

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

The Pledge of Allegiance was recited. Mayor James Graven called the meeting to order at 7:31 p.m. Roll call was conducted. Councilmen Paul Stibich, Jim Haviland, Lori Jones, Ed Gorski, and Lee Fenrich were present. Councilwomen Denise Nicolay and Terry Duncan were excused.

Also in attendance: Andrew D. Bemmer, Law Director, Vic Nogalo, Finance Director, Joe Borczuch Service Director, Chad Gluss, Fire Chief, and Odis Rogers, Police Chief. Audience: 10.

**Approval of Minutes**

Mr. Gorski moved to **approve** the minutes from the Special Council meeting of September 25, 2018; Mr. Haviland **seconded**. Poll: 4 ayes; 0 nays; 1 abstain (Jones). **Motion carried**.

Mr. Fenrich moved to **approve** the minutes from the Regular Council meeting of September 25, 2018; Mr. Gorski **seconded**. Mr. Fenrich indicated typographical errors. Poll as amended: 5 ayes; 0 nays. **Motion carried**.

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

**Mayor's Report and Appointments**

Mayor Graven stated that this past Sunday Falls Day in the Park took place at East River Park. There were a lot in attendance. He would like to thank the board for allowing him to present the City of the Year award to Mr. William Nickels. He stated that Mr. Nickels is a World War II Veteran, was in the Navy and served in the Pacific on three different ships. He served dangerous duty on a tanker ship. He returned home to Olmsted Falls and became a volunteer firefighter for 35 years. He is now in his early 90's and doing well.

He stated as previously stated he would like to thank the Economic Development Director Paula Accordino for all her hard work. In June she applied for a million-dollar grant that the city did receive and this additional grant should save each homeowner in the project area approximately \$3,000.

He stated that earlier in the year the administration had to make a lot of difficult cuts, which were hard to do. Currently, we are seeing some success from those cuts. In the first nine months the city has spent approximately \$300,000 less than we have taken in in revenues. We are slowly but surely making progress on the economic front. We are especially proud of the fact that outside legal fees have been cut substantially.

**Communications from Residents**

**Roberta Schwimmer**, stated that she is assuming that Council will be voting on the legislation for the revitalization district this evening. Mr. Stibich indicated that both the revitalization and zoning legislation will remain tabled. The zoning will remain tabled until after the public hearing which is currently scheduled for Monday, October 22nd. Ms. Schwimmer asked if Council would be considering the revitalization legislation at the same meeting. Mr. Stibich stated that Monday is the public hearing specifically for rezoning but at the Council meeting on Tuesday Council would possibly untable both the zoning and revitalization legislation and vote. Hopefully there will be a full contingency of Council at that meeting. Ms. Schwimmer indicated that she would reserve her right to speak at that Council meeting.

Mr. Gorski apologized as he has been in communications with Ms. Schwimmer that past couple of days and he was not aware until he came this evening that Ms. Nicolay would not be present. Ms. Schwimmer indicated that when this happens as you can see, if anyone has had a party, you keep calling a break in the party people leave and they don't come back. So, it's unfortunate, their enthusiasm was there, they became discouraged with all the postponements and it definitely affects them. She hopes that they will contact some of Council and hopes that they are still thinking about it. Mayor Graven stated that due to the fact that there was an emergency with a council member the Council President decided to wait on the vote. Mr. Stibich stated that all seven members should be present for the next council meeting to vote on both issues.

**Katie Gross**, indicated that she would like to also save her comments for the next meeting.

Mr. Stibich indicated that everyone is invited to speak at the public hearing on Monday, October 22<sup>nd</sup> and then again during the Communications from Residents portion of the regular council meeting.

### **Approval of Bills:**

Mr. Gorski moved to **approve** Pay Ordinance 2018-15; Ms. Jones **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

### **Officials Reports:**

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

Mr. Borczuch indicated that during the last Council meeting he mentioned the generator at the Bagley Road pump station and he has now received a quote from Cummins Sales and Service for \$19,576.00. This will cover the costs of the generator and installation. The Cuyahoga County Sanitary Engineers will continue to service the station.

Mr. Gorski moved to **approve** a requisition to Cummins Sales & Service for a new generator for the Bagley Road Sanitary pump station in an amount not to exceed \$19,576.00; Mr. Fenrich **seconded**.

Mr. Stibich asked if the capital fund would be utilized. Mr. Borczuch indicated that the sanitary fund, 128 fund, would be utilized. Mr. Stibich asked if the previous generator had failed. Mr. Borczuch indicated that it has failed and was the original generator for the pump station and installed in the late 80's. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that leaf pickup will begin October 15<sup>th</sup> but he does not see the seasons changing by that date so his department will be busy during November.

**Odis Rogers, Police Chief**

Chief Rogers indicated that he would like to purchase a new cruiser. He is purchasing this cruiser at the end of this year rather than the beginning of next year, which he did budget for, is due to the fact that if he orders the cruiser this year he would save \$3,000 and the vehicle would be a 2019. He stated that one of the reasons is that the factory shuts down in February which makes him unable to order a 2020 until September. So, not only would he save \$3,000 by ordering now, he needs a new vehicle. If he has to wait until September to order a vehicle he would not take delivery of the vehicle until January of 2020. His current repair costs for the fleet, which does not include maintenance, is \$19,346. Interestingly, Car 6 and 7, which are the two new vehicles he has spent \$271 on repairs. We are playing catch up since we have not purchased a new cruiser for four years and now we are paying the price. Other than the two new cruisers we have no cruiser with less than 110,000 miles on it.

Mr. Gorski moved to **approve** a requisition to Statewide Ford for the purchase of one utility interceptor in an amount not to exceed \$40,221.00; Ms. Jones **seconded**.

Mr. Stibich asked how many cruisers the city is operating. Chief Rogers indicated that there are eight road cruisers, but one of them is done. He took Car 22 to get repaired and it needs several thousand dollars' worth of work. This vehicle has 168,000 miles on it and is not worth repairing it. The seventh cruiser needs a new computer so the mechanic is trying to take the computer that is good out of Car 22 and install it into the other cruiser in order to save money. He is trying to prolong the longevity of these cruisers as much as he can but in the meantime, he needs to begin replacing them. Mayor Graven indicated that with this purchase the department will have three new cruisers. Chief Rogers indicated that he would have relatively three new cruisers but because the old ones go down so much the one we received in November of 2016 has 19,000 miles on it. Mr. Stibich asked when the vehicle would be delivered. Chief Rogers indicated that it is possible to have delivery by the end of the year. Mr. Gorski asked if the capital improvement fund would be utilized for the purchase. Finance Director Nogalo replied yes. Poll: 5 ayes; 0 nays. **Motion carried**.

**Chad Gluss, Fire Chief**

Chief Gluss stated that last Sunday the fire department participated in a County wide drill at Southpark Mall. There were multiple fire and police departments doing active shooter in half of the mall and the other half was for haz-mat incidents. He would like to thank the Olmsted Falls CERT team for their continued support. They had five or six members that participated and we had to be there at 4 a.m. ready to go so we could be gone by the time the mall opened.

**Vic Nogalo, Finance Director**

Mr. Nogalo stated that he is budgeting this year for the police cruiser purchase so he does not have to budget for next year.

He stated that the month of September is closed and we are  $\frac{3}{4}$ 's of the way through the year. The monthly detailed financial report has been placed on the website but if someone would like it printed out please contact him. The finances have basically stabilized and the free fall of the general fund balance is somewhat over. As the Mayor mentioned the general fund the revenues have out past the expenses by approximately \$300,000. One of the key expenditures are the legal expenses, so far this year we have spent \$33,000 compared to last year which was, in total, \$168,000. If you project and prorate to the end of the year he would estimate \$44,000 total for the year. All the property taxes are

in and all the special assessments are so there will be no more collections for this year. Another good item is that income tax collections are up about 8.7%.

**Councilman Lee Fenrich, Ward IV**

Mr. Fenrich stated following up on the Chandlers Lane fire, he has spoken with several residents and has been in contact with them since the fire. For the most part they are very understanding about everything that has been going on and the fact that they cannot get back into their building. He was there on Sunday to take pictures of the wall that fell so when anyone calls to ask why can't they get back into the building the pictures will show why. As he understands there will be a meeting Friday morning at 8:00 a.m. between the insurance companies, the management company and the fire investigators but he does not believe it's open to the tenants. He is going to try and attend that meeting so he can let the residents know what happened. Chief Gluss indicated that after the insurance fire investigators are complete the building will be turned over to the residents and they will be allowed into the building. He does not know the stipulations as there was some discussion about residents being escorted in and then there were discussions regarding their building they will have free rein but his understanding is after Friday afternoon once the fire investigators are complete the building will be turned over to the residents. Mr. Fenrich stated that he was at the scene about two weeks ago with a drone to look at the third floor and there are so many rafters down that are leaning against walls. He has had residents point out their sofa's and believe that they can just move one thing to get to it. But, there is no place to walk and to be honest there is no level surface on that floor and if you move anything he can't imagine not knocking something down and starting a domino affect throughout the building.

He attended a meeting last week with resident regarding the Baker's Creek bridge. At the end of the meeting the residents were pleased with the way the Mayor handled the meeting and were happy that they could talk with him. They also complimented him on trying to get something done. He did stay for about half an hour after the meeting and spoke with several of the residents and got the feeling that they are still a separation between them but more are leaning towards replacing the bridge than not.

Mayor Graven indicated that he was at the Chandlers Lane scene on Saturday morning and as you know Channel 5 did a report last Thursday asking why residents could not get in to the building and the next evening around 11 p.m. a wall fell. Unfortunately, Channel 5 did not do a follow up story saying thank god they didn't let people in the building because someone could have been injured or killed.

**Councilman Ed Gorski, Ward I**

Mr. Gorski moved to **acknowledge** receipt of the monthly Mayor's Court report for September, 2018; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

**Council President Paul Stibich**

Mr. Stibich would like to thank Councilman Fenrich for representing Council during the Chandler's Lane fire. He was there on the scene and it's hard for the rest of Council to get away from their jobs. He was present during the fire and help to coordinate the assistance efforts here at City Hall. The residents of the community were tremendous at bringing in things that they thought the homeowners may need and everyone at City Hall also helped. Mayor Graven stated that the residents in Councilman Fenrich's ward are appreciative that he keeps in communication with them. Mr. Stibich stated that this is still an ongoing issue and items are still being brought in for those homeowners.

Mr. Stibich indicated that there will be a safety committee meeting on Monday, October 15<sup>th</sup> at 7:30 p.m. and one of the topics of discussion will be the fire. He indicated that Chief Rogers will not be able to attend but would send a representative. This meeting is open to the public so if the other council members are interested as he knows Ms. Jones had some questions and concerns.

**Council Pro-Tempore, Jim Haviland**

Mr. Haviland would like to thank Chief Rogers and his officers for the extra attention on West Road in the Westgrove neighborhood. He received some appreciation from the residents in that area for the stepped-up traffic enforcement.

**Councilwoman Lori Jones**

Ms. Jones indicated that a cemetery meeting was held and reported that things are running much better there. She would also like to thank the Chief for the stepped-up police presence on West and it was noticed.

She stated that a couple of days after the fire there was a water main break and asked if that was due to the water pressure from the fire. Chief Gluss stated that the water main actually broke during the fire. Chandler's Lane water comes from the Rural Lorain County Water system but on the south side of Sprague in this particular corner is Cleveland Water so the water main that broke was from Cleveland. Cleveland Water kept the water flowing so the departments could still get water until the fire was under control which is why there was so much water in the area. Had they shut the water off the departments would not have been able to utilize the hydrant for the fire. Ms. Jones stated that the city does not know anything about infrastructure until something like this happens. Chief Gluss stated that we have known since the building was built that there were water issues in this corner. We do preplanning and ironically his department was there two days prior to the fire because we have known which is why we broke through a fence and connected to the Berea Water system. We knew if we ever had a fire that we would have to do something which is why we hooked to the Cleveland, Berea and Rural Lorain Water Systems.

**Andrew D. Bemer, Law Director**

Mr. Bemer stated to follow up on Councilman Fenrich's comments, the Bakers Creek Bridge meeting that his office called was very well attended, not only from city representatives like Mr. Borczuch and the Mayor but we almost had all of the residents on East River, two did not attend. We also had a couple of residents from Northwood. We discussed some of the strategies that may be considered in addressing the issue. The litigation still has tentacles and he would like to personally thank Councilman Fenrich as he believes his presence was invaluable. The other issues need to be discussed in executive session.

**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**

***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 **Second 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 **Second Reading**

Mr. Gorski moved to **suspend**; Mr. Haviland **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

***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 **Second Reading**

Mr. Gorski moved to **suspend**; Mr. Stibich **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Haviland **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

**New Business**

***Resolution 60-2018***

A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTION 321.34 AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **suspend**; Mr. Fenrich **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Mr. Haviland **seconded**. Voice Vote: 5 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Fenrich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

**Resolution 61-2018**

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEARS 2019 AND 2020 AND TO DIRECT THE CUYAHOGA COUNTY FISCAL OFFICER TO CREDIT THE CONSIDERATION PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS FROM TAX SETTLEMENTS DUE THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **First Reading**

**Resolution 62-2018**

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

**Miscellaneous New Business - None**

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

Mr. Gorski moved to **adjourn into executive session** to discuss pending litigation pursuant to O.R.C. 121.22(G)(3); Mr. Fenrich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:04 p.m.

Mr. Gorski moved to **adjourn into regular session**; Ms. Jones **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **adjourn**; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:39 p.m.

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*James Graven, Mayor*

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*Angela Mancini, Clerk of Council*