

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, September 25, 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 7:30 p.m. Mayor Graven asked for a moment of silence for our fellow residents who are without homes this evening due to the fire last week. Roll call was conducted. Councilmen Jim Haviland, Ed Gorski, Denise Nicolay, and Lee Fenrich were present. Councilmen Paul Stibich, Lori Jones, and Terry Duncan were excused.

Also in attendance: Andrew D. Bemer, Law Director, Vic Nogalo, Finance Director, Joe Borczuch Service Director, Chad Gluss, Fire Chief, and Paula Accordino, Economic Development Director. Audience: 5.

Approval of Minutes

Mr. Gorski moved to **approve** the minutes from the Regular Council meeting of September 11, 2018; Mr. Fenrich **seconded**. Mr. Gorski indicated a typographical error. Poll: 4 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda

Mr. Gorski moved to **amend** the agenda to include Resolution 58-2018 and Resolution 59-2018 on the agenda under New Business; Mr. Haviland **seconded**. Poll: 4 ayes; 0 nays. **Motion carried.**

Mayor's Report and Appointments

Mayor Graven would like to thank everyone in the City for their outstanding service relating to the Chandler's Lane condominium fire. He would like to thank all the other cities that provided both fire and squad assistance including crews from Olmsted Township, Brook Park, Grafton Village, North Olmsted, North Ridgeville, Rocky River, Westlake, Brooklyn, Strongsville, Berea, and Cleveland Airport. He would also like to thank Brunswick. He thanked Berea Police Department for handling all of the police calls within the city while all of our officers were on scene of the fire. He would like to thank the outstanding service of the Red Cross who immediately came to help and support all of our residents of the fire and arrived at City Hall to help some of the victims. Southwest General Hospital, for their CEO, Bill Young's presence as well as three (3) nurses; the Olmsted CERT Team; the local Salvation Army; Father Wally of St. Mary's of the Falls; Shakers Marketplace; Gibbs Butcher; Angelina's; and the many many other businesses and individuals who did not hesitate to help by donating and being present. Also, thanks to our newest Councilman Lee Fenrich, for being there to comfort the residents in his Ward both during the fire and after in the days that followed.

He stated that multi-family dwellings pose a large life safety risk due to the number of occupants that can be living under one roof. Fires in multi-family dwellings can also have catastrophic results in occupants' lives, whether by losing property, or in the worst-case losing lives. We are very thankful that everyone got out safely and no lives were lost. A successful outcome came about because we had a quick establishment of an adequate water supply; we had fast calls for additional help; the fire

chief asked for a second and third alarm very quickly so there were plenty of resources on scene; and the coordinated actions of the fire crews operating with a shared understanding of priorities. The objectives in this fire were life safety; stabilizing things at the scene and preserving property, wherever possible. He is proud of the way our fire crews were able to quickly and effectively conduct a primary search to ensure that everyone was out. We were successful because there was no loss of human life and there were no serious injuries. The first crews on scene were able to stretch a 2 ½” attack line up an interior stairwell to attack the fire and also protect the people who were evacuating down the stairwell. Within three minutes of being on scene fire crews made a primary search of the building; they accomplished the goal of getting everyone out very quickly. Sometimes in these fires the extension travels across the vertical spaces; can skip over intermediate floors and break out into the attic space. Given the large attic space this fire grew very quickly. Fires in multi-unit buildings are necessarily very resource intensive but because of the adequate manpower that the chief requested right away we had a very positive outcome. Again, because no one was killed or injured. Our fire fighters used good tactics that supported proper strategies and exercised good judgment and achieved all of our safety goals.

He stated that he is happy to report today that the city received word that the Northeast Ohio Regional Sewer District has approved our request for \$1,090,500 to help further reduce the individual property owner assessments in the Phase V Sewer Project. This grant was applied for by Ms. Accordino and our economic development team in June of 2018 and we just recently found out that the city received the award. We will share more information about this and how it will help the property owners in the sewer district.

Lastly, he would like everyone to know that he, the law director and the finance director earlier this week negotiated one of the legal bills from last year. The amount of the invoice was \$22,600 and we negotiated that down to \$8,500 and were able to save our taxpayers a significant amount of money. He would like to thank the law director and finance director for helping during those negotiations.

Communications from Residents

Tony Campanalie, 7565 Clark Street stated that he would like to thank the service department for seeing their way through to fixing Clark Street, with the Mayor’s help. He thanked Denise Nicolay for her help getting the sidewalk opened on Mapleway. He stated that on September 11th around midnight his wife woke him up indicating that someone was knocking on his door. He is half asleep and when he looked outside he saw a patrol car. He opened the door slowly, the officer then asked for his son. The officer then indicated that a North Olmsted patrol officer handed his son’s wallet over to this officer who then brought his son’s wallet to the house. Even though it was late at night is was well worth the visit because the wallet was returned with money and all cards inside of it. The ramifications of losing your wallet are great. He stated that with Chief Rogers and the communications with the residents he would like to thank them for the return of the wallet.

Barb Chitester, 9745 E. Northwood and Barb Terlep, 9735 E. Northwood. Ms. Chitester stated that they would like to know if they can get their street name changed back to E. Northwood rather than Northwood due to the fact that all their mail reads E. Northwood; when people come to visit if they are not told “east” they cannot locate the street as it does not come up on Google. She stated that it is not just her making this request but all the neighbor’s she spoke with all want the street named E. Northwood. Mr. Borczuch stated that the city has discussed this issue numerous times. The

information he received from the County is that the information sent to them stated Northwood and there was a clerical error on two properties where the E was added and the county was supposed to make the corrections. On the tax duplicate for all the other parcels the street name is Northwood. He does not know what it would need to happen in order to change the name of the street. He stated that the street that goes to the west is named West Northwood but the one that is straight is Northwood as the street does travel in the north direction. He stated that he knows there are some clarifications with old development maps but what was submitted to the County stated Northwood. Mayor Graven asked if the county changed the information when the houses were added in the cul-de-sac. Mr. Borczuch indicated that he is not sure at that point in time. The sign was changed to Northwood which was directed by his previous boss. Ms. Terlep stated that her father developed the land and it was a horseshoe. It has been East Northwood Drive for the 78 years of her life. She did not realize that it was changed as none of the residents were told. Our mail always came as East Northwood and still comes as East Northwood. She stated that a month ago when a window repair man was coming to the house he indicated that they could not find her street. If you do not put in East Northwood you will not find it on GPS. Mr. Fenrich stated that he has a map of the original layout that he received from Mr. Terlep and it shows a horseshoe off a Sprague Road and indicates that East Northwood goes around and as it comes back out to Sprague Road it is West Northwood. It is his understanding after speaking with someone who is the low man on the totem pole in the County that once the street layout was changed from the original layout the developer eliminated West Northwood off of Sprague and left East Northwood as the only entrance and at that point there was East Northwood and West Northwood which were two cul-de-sacs'. Somewhere along the line it was changed from East Northwood to Northwood and from his understanding is the only way to change the name back to East Northwood is to go to County with a petition to change the name. He stated that at one-point Mr. Terlep informed him that he believed the confusion was because there was a Northwood in Olmsted Township but there is no Northwood in the Township. He stated that as far as the post office is concerned they do not know what is going on. Ms. Terlep indicated that the post office instructed her to make sure the E was placed on her address. Mr. Fenrich indicated that is correct because that is what they have listed. Mr. Terlep indicated that she was not aware of the change and were not informed. If the E is not placed on her address she will not get her mail. Mr. Fenrich indicated that according to the County a petition needs to be signed from the neighbor's and submit that to the county for a name change. He stated that the city cannot help because the county must make those changes. Ms. Chitester stated that she had been waiting for Mr. Miller to get her information but he has since left. Mayor Graven indicated that Ms. Chitester could contact Mike Gallagher who is the representative for our city through County Council. Mr. Gorski stated that the apps on your cell phones do not undergo regular updates so the fact that it was East Northwood when the phones and maps were produced is probably why people are facing the issue of not being able to locate the street. Ms. Chitester stated that she does not believe the change was done correctly. Her problem is change the whole system not just one thing because when you have a child that uses Uber but they cannot locate the house then she has an issue.

Approval of Bills:

Mr. Gorski moved to **approve** Pay Ordinance 2018-14; Mr. Fenrich **seconded**. Mr. Gorski stated that check #102911 was issued to Trident Insurance Services in the amount of \$10,000 and states INS deductible Traine, and asked what that meant. Mr. Nogalo stated that it is the deductible payment for the Traine issue and the city's defense. Mr. Bemmer indicated that the city's insurance carrier has a \$10,000 deductible for attorney's fees and the city is obligated to pay the first \$10,000 out of the

city's budget. Mayor Graven indicated that the litigation is ongoing. Poll: 4 ayes; 0 nays. **Motion carried.**

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch stated that there is still more concrete road work to be completed and should run through the month of October and then leaf season will begin.

He received a phone call from Cuyahoga County Sanitary Engineer's Department who indicated that the Bagley Road pump station generator has quit. The county will obtain quotes from their vendors and the cost could be around \$30,000 to \$40,000 range.

Chad Gluss, Fire Chief

Chief Gluss stated that he would like to personally thank all the fire departments that came to help the city during the fire, as well as the Berea Police Department. He stated that Lt. Graven was also brought out of retirement for a day. He would like to thank Chief Rogers and Joe Borczuch who were helped tremendously in a time of need. He would also like to thank Ms. Accordino, Ms. Mancini, Ms. Veloski, Trisha as we opened City Hall as a meeting place and they were not initially aware of that fact but they handled the situation like champs and what needed to be done got done. He also thanked Ms. O'Malley from the senior center who came in to help. He thanked Councilman Fenrich who he did see at the scene the next day and was talking with the homeowners and attending to their needs. He would like to put on the record so Council is aware of how well these area fire departments work together; without these fire chief's this fire would not have went as well as it could. He could not say that he did everything himself and the fire just went away. He would like to personally thank Chief Pat Kelly, Olmsted Township Fire Department; Chief Jim Hughes, Westlake Fire Department; Chief Tony Raffin, Fairview Park Fire Department, Chief Tom Maund, Brook Park Fire Department, Chief Briant Galgas, Middleburg Heights Fire Department; Chief Mark Kaufhold, Berea Fire Department; and Chief Ed Schepp, North Olmsted Fire Department. He thanked Assistant Chief Tom Emiling, the day of the fire was his official swearing in as the assistant chief and because of this fire it was ruined but he did show up at the scene to help. It is remarkable that when fireman are in a time of need people drop everything to help. He could not be happier about this community, the residents and businesses, the outpouring of support has been unbelievable, it not only makes him proud to serve this community but he has been a resident of the community for 20 years.

Paula Accordino, Economic Development Director

Ms. Accordino stated, as the Mayor mentioned, the city received a grant in the amount of \$1,090,500 from Northeast Ohio Regional Sewer District. The city had a great deal of help from Don Sheehy, our city engineer. In the near future we will have information for residents regarding how this program will work for them which is a reimbursement program.

She stated that the County will be recommending to County Council for the Olmsted Falls Jenkins Place Senior Center be awarded a grant in the amount of \$20,000 which will be renewable for 2020.

We are also proposing a TLCI study, which is a NOACA administered federal grant program. During the public hearing held this evening there were some comments expressing concern about how we will manage traffic with the revitalization district and zoning changes. Through the TLCI study the

city will request \$150,000 to help us manage pedestrian and traffic safety that we have concerns over with regard to the new downtown expansion area, if the zoning is passed.

We will also apply to the county for a wayfinding, signage and branding grant that we previously submitted which will help us with navigation in the city especially if there is a new expanded downtown district.

The Main Street Board is forming and are anticipating officer elections in October. She is extremely enthused at the high level of corporate participation and interest in board members; she thinks this is going to be a phenomenal group with very skilled and talented members.

We have picked the winners of our art contest and will be making reproductions of their works. The cards will be available in November and she hopes everyone will consider purchasing them to support Main Street. There is fantastic talent and a lot to be excited about where the arts community is concerned and its future here.

The 2018-2019 Olmsted Falls Magazine that the city has worked with Great Lakes Publishing Cleveland Magazine for many years will go to publication next week so look for that in your mailboxes by early November. This will be a great issue focusing on people in the community and the exciting things that we are planning.

Vic Nogalo, Finance Director

Mr. Nogalo stated that earlier he distributed a brief explanation regarding the purchase of a street vehicle for the service department. The bottom line the city will not make any payments this year but will need to budget. Next year the city will pay Rush Truck Center the full purchase price but then we will finance \$82,095 which will be paid over the next four years. He did not feel that his explanation last meeting was well received.

Councilman Lee Fenrich, Ward IV

Mr. Fenrich stated that the fire was located in Ward IV. He has been a resident since 1955 and has seen this town pull together before but never like this. The outpouring was remarkable, when he left City Hall at 5:30 there were cars lined up in the parking lot waiting to donate. There is also a list at City Hall of people that volunteered their homes knowing full well that anyone coming into their home could possibly be there for a year or year and half.

The source and cause of the fire remains under investigation at this time and the first floor was boarded up. A meeting was held yesterday afternoon at 3:00 p.m. in Building 4 for all the residents affected by the fire. The representative from Carlisle Management answered every question politely and assured the residents that everything would be covered. Residents left their wallets, purses, files, everything behind and showed up at city hall with the clothes on their back; so, for those concerned about things left in their units, they were all assured that once the place was secured they would be allowed back in, one unit at a time, to get belongings out. The third floor was pretty much destroyed and at first they were not going to let anyone back in but after some discussions the representative decided that someone could go in on their behalf. Once work on the building begins anything salvageable will be placed in a central area and labeled with each unit so residents can claim their property. He was placed on a robo call list so he will be notified of any future meetings. The insurance company that insured the building is covering almost everything which includes paying our

police department overtime to watch the building. Lastly, as far as him being at the scene, he was not there as Lee Fenrich he was there representing Council so all of Council was there.

Mayor Graven stated that during the meeting the residents commended the city, fire and police departments for the job they did. Mr. Fenrich stated that the residents applauded for our personnel. Some of the residents are still in shock and still processing what happened. He is proud to be a resident of Olmsted Falls and the way everyone pulled together and believes everyone deserves a pat on the back.

Councilman Ed Gorski, Ward I – No Report

Council Pro-Tempore, Jim Haviland

Mr. Haviland stated that he is also proud to be a part of this community. He would like to recognize the professionalism and handling of the fire by all those involved. He is heartened by the community and its outpouring of support for those impacted it was remarkable.

Councilwoman Denise Nicolay, Ward II

Ms. Nicolay stated that she is thankful for the fire department that we have and the great community that we live in. Everyone seems to pull together when things get tough and she is proud to live in Olmsted Falls.

Andrew D. Bemer, Law Director

Mr. Bemer stated that Council has a requisition before them for payment to Brickler and Eckler in the amount of \$8,500 for attorney's fees that the Mayor mentioned in his report. If you will recall, back in late Spring we discussed two public records cases that were pending in the Supreme Court, one was filed by the Ohio Patrolman's Unit and the other filed by Kevin Roberts, we paid attorney's fees to those individuals in settlement of those two claims in the sum of \$5,000 and \$7,000 respectively. The invoice before Council initially was received by the city in the amount of \$22,000 for services from Brickler and Eckler in the defense of these public records cases. We had preliminary discussions in early summer regarding the invoice and successfully held another meeting and negotiated the \$22,000 amount down to \$8,500. He would therefore appreciate if Council would entertain a motion to pay this invoice.

Mr. Gorski moved to **approve** a requisition to Brickler and Eckler in an amount not to exceed \$8,500 for legal services; Mr. Haviland **seconded**.

Mr. Gorski stated that this payment is on the pay ordinance that Council has already approved and asked if this approval is for the city to essentially cut the check; Mr. Bemer replied yes. Poll: 4 ayes; 0 nays. **Motion carried.**

If Council recalls, the Baker Bridge issue is currently also in litigation and through the approach of a couple of the residents that are affected he has had some discussions with the respective attorney's representing both the city and the residents. There appears to be enough interest to sit down with these residents and see if a compromise can be entered into at least for the purpose of moving forward with the actual repairs to the bridge initially without any real consensus on how the payments or assessments would be divided. We believe that it would be best to open the road as we are getting a lot of complaints from the residents on Northwood. He rode with Mr. Borczuch to the area a few weeks ago and the only access available is this little, its not even a road it's a utility path, and it seems

like it behooves everybody, not only those affected residents, but for those of us in city government to see if we can move ahead with some consensus to get the bridge repaired and assess later. With that in mind, we sent out notices indicating that a meeting will be held next Tuesday October 2nd at 5:00 p.m. here at city hall. We invited all the attorneys and the residents and hopefully something productive will be forthcoming.

Old Business

Ordinance 39-2018 (AMENDED)

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; 281-20-054; AND 281-17-017 CONSISTING OF APPROXIMATELY 9.74 ACRES AND LOCATED ALONG BROOKSIDE DRIVE FROM P-1 “PROFESSIONAL AND MEDICAL DISTRICT,” AND I-2 “INDUSTRIAL MANUFACTURING DISTRICT” TO MUTND, “MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT” AND FURTHER AMENDING THE ZONING MAP OF THE CITY CONSISTENT THERETO
Tabled on Third reading (07/24/2018)

Remained on Table

Ordinance 43-2018

AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE CITY OF OLMSTED FALLS, OHIO AND DECLARING AN EMERGENCY **Tabled on Third Reading (09/11/2018)**

Remained on Table

New Business

Ordinance 57-2018

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPUBLIC SERVICES THROUGH OLMSTED TOWNSHIP BOARD OF TRUSTEES, FOR REFUSE COLLECTION AND DISPOSAL AND CURBSIDE RECYCLING SERVICES AND DECLARING AN EMERGENCY **First Reading**

Resolution 58-2018

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR A LIVABLE COMMUNITIES INITIATIVE (TLCI) STUDY GRANT IN THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) AND ACCEPTING THE GRANT UPON AWARD TO THE CITY, AND DECLARING AN EMERGENCY **First Reading**

Resolution 59-2018

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

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

Mr. Gorski asked Mr. Nogalo exactly how time sensitive this particular piece of legislation was for his department. Mr. Nogalo indicated that the email he received from the county stated that the deadline was October 1st, but, he believes that is a soft deadline date. In the past the deadline used to be in November along with the advance. He indicated that another ordinance will be forthcoming so the city can receive its property taxes as they come into the county rather than upon settlement. He tried to contact Mr. Dunn at the county today to see how soft this deadline date is but has had no response. The county needs this ordinance in order to print the tax bills, which they do not do until December so he believes this can be adopted at the next meeting. He understands that we cannot pass this tonight due to the fact that we do not have enough council members present and is sure the county will understand and allow us not to meet the soft close deadline.

Miscellaneous New Business - *None*

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

Mr. Gorski moved to **adjourn**; Ms. Nicolay **seconded**. Poll: 4 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:14 p.m.

James Graven, Mayor

Angela Mancini, Clerk of Council