mr. Nogalo stated it was a combination of both the revenue and expenditure side. He would trust Mr. Borczuch's decision on this matter. Mayor Graven stated that he met with Mr. Borczuch, the finance director, and law director and have been working on this issue for months. He indicated that Director Borczuch believes the city would save a lot of money making this change. It is hard to estimate as we do not know if two years from now there will be another large project. If the city has a couple of big projects we would save a substantial portion of money; if things are slow it would probably be a wash. Director Borczuch stated that one particular project is upwards of six figures for permit and building department fees which would more than take care of this individual's salary. If we stay with Safebuilt they would take 80% of these fees which could be approximately \$300,000 rather than keeping those funds in the city. Ms. Jones stated she is not saying that the 80/20 is the best deal. Mayor Graven stated that this is the only deal we have currently; Safebuilt gets 80% of the fees collected. If we have a project that creates \$300,000 in fees Safebuilt would collect \$240,000; but, if we had our own building official making \$40,000 per year we would take in \$300,000 and the city would be \$260,000 to the good. Ms. Jones asked if there was a backup plan if this individual takes a four week vacation. Director Borczuch stated that in order to be certified by the state you have to have back up's. There is a CBO we will speak with that would fill in as needed, which keeps our state requirements as a certified building department. Ms. Jones asked what the backup is. Mr. Borczuch indicated that the individual is certified commercial and building. He stated that he does not want to miss this opportunity. A lot of cities are moving away from Safebuilt and there is not a lot

of opportunities to get someone in this field. Mr. Stibich stated that he could find another job if Council waits two weeks. Mr. Borczuch indicated that the first individual we spoke with was hired by someone else the same day. Mr. Stibich stated that it is Director Borczuch's feeling that at worst this will be a break even with Safebuilt and at best the city will keep a lot of revenue. Director Borczuch replied he believes so yes. Mr. Stibich stated that Council does not have hard numbers to back up that suggestion. Mayor Graven stated that every month he attends the Northeast Ohio Mayor's and City Manager's meetings and there has been a lot of discussion regarding this topic and approximately 90% of the other Mayors are not happy with Safebuilt and say that individuals with certifications are almost impossible to find and are very rare. Frankly, we are lucky to have found this individual. Ms. Jones asked if this individual was in the proximity and familiar with Olmsted Falls. Mr. Bemer replied yes as he currently works and will continue to work on Brook Park. He stated that this issue is not only about saving money but also generating revenue. If you look at the statistics that Mr. Borczuch distributed even with this individual making \$40,000 per year plus \$10,000 for PERS, etc., under this situation in no year would the city lose money by having their own staff based on the past. In 2015 when there was a decision to move to Safebuilt the city was overmanned as there were two individuals in the building department who were full time drawing \$150,000 plus benefits. We are talking about someone who has the potential of working 1,080 hours per year compared with two individuals. Mayor Graven stated that this is also about service to the residents. Currently we are receiving negative comments regarding Safebuilt and this individual would be a city employee and we will have more control to make sure he does a good job. Director Borczuch stated that the city does not have a choice with regard to who Safebuilt sends to us. So far we have had three to four different individuals in 3 ½ years. The current individual is from Toledo and has no idea about Olmsted Falls. What we would like to do is make sure this individual learns our rules, regulations and ordinances rather than the Ohio Building Code, which is very important for our city.

Mr. Gorski requested that the chair call the question.

Voice Vote: 5 ayes; 1 nay (Jones). **Motion carried.** Mr. Stibich moved to **waive** the reading in its entirety; Mr. Stibich **seconded.** Voice Vote: 5 ayes; 1 nay (Jones). **Motion carried.** Mr. Stibich moved to **adopt**; Mr. Gorski **seconded.** Poll: 5 ayes; 1 nay (Jones). **Motion carried.**

Ms. Jones stated that based on the fact that she did not get the information she requested prior to the meeting. She cannot by verbal testimony say yes.

Ordinance 39-2018

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NOS. 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; AND 281-17-017 CONSISTING OF APPROXIMATELY 8.64 ACRES AND LOCATED ALONG BROOKSIDE DRIVE FROM P-1 "PROFESSIONAL AND MEDICAL DISTRICT," AND P-2 "PROFESSIONAL OFFICE/MULTI-FAMILY DISTRICT" TO MUTND, "MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT" AND FURTHER AMENDING THE ZONING MAP OF THE CITY CONSISTENT THERETO **Second Reading**

Resolution 40-2018

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF OLMSTED FALLS, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2019 AND DECLARING AN EMERGENCY **Second Reading**

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

New Business

Resolution 41-2018

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN LEASE AGREEMENT WITH OLMSTED FALLS GARDEN CLUB FOR USE OF THE TYNDALL FALLS FACILITY, AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Mr. Stibich **seconded**. Mr. Gorski asked if Council adopted the legislation this evening would the Garden Club be able to utilize this facility immediately. Ms. Duncan replied yes, and she will abstain from voting due to her position with the Garden Club. Mr. Miller asked if there would be any adverse impact on the residents living on Tyndall Falls. Ms. Duncan stated that there could be some additional traffic with maybe eight cars twice a year. We have a truck that will come in prior to the plant sale but that truck goes into residential neighborhoods currently. She would say there would not be a large impact. The Garden Club does not stay out all night and will be good neighbors. Mr. Miller asked if it would be a flatbed truck. Ms. Duncan stated that the club uses a couple of pickup trucks as well as a flatbed that is borrowed from a resident. Mr. Stibich stated that currently this is a vacant building that is prone to vandalism with kids looking to have fun but once it is occupied it is always safer and kept in good condition. Mr. Gorski asked where the Garden Club received their funding. Ms. Duncan stated that the club is a 501c3 and our plant sale is the major fundraising effort. We also maintain the gardens around the Olde Wine Cellar, along Main Street, the Village Green, as well as the City Administration building. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Miller **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Duncan). **Motion carried**. Ms. Duncan thanked Council for their approval.

Ordinance 42-2018

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SEWER SERVICE AGREEMENT WITH BEREA ANIMAL RESCUE FUND TO PERMIT THE UTILIZATION OF A PORTION OF THE CITY'S SANITARY SEWER SYSTEM AND DECLARING AN EMERGENCY **First Reading**

Ordinance 43-2018

AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE CITY OF OLMSTED FALLS, OHIO AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Mr. Stibich **seconded**. Mr. Gorski stated that within the first whereas clause it states that a public meeting was held but no date has been entered and asked if a date was scheduled. Ms. Accordino stated that she has not yet held the public meeting. Mr. Gorski asked if one has been scheduled. Ms. Accordino stated that she was waiting for Council's meeting before scheduling the meeting. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **waive**

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

Ordinance 44-2018

AN ORDINANCE AMENDING THE BUILDING PERMITS AND FEE SCHEDULES IN CHAPTER 1448 "PERMITS AND FEES" AND SECTION 1452.01 "FEES AND/OR DEPOSIT REQUIRED" AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **suspend**; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Gorski **seconded**. Ms. Duncan stated that as she indicated earlier in an email to Mr. Borczuch and would request that this be placed on the city website or at least a link placed on the website to direct residents to the fees. Poll: 6 ayes; 0 nays. **Motion carried**.

Ordinance 45-2018

AN ORDINANCE ADOPTING AND RATIFYING THE SUBMISSION OF A GRANT PROPOSAL TO THE MEMBER COMMUNITY INFRASTRUCTURE PROGRAM (MCIP) OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) IN THE SUM OF \$175,000.00 FOR THE METROPOLITAN-HOLTON DRAINAGE IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Ms. Duncan **seconded**. Mr. Gorski stated that since this is the adoption and ratification of a grant proposal does any member of Council have an objection to amending the introduction line to read Mayor Graven and Council as a Whole. There were no objections. Mr. Gorski believes that this change would indicate that both the administration and Council are in agreement with applying for grant monies and gives the Economic Development Director council's approval considering how aggressive they have been at attempting to secure grant funding. Mr. Stibich stated that knowing how long these problems have existed on Holton this is far overdue. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **waive** the reading in its entirety; Ms. Nicolay **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Ms. Nicolay moved to **adopt**; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Miscellaneous New Business - None

Such other business that may come before Council - None

Mr. Gorski moved to **adjourn into executive session** to discuss matters of personnel pursuant to ORC 121.22(g)(1); Ms. Jones **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Gorski **withdrew** his motion to adjourn; Ms. Jones **withdrew** her second.

Mr. Gorski stated that Director Nogalo has other business for Council to conduct prior to moving into executive session.

Mr. Nogalo stated that he sent a memo to Council regarding PERS credits for Council members. He stated that Council was not paid with the adjustment at the beginning of the year. When he

completed payroll today he made sure that Council was retroactively paid with the \$7,920 per year salary which meets the minimum requirement for PERS credit. He would like to begin paying Council once a month as the bi-weekly pay creates issues with the PERS payments. He would like to pay Council on the second pay of each month in order to remove the issue of what month the pay belongs to for the pension payments.

Mr. Stibich moved to **authorize** the finance department to change Council pay from bi-weekly to monthly payments which will take place the second pay of each month; Ms. Jones **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **adjourn into executive session** to discuss matters of personnel pursuant to ORC 121.22(g)(1); Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:55 p.m.

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

The meeting reconvened at 9:52 p.m.

Mr. Gorski moved to **reconsider** Ordinance 43-2018 an ordinance designating a revitalization district within the City of Olmsted Falls, Ohio and declaring an emergency; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ordinance 43-2018 will be placed back on the agenda on second reading.

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

The meeting adjourned at 9:54 p.m.

James Graven, Mayor

Angela Mancini, Clerk of Council

June 26, 2018

Mayor James Gavin and Olmsted Falls City Council

I am Roberta Schwimmer and I live at 8093 Brookside Drive. I am disabled, making it difficult for me to come to a meeting of City Council without assistance. My councilperson, Ed Gorski has been kind enough to offer to read this communication into the record for me.

I was recently informed that a zoning change has been proposed that will affect my property and the property next door to mine. I live next to the old fire station, formerly the Service Department and currently owned by the city. The zoning for both parcels would be changed to multi-use, allowing a commercial business to open in the existing city-owned building or even a new building to be constructed.

As you know, this area is part of the Olmsted Falls Historic District. I understand that expanding the downtown has been a part of the master plan for the city for some time. Such an expansion would drastically change the historic character of this neighborhood, even making it far less desirable as a residential neighborhood. I have discussed the zoning change with my neighbors. They are not at all in favor of such commercial expansion, with its many inconveniences, the loss of integrity of our Historic District and the negative affect on property values.

I have been told that more than one buyer is interested in the city property on Brookside for the purpose of opening a restaurant. The corner of Brookside Drive and Mill Street already has one of the highest incidents of accident in the city. The traffic is heavy, coming from three directions, with only one stop sign. Everyone living on Brookside and Mill is already affected by this traffic. A restaurant would add additional traffic congestion and significantly increase the risk of getting in and out of our homes.

My home would of course be the most severely and negatively impacted. A restaurant next door would make it almost impossible for my home to be sold as a residential property again. However, a multi-use designation might raise the value of my property for commercial use and therefore my property taxes. Higher taxes would cause financial hardship for me, while the new zoning would be of no benefit to me while I live here. Following preservation guidelines, my century home is the most unaltered and authentic of any historic home in the city. Multi-use zoning would make it more likely that my house would be torn down after my death.

Finally, please be aware that I am handicapped and live alone. The noise and lights of a restaurant would be detrimental to my well-being and over-all health. But more distressing is the cost to my safety. A restaurant, with late hours would present a security issue that I would be unable to alleviate.

I would like to request that I be informed of all meetings of the Planning and Zoning Commission and City Council meetings whenever the zoning change will be considered, so that my neighbors and I can attend to express our concerns.

Respectfully Submitted
Roberta C. Schwimmer
8093 Brookside Drive
Olmsted Falls, Ohio
44138
Phone: 440-235-6514