

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, January 8, 2019, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 7:30 p.m.**

The Pledge of Allegiance was recited. Council President Paul Stibich called the meeting to order at 7:330 p.m. Roll call was conducted. Councilmen Jim Haviland, Lori Jones, Ed Gorski, Denise Nicolay, Lee Fenrich, and Terry Duncan were present.

Also, in attendance: James Graven, Mayor, Andy Bemer, Law Director, Vic Nogalo, Finance Director, Odis Rogers, Police Chief, Joe Borczuch, Service Director, Paula Accordino, Economic Development Director, and Robert Arida, Temporary Fire Chief. Audience: 38.

**Approval of Minutes**

Mr. Fenrich moved to **approve** the minutes from the Regular Council meeting of December 18, 2018; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Gorski moved to **approve** the minutes from the Finance Committee meeting of December 11, 2018; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Fenrich moved to **approve** the minutes from the Finance Committee meeting of December 18, 2018; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

**Consideration of Amendment to the Agenda**

Mr. Stibich moved to **move** the Communications from Residents portion of the meeting to take place prior to the Mayor's Report; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

**Communications from Residents**

**Gayle Hansen, 8781 Columbia Road, Hansen's Greenhouse**, stated that she would like to ask Council what police protocol is. There was a robbery at Drug Mart last night and she learned this from her neighbor to the north. She understands that we cannot reverse phone everyone but the four greenhouses and landscapers all have out buildings. She stated that no police officers came to look in those buildings, and the person has not been caught. She would like to know if you guys could have had a common courtesy to call the four businesses that have barns and outbuildings and inform us that a guy is on the lose and ask to search our property because we all would have said yes. Mr. Stibich indicated that her concern is that this individual may have gone South into her area. Ms. Hansen stated that Uncle John's is at the end of Metropolitan, there are only two fields between her and Uncle John's and this individual he could be in one of her buildings right now, unless he was caught. Mayor Graven stated that he was on the scene last night and knows that the suspect fled on foot East on Bagley, went behind Drug Mart and we believe he went into the condo's and may have gotten into a get-a-way car and fled the scene. Ms. Hansen stated that what she heard was he fled to Metropolitan. Chief Rogers indicated that information was incorrect. That was the initial

information given. To address her concerns, officers were on scene in 2 mins and 13 seconds. We were told that the individual was south, or behind the Speedway, and within 2 mins and 13 seconds we had a perimeter set up on that entire block; the process was to try and push him towards the river where another officer was waiting. We searched the area for about ½ an hour. He understands her concerns but to extend that search down Columbia wasn't feasible. Ms. Hansen stated that she understands but maybe someone could have called the few businesses and inform us as to what was happening. Mayor Graven stated that this morning our detective was behind Drug Mart doing follow up at the condo's because most of the reports and evidence we have leans towards the suspect fleeing east on Bagley and probably somewhere in the Mill River condo's; but he does understand her concerns. Ms. Hansen stated that we have chemicals out there and if this individual is trespassing on our property and is higher than a kite, she's sorry but we are not sure what will happen. Mayor Graven understood her concerns. Ms. Hansen stated that a phone call to the residents with the big buildings since we all got the information that he was coming south, and she understands it was false information but we did not get the reports of false information. Mayor Graven stated that he can assure her that if we had information that he was fleeing South on Columbia we would have notified the residents. Ms. Hansen replied that as long as she has the understanding that the city would call or come and search buildings if you knew he was coming south. Chief Rogers replied of course, any area that we searched had multiple residences. Ms. Hansen stated that she is just clarifying that we are not being forgotten down at the bottom end.

Mr. Stibich stated that normally this part of the Council meeting is for residents of the City to address Council but seeing that we have about 25 members of the firefighter community this evening, rather than having most of them speak Mr. Randy Kimbro has offered to speak on their behalf.

**Randy Kimbro, 34841 Legends Way, Grafton**, thanked Council for giving him a few minutes to address them. He is a 31-year member of Olmsted Falls Fire Department as a firefighter/paramedic and recently retired Fire Chief of the City of Grafton. He is here to speak in support of Chief Chad Gluss on behalf of the fire chiefs and firefighters that you see here this evening. In his time at Olmsted Falls he has worked under four different Fire Chief's, Chief Gluss' education, training and experience far surpasses anyone on the department. He has led our department to higher levels of service and achievement. On the department organizational side, Chad Gluss has brought back unity to our department, restored training, as well as restored and updated policies and procedures. He has taken a very personal approach to personnel issues through consensus building. Chief Gluss has the most unique interpersonal skills that he has ever encountered in his career, he is able to connect with and work with almost anyone. He stated that Robert Greenleaf, the father of servant leadership, said "a servant leader focuses primarily on the growth and wellbeing of the people the communities to which they belong" and Robert Linden's book identified dimensions of servant leadership including creating value for the community, helping subordinates grow and succeed, putting subordinates first and behaving ethically, among other traits. Chief Gluss embodies the true spirit of the servant leader in an approach that puts staff before himself. A leadership style that emphasizes development of others above himself, he is building the next generation of leaders in our department. He has personally filled in for shifts to enable on duty firefighters to attend training. He has worked holiday shifts solely so others could be with their family. Recently he used a tool called survey monkey to solicit anonymous input from everyone on our department as to what is going right and what needs to change so he can focus on that. As for commanding emergencies, a big part obviously of a fire chief's job, Chief Gluss successfully commanded a multi-jurisdictional, multi-million-dollar fire here in Olmsted Falls without any fatalities or serious injuries and received accolades from many of the area fire chief's who were present at that fire assisting with that command. So, to conclude our only

request is that the acceptance of Chief Gluss' resignation and return to firefighter be tabled by Council until you can further evaluate and discuss these underlying issues.

### **Mayor's Report and Appointments**

Mayor Graven stated that he would like to address Firefighter Kimbro's comments. He agrees with Firefighter Kimbro, Chad Gluss is a servant leader, he also agrees that he is a nice guy. He has had lunch and golfed with him and agrees on many of the things Firefighter Kimbro said. But for the record, he has accepted Chad Gluss voluntary resignation as Fire Chief. He would like to stress voluntary resignation, to return to the rank of firefighter for the City of Olmsted Falls. Now, there were a few issues with Mr. Gluss and he is aware that Mr. Gluss wanted to make some more money. For the record, in 2018 the fire chief's salary is \$79,040 and a senior firefighter's salary is \$67,957. Last year, gross pay, including overtime, one of our senior firefighters made \$97,961; the other senior firefighter made \$93,353. He is assuming economic reality had a big part of Mr. Gluss' decision. He voluntarily wanted to resign and go back to firefighter and is assuming a big part of that was that he wanted to make more money so, he is allowing Mr. Gluss to go back to a firefighter. He wants to get the facts out, please do not believe everything you read on Facebook there are a lot of rumors. Someone put on Facebook that Mr. Gluss resigned from the fire department and everyone thought he was out of a job but the fact of the matter is he asked to step down from chief go back to firefighter and to stay with the department. Again, he agrees with Mr. Kimbro, Mr. Gluss is a servant leader and he thanks Mr. Gluss for his service as fire chief and wishes him good luck as he continues to be a valued member of our Olmsted Falls Fire Department. He would like to thank Mr. Gluss and Mr. Arida for their service to the city.

Another issue is that Mr. Gluss concerned when he decided that the department should go back to the chase car concept. As many of you know approximately 12 years before Mr. Gluss was chief when Cornel Munteanu was chief there was a chase car until Chief Gluss took over. For those who do not know what a chase car is an example is if someone has a sprained ankle they will call 911 and two firefighters respond in the ambulance and a chase car which is a pickup truck that follows; all three respond together; when they get to the scene if its something minor, like a sprained ankle, the two firefighters in the ambulance would transport the patient to Southwest Hospital and the third firefighter would go back to the engine house. If a call came in two minutes later for someone having a heart attack this third firefighter would respond by himself and get an AED on the patient which could bring the patient back to life before Berea, Olmsted Township, or Strongsville arrive. Another scenario that could happen while the two members are with the sprained ankle patient at Southwest, a fire call could come in which would get the third guy on scene to get water on the fire. As you guys know at one time your union president, Jeff Melton, was the third guy back at the fire house with the chase car when a fire call came in and he drove the engine to the fire and got water on the fire. As you guys know seconds count when it comes to fire. He is the safety director and is responsible for the lives of all the citizens and the firefighters and that is why it was his decision to change that concept. Also, for the record, exactly one year ago today he received an email from Jeff Melton, which he copied Chief Gluss on, which states "it has come to my attention you requested an opinion on whether or not we should transport with two or three firefighters" this is coming from your union president "in my opinion having the third firefighter at the station has several advantages." He went over the pros and cons but ultimately believed it was in the best interest of the citizens. He also said "I am attaching a study done by Lt. Douglas Stepco of the South Euclid fire department which posed the same questions about their response from 2003. He did a detailed study and came to the conclusion that the

advantages of sending the third firefighter back to be available was best for their department.” Again, he did not make a rash decision, he did not come in a year ago and say your going back to the chase car he did his due diligence and studied the reports and gave one to council.

Mr. Stibich stated that sometime during the previous administration the policy was changed from the chase car concept to three men going to the hospital. Mayor Graven replied correct. Mr. Stibich stated that is what was changed. Mayor Graven stated the decision to change from the chase car did not involve Council that was between the Mayor and Chief. He took approximately 10 months to study this report; he did not make a rash decision, your union president gave me the report on January 8, 2018 and he did his own studying and spoke with other people and after 10 months he decided that it was in the best interest for the safety of our community to have the third person go back in the chase car. The bottom line is if a person is having a heart attack and we have three guys at Southwest Hospital with a sprained ankle patient it is not a good use of our resources to have that person die while they are awaiting another city to arrive when we can have someone put an AED on them.

The last issue there was between myself and Chief Gluss was at the three-alarm fire he did not have his fire gear on; he had in Brook Park in his other vehicle. As you fire fighters know if you respond to a fire without your gear you are of no help to anyone; that’s like a police officer responding to a bank robbery without his gun; you cannot save lives without your fire gear. So, yes he instructed Mr. Gluss that he will have his fire gear on at every fire; Chief Gluss said that a couple other chiefs do not wear their fire gear at fires. Mayor Graven responded that he responsible for the city and is not going to have someone die on his watch, so if you guys want to say he is a micro manager because he is making the chief wear his fire gear at fires then he is guilty as charged. Mayor Graven asked if any of the firemen had to escort a colleague, another firefighter, that was burned to death to the morgue; he did five years ago this month and on his watch in this city he will do everything he can to make sure none of our firemen are killed or our citizens.

Ms. Jones stated that Mr. Stibich called her yesterday to discuss the resignation of Chief Gluss and from the email she read he resigned contingent upon being restored to the ranks so there was a contingent comment. She would also like to say, while she appreciates the Mayor’s years of service in Toledo and appreciates all the firemen present, it states that the safety director shall make and publish, with the approval of council, written rules for the government of the police and fire departments and for the conduct and discipline of members thereof. Council was not involved in the decision to go from a three-man ambulance to a two ambulance and chase car. It is also her understanding that when the firemen are out on another run that we have a regional response thing with 911. Mayor Graven replied that a resident may have to wait for Strongsville to show up. Ms. Jones responded right, or Berea or North Olmsted. Mr. Stibich asked if the law director would like to respond to these comments. Ms. Jones replied that he can respond when she is finished as the mayor got to speak until he was finished and she is a council at large elected official and the law director is not an elected official. Mr. Stibich stated that it is his meeting; please hold off until... Ms. Jones replied it is the people’s meeting, what she read was the Ohio Revised Code and the memo was a shall direct order and Council was never advised. She was not going to bring this up now but if the Mayor is going to bring it up publicly than she is bringing it up publicly.

Mr. Bemer interrupted Ms. Jones and asked if she was citing a Charter provision and not the Ohio Revised Code. Ms. Jones replied yes. Mr. Bemer stated that he interprets that. Ms. Jones interrupted to state that the Ohio Revised Code is similar. Mr. Bemer stated that he is interpreting that as the decorum; not things that are essential to the operations of both the management and the operations of a

fire department this is something that a safety director and fire chief, in concert, would address. This is highly beyond the scope and knowledge of Council regarding rules and regulations. Ms. Jones stated that we are a charter city, therefore ours supersedes the state. Mr. Bemer stated that this is about dress code. Ms. Jones stated that the Ohio Revised Code does not require the chief to wear his gear to the fire. Mr. Bemer stated that what Ms. Jones is citing is actual protocol of fighting fires which is beyond the scope of City Councilmanic action and it would not apply. Ms. Jones replied that is not true, it says with the approval of Council, and Council could be a part of it because we wouldn't just make a decision, we would hear from the mayor, the fire department and the chief and then we would be able to make a decision. This kind of upset me because it made her feel like Council doesn't have a legal representative because Mr. Bemer finds a way to make it fit their needs and it says with approval of council changing policies and procedures and you keep ignoring us and she thinks he needs to respect council.

The other thing she wanted to mention, we are appointing two new people to the civil service commission and as liaison to the commission she was not aware that we were getting two new appointments. She was not aware that the others weren't reappointed. In fact, she got a call from the former chairman who said that he called the clerk two or three times in December to schedule a January meeting and she didn't return his call; then he told her that he got a letter telling him that he was no longer on the civil service commission. Mayor Graven replied that he did not ask to stay on. Ms. Jones stated that he indicated that he did not know he was to ask and felt that there should have been better communication. It is not in the Charter or bylaws but she thinks we need to communicate better because these are people who have lived in the area for 30 years and give their time and just a courtesy to say that they are not going to be reappointed then they wouldn't wonder why their calls were not returned. Mr. Stibich stated that the Mayor did ask all of Council for suggestions for committee appointments for this year back in November or December. Ms. Jones replied that she is saying they were not aware that they had to ask; they said they were never notified that they had to ask and she thinks if that was the Mayor's intent he should have told them either you have to ask or you are not going to be reappointed because he wanted his people on civil service commission, which they would have understood, we should have better communication.

Mr. Gorski **moved** to appoint Hilary Sparks-Roberts to the Architectural Board of Review, term to expire 12/31/2021; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Stibich stated that he is pleased with all of these appointments. He is familiar with Ms. Sparks and Mr. Smith and he does not believe better choices could have been made for all of these appointments.

There was a small break to allow the firemen to leave the meeting. Ms. Jones thanked them for attending the Council meeting as we appreciate your voice.

Mr. Fenrich moved to **appoint** Antoinette Grove to the Architectural Board of Review, term to expire 12/31/2021; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **appoint** Alan Perkins to the Park and Recreation Board to fill an unexpired term until 12/31/2021; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Fenrich moved to **appoint** R. Janney (Jan) Smith to the Civil Service Commission, term to expire 12/31/2024; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **appoint** Ryan Ross to the Civil Service Commission, term to expire 12/31/2024; Ms. Nicolay **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

### **Approval of Bills:**

Mr. Fenrich moved to **approve** Pay Ordinance 2019-01; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

### **Officials Reports:**

#### **Odis Rogers, Police Chief – No Report**

Mr. Stibich asked if the department was following up on the robbery. Chief Rogers stated that he is sure everyone has seen the press release. His department has released as much information as they can at this point. Obviously, this is still an ongoing investigation so there are many things that cannot be released or discussed. He would like to thank the Olmsted Township and Berea Police Departments for swiftly responding to the call and helping the Olmsted Falls Police Department secure the scene quickly. It was very much appreciated.

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

Mr. Borczuch would like to thank the Court Community Services, they have a litter pick up program with the city and he has worked with them for many years. This is a partnership with them and the Cuyahoga County Solid Waste District. They spent over 238-man hours through the city last year picking up almost 150 bags worth of trash. This is a free program to the city.

He asked Council to approve a requisition to Judco, Inc. for an eight-foot stainless steel auger salt spreader and installation labor. This was a budgeted item and will replace a 10-year-old plastic spreader.

Mr. Gorski moved to a **approve** a requisition to Judco, Inc. for an eight-foot stainless steel auger spreader in an amount not to exceed \$7,400.00; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that he distributed a requisition this evening. Prior to finishing leaf pickup this year two sink holes were discovered in the right-of-way of Columbia Road. They are approximately 9 to 10 feet deep and down to the main storm line. There is some infiltration onto the joints of the storm sewer through this area and is approximately a 200-foot run and a 12" clay storm. United Survey does all the city's grout or lining work on items that can be repaired. This requisition is an initial cost to engage them to get repaired as quickly as possible, hopefully before the next Council meeting. If the cost is more than this requisition he will return to Council for additional funds.

Mr. Gorski moved to **approve** a requisition to United Survey in an amount not to exceed \$10,000; Mr. Haviland **seconded**. Mr. Stibich indicated that this is a rough estimate of costs. Mr. Borczuch replied yes. Mr. Stibich indicated that the cost could be less. Mr. Borczuch indicated that is correct. These sink holes were discovered a week ago while picking up leaves. Mr. Stibich asked if United Survey has already looked at the situation. Mr. Borczuch indicated that they reviewed the camera footage he took. The cost for grouting includes labor and price per gallon, unfortunately he does not know how many gallons will be needed it depends on when the joint stops taking in the grout. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that leaf pick up has been completed and we have far exceeded any amount of yards ever picked up since he has been with the city. We usually average around 3200 or 3300 yards of leaves and this year we picked up over 4200 yards of leaves. This included 1300 manhours to pick up and almost 1,000 gallons worth of fuel. Both leaf machines are down, one will need a new clutch the other will need piston work and will need to be repaired before the Spring clean up in April.

**Paula Accordino, Economic Development Director – No Report**

Mayor Graven indicated that the Civil Service Commission will be scheduling a Fire Chief test in the very near future. He would like to introduce Robert Arida who is a senior firefighter and has agreed to step in for up to 120 days as the temporary fire chief. Mr. Arida has served in this capacity in the past and he is aware that he and Mr. Gluss have begun working on a smooth transition. He would again like to thank Mr. Gluss and Mr. Arida for their service to the community. He asked Mr. Arida how many years he has been with the city. Chief Arida replied 25 ½ years.

**Robert Arida, Temporary Fire Chief – No Report**

**Vic Nogalo, Finance Director**

Mr. Nogalo indicated that he is still in the process of closing 2018 and hopes to present the closing figures to Council at the next Council meeting. He would also like to revisit the 2019 budget adopted in December in order to determine if any adjustments will be needed based on the 2018 closing numbers. His goal is to provide Council with a concise budget document in order to prevent so much paperwork.

**Councilman Lee Fenrich, Ward IV**

Mr. Fenrich stated that supposedly within the next couple of days the demolition of Chandlers Lane will begin. He spoke with Mr. Schulman who indicated that everything seems to be on schedule. They are negotiating with the insurance companies as they previously indicated that they would replace everything as is and are trying to renege on that statement.

**Councilwoman Denise Nicolay, Ward II**

Ms. Nicolay stated that with the hours and fuel spent for leaf pickup would it be better for the city to maybe start the leaf pick up later in the season. It used to be September and October but now it seems that the trees are not turning till October or falling until November. Mr. Borczuch stated that he does not like to gamble with mother nature. In years past the leaves fell earlier and then we got snow in the beginning of November. Even if we move the season to later, we will still have as many hours for pickup. The worst part is transferring the trucks over from leaf pick up to snow plow trucks when snow happens because that takes a day. Mr. Fenrich stated that if no one is raking leaves and nothing on the ground there is no point in picking up. Mr. Borczuch indicated that the department doesn't continually go around. We will make the first pass through pick up what we can and then we move onto other work skipping a couple of days and then go back around. Ms. Nicolay stated that she is thinking that if there are certain days for pickup and residents know that the truck is coming on that day, they can get their leaves out. Mr. Borczuch stated that he wishes that this generally happens in larger cities but with our size he does not know if that would fit into our realm especially only having seven guys.

**Councilman Ed Gorski, Ward I**

Mr. Gorski stated that he has prepared something for this evenings meeting that he would like to read. “After one year serving together as Council and Administration for the city, I think that we can look back on 2018 and say that we have managed to accomplish a great deal. These are including but not limited to continuing with the Phase V sewer project, balancing our budget, rezoning and revitalization district, aggressive pursuant of grant funding, which he cannot applaud Ms. Accordino for but he will do it again, decreasing outside legal fees, he could go on. The first year that we’ve had together certainly was not without its growing pains but he can sit up here and say that I’m proud of the effort we’ve given to grow past our initial hiccups. These chambers have really been the location for some great conversations regarding what is best for the city and as someone who loves to engage in that sort of discourse that has been an aspect of serving in this position that I have thoroughly enjoyed. However, the most recent news to come out of this city is indicative, in my opinion, of the fact that we still have work to do in order to rid ourselves of a still somewhat present shadow of negative attention and unfortunately though I may praise our many accomplishments in 2018 its news like this that gives at least a superficial impression of a city in disarray. I don’t think any of us sitting up here necessarily thinks that but that from an outside perspective in a lot of ways is how that can look and that is not a reputation that I or I’m sure anyone up here wants. When I have friends and family messaging me, texting me, calling me, asking me what the heck is going on in Olmsted Falls that is something I take personally as a leader in this city and it’s something that disheartens me. This of course begs the question how are we to fix this. As leaders we all need to take personal inventory of our respective strengths and weaknesses and use that insight to continue in the direction of progress. We need to consider how we can improve our unique skill sets to work collaboratively. In closing, in 2018 we figured out what we do well to do well in 2019 we need to determine how we can be better.”

**Councilwoman Terry Duncan, Ward III**

Ms. Duncan stated that she has a question for Mr. Bemer based on a telephone call that she received from one of her constituents who lives in Falls Pointe, who is concerned with solicitors and people who are in the neighborhood. We have had quite a few as well in her neighborhood because of utility work going on, etc. This resident would like to know if signs could be posted in the public right-of-way entering Falls Pointe Development regarding no solicitors. She knows that we have an ordinance that says that if you are a for-profit solicitor you need to file a permit before walking around neighborhoods soliciting for services. She stated that it is the residents understanding that if they live on a private street the homeowner’s association can vote to say no solicitors but they are wondering if they can post signs. Mayor Graven indicated that he believes on Devonshire there is a sign posted. He also believes that Sunday evening around 8:45 p.m. there were some people knocking on doors in Falls Pointe. Mr. Bemer stated that this has been going on for approximately five or six years in terms of battling the for-profit solicitors versus not-for-profit canvassers. It happens to be a freedom of expression, first amendment right, most of the ordinances throughout Ohio are not constitutional. It is a fine line between what you can permit and what you can prohibit. In other words, the restrictions must be content neutral, so for example, if you do not want a religious group coming to your house but you certainly invite the girl scouts to sell cookies, you can’t do that, you have to be neutral in that regard. You can provide restrictions for profit solicitors which is different from canvassers. If an individual wants to run for public office and they need signatures, that’s a canvasser. The citizen has a duty to engage the political process, there is case law to that effect. If they don’t want to they can simply say “get off my porch.” There is some real interesting dynamics with that. The stickers that we still are debating is another form of that and it is difficult because the general public does not make that distinction between a for-profit solicitor versus a

canvasser. Then you get into a private association in terms of homeowners, that is a sticky wicket as well. Is this a public or private street. Mayor Graven replied the one Ms. Duncan is referring to is a public street. Mr. Bemer stated that in his opinion the answer would be no as he believes this is an improper restriction on freedom of speech; to simply say we are not allowing anyone to come into your neighborhood. There is a distinction between for-profit solicitors versus not-for-profit charitable organizations or canvassers. There is one particular not-for-profit canvasser and a good part of their funding is derived through litigation by suing communities who prohibit this type of activity. Ms. Duncan indicated that this is essentially what she explained to the resident but she told him that she would check. You can post what they want on their own door but not on the public street.

Ms. Duncan stated that the Shade Tree Commission is in concurrence with Ordinance 73-2018, which essentially puts an important part of the tree preservation ordinance back into the ordinance which was inadvertently removed a couple of years ago.

She thanked Council for appointing Mr. Perkins to the Park and Recreation Board. She had the opportunity to meet him and he was instrumental in the Fall-O-Ween event and are looking forward to the same event this October. She stated that the board is also discussing changing some of the activities in their schedule over the next couple of months.

She was impressed by the opportunity to watch a news conference where she knew the individual who is doing a great job, Chief Rogers, in spite of the interruptions.

#### **Councilwoman Lori Jones, Council-at-Large**

Ms. Jones indicated that she is looking forward to meeting the newest members of the Civil Service Commission and representing them as their liaison. She stated that going into 2019 she believes more communication would help ease issues. Mayor Graven indicated that when there are major issues, he contacts the Council President and/or Council Pro-Tempore then they decide if others should be notified. Ms. Jones stated that if there is something happening to a committee that she is the liaison to she would like to be informed.

Ms. Jones stated that if you are a chartered city your charter supersedes the Ohio Revised Code and our charter says “with the approval of Council.” She is asking to work as a team and if it requires Council approval why not ask. Safety Director’s job is to publish rules of government for police departments, conduct, discipline and resolutions, etc. so if the director wants to make a change just come to Council so we can hear from the Mayor and fire department and we can work it out that is all she is asking. At the end of last year, she thought everything was great and we were all laughing then she begins hearing other things and no one advised her of this. Mayor Graven stated things are still great. Ms. Jones replied yes, all she is asking is for the respect of Council and likewise she will give the administration their respect in what their duties are. She voted for the Mayor to be the safety director because he was a fireman and she figured he would know more. Mayor Graven stated that the bottom line is the change he made will keep more people safer and keep our city protected more often; the other plan left our city unprotected more often. This change adds protection to the citizens. Ms. Jones replied that if she knew everything that it wouldn’t be but she is just saying if it states “with the approval of Council” she would like the approval of Council. Obviously, the fire department disagrees because she has the survey monkey. Mr. Fenrich stated that basically what Ms. Jones is saying is just keep us in the loop and if you are keeping us in the loop, we are happy. Mayor Graven state he is. If the police wanted to change from 9mm to 45’s that would not go to Council. This is a standard operating procedure in fire so it would not go before don’t go to council; politics is

supposed to stay out of the police and fire departments. He asked the law director to speak on this issue. Ms. Jones stated that is correct, if the fire chief had made that change but since our charter says that the safety director makes that decision it goes to Council; if the fire chief makes that decision it may not have. Mr. Stibich stated that what he believes the Mayor is stating is that there are certain minor policy decisions; and he knows he is not interested in taking a vote for every little change. Ms. Jones stated that the Safety Director should set the whole safety rules and then Council would vote on them. Mr. Stibich asked where Council would draw the line and say its ok to change this but not change that. Mayor Graven asked if Ms. Jones would want to vote if a change was made to an attack hose from an inch and half to an inch and three quarters. Mr. Stibich indicated that Ms. Jones has made her point. Ms. Jones stated there was a disagreement between the fire department and the Mayor and believes that warrants a vote and a discussion. Mr. Stibich replied that he does not know if there was a disagreement between the Mayor and fire department but rather a disagreement between the mayor and the chief. Ms. Jones replied and the fire department. Mayor Graven stated that the fact is he followed the wish of their union president on this one issue. Ms. Jones replied right, but their union president isn't them. She believes we need to work as a team, the fire department, chief, mayor, and everybody. It states you have to get Council's approval we will the fire chief speak, the firemen and the safety director. Mr. Stibich stated the policy in this city was always to have a chase car, some time during the prior administration it was changed to be three of them go to the hospital and he does not ever recall voting on that so from that point of view that policy is illegal and this one should be reinstated. Ms. Jones stated that if the fire chief made the change its different than the safety director making it. Mr. Stibich stated that you can look at this in many different ways. Mayor Graven stated that the safety director is in charge of the police and fire chief's according to the charter. Ms. Jones replied that our charter says that the safety director has to get all rules that he wants approved by Council, it doesn't say the fire chief does. Mr. Bemer stated that we could do this till the cows come home; part of what he looks at is what has been the existing protocol and process for things; as Council President Stibich said there was never councilmatic approval of any of the chase car issues so why start now. Ms. Jones replied that was because it was fire chief driven. Mr. Bemer indicated that past interpretations are that no this would be beyond Council so why do we start a different interpretation now. He does not feel it is fair to ask temporary Chief Arida what the policies are and would prefer to ask Chief Rogers if the police department has internal policies in writing. Chief Rogers replied we do. Mr. Bemer asked what are the topics and scope of them. Ms. Jones replied and procedures. Chief Rogers stated that our policy manual is about 500 pages. Mr. Bemer asked if Council approved any of them. Chief Rogers replied no sir. Ms. Jones asked if the safety director wrote them, because it is all about who writes them because it states "the safety director shall make and publish, with the approval of Council, written rules for the government of the police and fire departments and for the conduct." Mr. Stibich stated that the safety director has accepted a policy that has been in effect in this town for god knows how many years. Ms. Jones replied that the safety director changed it so are you asking for a motion to approve operations in violation of the charter. Mr. Stibich replied no, what he is saying is that the safety director reinstated a rule that has been in place for years and was changed without authority. Ms. Jones replied the charter has been in effect for years and we do not know if the safety director made that call or if the fire chief made that call so there is a difference. She believes Council should discuss this situation. Mr. Stibich stated that he believes the safety director can overrule anything the fire or police chief's want to do. Ms. Jones reiterated that the safety director can make policies and procedures, with the approval of Council, and she does not know why Mr. Stibich does not want to. Mr. Stibich asked where the police or fire chiefs would come in. He indicated that this discussion will be tabled.

**Council Pro-Tempore Jim Haviland**

Mr. Haviland stated that Councilman Gorski's points are well taken and he thanked him for making those points. He is going to personally reflect on those points as we move into the new year. For the record, he would like to thank Chief Gluss for his service as fire chief and strongly support his return to the fire department. He would like to wish Chief Rogers speedy and successful investigation.

Lastly, we are planning a Joint Economic Development District meeting for January and are targeting the 22<sup>nd</sup>. He will work with the rest of the board members and new chairman to have the meeting prior to the Council meeting.

**Council President Paul Stibich**

Mr. Stibich stated that the Mayor and himself were approached by some citizens who are interested in exploring a joint recreation district with Olmsted Township and the School Board. These individuals have developed information that they would like to present to Council. After speaking with other Council members, he is scheduling a work session for next Tuesday, January 15<sup>th</sup> at 7:00 p.m. for this presentation. As he understands these residents also have some numbers that they will present to Council.

**Andy Bemer Law Director**

Mr. Bemer stated that he appreciates Councilman Gorski's comments as well. As he was asked to be part of this administration there were some growing pains but the main focus was to provide fiscal responsibility and frankly eliminate the contentious that seemed to pervade the culture here. We are trying to do that, and yes, we have taken two steps forward and sometimes we have taken a step backward.

As far as Fire Chief Gluss, there is one other comment that should be made so it is on the record, in reviewing the Civil Service rules they did not address this situation but the Ohio Revised Code does. The process is a reinstatement of Mr. Gluss as a firefighter which is done by a recommendation by the Mayor to the Civil Service Commission that he be reinstated as firefighter. That has been done in document form to the former Chief and will be followed through with Civil Service. He believes in good faith that the Commission will accept that recommendation.

**Old Business**

***Ordinance 73-2018***

AN ORDINANCE AMENDING SECTION 1218.03, "DEFINITIONS" OF CRITICAL ROOT ZONE IN CHAPTER 1218, ENTITLED "TREE PRESERVATION AND MANAGEMENT" OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS **Second Reading**

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

## **New Business**

### ***Resolution 01-2019***

A RESOLUTION ADOPTING THE CONTRACT NEGOTIATED BETWEEN THE CITY OF OLMSTED FALLS, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (PATROL UNIT, PART-TIME), AND AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR AND DECLARING AN EMERGENCY **First Reading**

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

### ***Resolution 02-2019***

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

### ***Ordinance 03-2019***

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,000,000 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 **First Reading**

### ***Resolution 04-2019***

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FROM THE CITY OF OLMSTED FALLS FOR A RECYCLING PROGRAM GRANT TO THE CUYAHOGA COUNTY SOLID WASTE DISTRICT FOR 2019 AND IF AWARDED, ACCEPTING SUCH GRANT, AND DECLARING AN EMERGENCY **First Reading**

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

## **Miscellaneous New Business - None**

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

Mr. Gorski moved to **adjourn into executive session** to discuss pending litigation pursuant to ORC 121.22(G)(3) and personnel matters pursuant to ORC 121.22(G)(1); Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:37 p.m.

Mr. Gorski moved to **adjourn into regular session**; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting reconvened at 9:37 p.m.

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

The meeting adjourned at 9:38 p.m.

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*Paul Stibich, Council President*

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*Angela Mancini, Clerk of Council*