

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, January 22, 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, Terry Duncan, and Lee Fenrich were present.

Also, in attendance: James Graven, Mayor, Andy Bemer, Law Director, Vic Nogalo, Finance Director, Odis Rogers, Police Chief, Joe Borczuch, Service Director, and Paula Accordino, Economic Development Director. Audience: 9.

**Approval of Minutes**

Mr. Fenrich moved to **approve** the minutes from the Regular Council meeting of January 8, 2019; Ms. Duncan **seconded**. Mr. Gorski and Mr. Haviland indicated typographical errors. Poll: 7 ayes; 0 nays. **Motion carried.**

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

**Mayor's Report and Appointments**

Mayor Graven stated that as of December 31, 2018 the city's unencumbered general fund balance total is \$370,072.00. This represents approximately \$250,000 more than the city would have had to begin the year if spending was not cut, due to the hard work of each of the departments. He would like to express his gratitude to Finance Director Nogalo for all of his dedication and expertise in helping with the difficult task of turning the city finances around. We all worked many long hours and faced many tough decisions in order to begin to right the financial ship. He also thanked all of the department heads for their work in maintaining fiscally conservative operations and still continuing to provide outstanding services to our residents while doing the work that many other cities employee two, three, or four people to do. He would also like to thank all the service department employees who did a great job over the week. He received a lot of positive comments from the residents appreciating their hard work.

He would like to thank all of those who have risen to the challenge and for their commitment to work at saving the city money. He includes City Council and all of our residents in his thanks as well as for their support and acceptance of the reality that we face with our finances. Moving forward we will continue to spend tax payer dollars wisely and responsibly while also aggressively pursuing grant funds from all available sources and maintaining our fiscally conservative operations.

Finally, he would like to thank all the members of Council for their devotion to working through the budget. We are at no means there when it comes to our finances but we have much more of a positive outlook as a result of our collective efforts.

On another note, the Olmsted Falls Police Department is considering the reinstatement of our K9 Officer program. A dog team can search areas 50 times faster than a human and smell up to 500,000 times better than with an enhanced degree of certainty. Officer Daugherty has prepared a thorough proposal outlining the benefits of the K9 Officer program and he would serve as the human part of the K9 team. K9 teams are used in situations where time and speed are of the essence. We were recently reminded this after the Drug Mart pharmacy robbery. A K9 unit could have provided a great deal of assistance. The K9 unit would enhance our officer's tracking and searching abilities dramatically in both active crime scenes and in recovery of lost people or stolen items. Marked K9 vehicles send the message that safety forces are trained and prepared to combat crime, while also helping our citizens feel reassured. Our K9 would be trained, and obtain certifications, in narcotics tracking and article searching as well as bite work. Apart from the evidence-based facts, K9 units help prevent and solve crime and build tremendous community pride. Our dog would be donated by the Buckeye Area Regional K9 Group with local resident Tom Schmidt coordinating the puppy's home with Officer Daugherty. We also have an offer of a K9 vehicle from Jackson Township police and we would take items from that vehicle to fully restore Car 22 for the dog. Food and vet services would also be donated making the cost to the city virtually nothing. Chief Rogers will discuss the K9 team in more detail during his report.

Mayor Graven would like to thank Karen Kirsch, Regional External Affairs Consultant with First Energy for the company's philanthropic contribution of \$2,000 in support of the Olmsted CERT effort. He then introduced Ms. Kirsch.

Karen Kirsch stated that she is the city's liaison and she does try to stop by at least twice a year. She sends a lot of proactive emails to the administration. First Energy received a grant proposal from Olmsted CERT for a new storage facility they would like to build and we were able to provide a \$2,000 from our First Energy Foundation. We are very happy to contribute as we do know this is a very important part of our First Responder program. She understands that there may be some legislation coming up that may affect First Energy and she would like to review that legislation to make sure that it meets both our needs.

### **Communications from Residents**

**Harold McCarty, 7725 Fitch Road, Olmsted Township**, stated that if there was a fire at the gas well site the fire department would not be able to get there because the road is not plowed. If there was an electric or mechanical fire your fire department would not be able to get there. He lives next door to this property on Fitch Road. He asked where all the water that they have been pumping to the gas well go. Mr. Borczuch indicated that ODNR does have someone on the premises while they are drilling and through the process to make sure they meet all the EPA standards. He cannot answer where the water is going but the area is monitored by the state.

### **Approval of Bills:**

Mr. Gorski moved to **approve** Pay Ordinance 2019-02; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays.  
**Motion carried.**

### **Officials Reports:**

**Odis Rogers, Police Chief**

Chief Rogers stated that as a follow up to the Mayor's comments regarding the possibility of reinstating the K9 unit. There has been a lot of effort, time and energy put into this issue to make sure that if this unit is reinstated it will be done correctly and under the FLSA standards for compensation for the handling, etc. He does not want any issues that were previously had when the K9 handler retires. He stated that the dog will be donated by Tom Schmidt, the training is donated, the vet care, and the food is donated. The biggest hurdle he faced was the cruiser and he was able to speak with a Major with Jackson Township and they are willing to donate their equipment from their vehicle that we can retro fit into our oldest vehicle. We are very excited and thankful to the Mayor for considering. Mr. Stibich stated that the chief believes this will enhance the police department, safety of the residents and officers. Chief Rogers replied absolutely. We provided a proposal to all members of Council along with sample policies. He has completed his department's policy and would be happy to forward a copy to Council. There are some variations with what bigger cities can do versus what we can do, particularly with the handler compensation and the K9's role on a day-to-day basis. For example, in most larger cities K9's are supplemental, they are in addition to who is already working on the road and they generally do not get dispatched to routine calls for service, we cannot do that in Olmsted Falls, here the K9 handler is part of minimum staffing, part of road coverage, he and the dog would be dispatched to normal calls for service.

Ms. Duncan stated that she is neighbor's with Ryan DiMatteo and she has noticed that he has a North Olmsted cruiser that comes home because he is the K9 officer, would that be the same for our officer. Chief Rogers replied yes, that is a must. He stated that Council was kind enough to approve a cruiser at the end of last year, which should be delivered in the next week or two, once we have the new vehicle the older Crown Victoria will be retrofitted and will be a take home cruiser for Officer Daugherty and his K9. Mr. Fenrich asked what other expenses Council could expect, outside of all the donations, in order to put the K9 unit into service. Chief Rogers replied that it would be foolish of him to say that this will not cost the city anything, however, the majority of any costs for the K9 are already covered. There will be little things that he has not thought of, but to be honest the only thing he has been able to think of in the last few days is a badge. The K9 will be an officer in the department and will require a badge. We have already discussed holding a fundraiser, the department has a 501c3 police benevolent association, the officer who handles the benevolent association and the 501c3 is a CPA. The fundraiser will help build up a tax-exempt fund for the K9 that will be separate money within our benevolent association to handle the unforeseen incidentals that come up. Mr. Fenrich indicated that he was impressed with the proposal. Chief Rogers indicated that it will take six months before the dog will be certified on narcotics and tracking, and a year to be fully certified with article, tracking and bite work. He understands that bite work is always the biggest concern and what type of liability the city will have. The answer is we will have no more liability than we do with a human officer out on the road. There are no special rider insurance policies for K9's, this will be a commissioned police officer for the police department and will be covered like all the rest of the officers. When it comes to the numbers, nationwide bite work is about 5% of what a K9 does; community policing/community-oriented policing, community services are 75%; 10% tracking, and 10% narcotics. He believes, from being in the city for 18 years, these numbers will be different for Olmsted Falls, we would maybe be 1% for bite work, if that, and probably 80% to 85% of this dog's work will be community service. In the past we've had K9's, and as the Clerk can attest, you could not get near the vehicle or the vehicle would rock, this dog will not be like that. The one thing that he insisted on was that this dog be sociable and that the dog would be used for community services, community policing, community demonstrations, building a bridge with the community through the use of a K9, and that is what we are going to do. Mr. Stibich asked if the dog would be in the parade.

Chief Rogers replied he sure will. Mr. Stibich stated that it sounds like the cost is negligible and next to nothing. Chief Rogers wants to commentate Officer Daugherty, he did the vast majority of the work on this proposal, he did all the research, and on his own time has gone to some of the trainings that are take place every Thursday to observe and learn. Chief Rogers indicated that he is looking forward to bringing this program back to the city. Mr. Haviland stated that the department will get the cage insert donated by Jackson Township, but there will be a cost to retrofit the car and installing all the equipment, will grant funds be raised for the actual installation. Chief Rogers replied that the “hot and pop,” which are the door poppers and air conditioner control, is part of what the city is getting donated, Officer Daugherty and Mr. Borczuch will be retrofitting the vehicle. There are officers that are a part of our training group that have already stated they would help retrofit the equipment. Mr. Haviland stated that the Chief has talked about the shelf life of vehicles and the car that will be used for the K9 how long will it last. Chief Rogers replied that his hope is at least a year or two, by that time he is hoping that the department will have one more SUV. By then we will have had Car 6 for 3 ½ years and his hope is to then transition into the oldest SUV. His back up plan is to utilize the all-white detective car, if needed, as the equipment could be moved into that vehicle. Mr. Fenrich stated that if an SUV is utilized equipment will be needed for another cage. Chief Rogers replied that he is hoping the K9 fund will pay for a new cage. A top of the line cage insert are approximately \$2,200 to \$2,300, which includes the door poppers and climate control system. The climate control system will pop the vehicles doors if for some reason the air conditioning quits and the handler is not near the vehicle so the K9 does not get stuck in a hot vehicle.

Ms. Nicolay asked if there would be a bullet proof vest for the K9 and if so, would that be donated. Chief Rogers replied that the dog will have a bullet/stab proof vest and is part of the donation from Tom Schmidt, he provides a vest for every dog that he donates.

**Joe Borczuch, Service Director**

Mr. Borczuch indicated that he would request Council approve a requisition for road salt.

Mr. Gorski moved to **approve** a requisition to Cargill Salt for 500 tons of rock salt in an amount not to exceed \$28,075.00; Ms. Jones **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch indicated that over the weekend one of the main plows had a breakdown but after a couple of hours it was repaired. He staffed four guys all weekend from 11:30 a.m. on Saturday through Monday at 6:00 a.m. He indicated that other than the breakdown everything went well.

Mr. Borczuch indicated that he would like to request a work session with Council to discuss city properties on Tuesday, February 12<sup>th</sup> at 6:30 p.m. Council agreed.

**Paula Accordino, Economic Development Director**

Ms. Accordino indicated that the Vietnam War Memorial initiative has stirred great community support and to-date we have raised close to \$3,000 from the sale of car magnets. Most of these funds have come from gifts or donations from inspired residents, former residents, and families from those who have served. We have received gifts from Montana, Alabama, and California. The Vietnam Memorial committee is headed by silver star medalist and Vietnam Veteran Rick Adler, is helping us plan the memorial and the unveiling event that we have scheduled for Saturday, June 22<sup>nd</sup> at the Village Green.

She would also like to update Council regarding the Main Street group “Explore Olmsted Falls.” This group was awarded their Articles of Incorporation and are now working on pursuing their 501(c)3 status. They are planning their first fund raising event that will take place on February 9<sup>th</sup> and all of Council have been invited, hopefully you have received your email invitations. This event will be art auction that celebrates the winners of the art contest. This is a nice, fun creative event and is representing the beginning of an arts community that is proven an economic development driver for small communities like ours. To-date they have raised over \$3,000 through the greeting card and ticket sales for events. The event will be held at the Grand Pacific Hotel.

**Vic Nogalo, Finance Director**

Mr. Nogalo stated that a finance committee meeting will be held on February 5, 2019 to discuss the 2019 budget and we will make some amendments as there have been certain changes in personnel. He will also have the beginning balances for 2019 implemented and the appropriations may need to be adjusted accordingly. In December he estimated certain balances and now has final numbers for review. Ms. Jones indicated that the meeting will begin at 6:30 p.m. Mr. Fenrich indicated that he will not be in attendance as he has a prior commitment.

**Councilwoman Denise Nicolay, Ward II – No Report**

**Councilman Ed Gorski, Ward I**

Mr. Gorski read the following statement: “Two weeks ago I made a statement regarding how I feel we can all improve in the year 2019. As many of you may have noted I went out of my way in the midst of some emerging controversy to offer a measured neutral statement that didn’t explicitly bring negative attention to anyone. We all have skills that we can improve and I would like to reiterate that everyone up here, myself included, can do better. With that said, tonight I have something else that I need to say, I will start by saying this statement will be decidedly less neutral, but after the events of the last meeting I feel I must express my opinions on how the administration has publicly handled the resignation of our former Fire Chief. As I sat here two weeks ago listening to the Mayor’s comments regarding the former chief, I spent much of that time trying deliberately not to react to what I was hearing. We had, as you remember, news cameras in the audience and frankly I did not want to end up as some kind of meme or reaction shot on the internet. But, during these comments I was immensely uncomfortable, then when I saw the footage of the meeting on 19 Action News that night, this discomfort quickly gave way to frankly embarrassment. Much of what was said during the Mayor’s report two weeks ago was unnecessary and reflects poorly on the administration, Council, the fire department and the city as a whole. In particular mentioning the chief’s failure to bring his gear to the Chandler’s Lane fire which as we have learned many jurisdictions do not require of their chief’s, and illusions to “economic reality” were completely out of line. These comments did not sound like a strong leader attempting to right the ship after a major administrative upheaval but rather like a vindictive attempt to paint the former chief as a incompetent, greedy, obstructionist, these are comments as I’m sure the administration is aware that could effect future employment opportunities for the former chief. The administration could have said the following: I have accepted the former fire chief’s voluntary resignation, we will be working with the civil service commission to schedule and administer a chief’s exam to fill this new vacancy, I will also work with the commission to ensure that former Chief Gluss is returned to his full-time position, period. Instead the Mayor choice in what reads as an attempt to save face to disparage a 17-year veteran of the Olmsted Falls Fire Department who by all other accounts always went above and beyond for his department, moving forward I question what this means for our safety forces. Many of us on this Council have heard stories about declining moral within our fire department, our Mayor and Safety Director is often identified as the

root cause of this decline. After seeing the performance of two weeks ago on the evening news I can't help but wonder if any firemen is going to actively seek out our now vacant chief's position given the situation he or she would be inheriting. To close, leaders raise their subordinates up they do not push them down. As a leader our Mayor and Safety Director could do well to reflect on that and as leaders we, as a Council, should make it our duty to ensure that he does and to hold him accountable moving forward. Thank you."

**Councilwoman Terry Duncan, Ward III – No Report**

**Councilman Lee Fenrich, Ward IV**

Mr. Fenrich stated that the Chandler's Lane demolition was supposed to begin this week, however, as you can plainly see the weather will prevent that from happening. They are planning the demolition as soon as the snow slows down. They will leave the foundation slab, elevator shaft and utilities. There will be some interruption to services in the garage. The building should be demolished within two weeks. By saving the foundation, elevator shaft and utilities they expect to cut the cost and time for reconstruction.

As he previously reported, he met with the residents on East River Road regarding the Baker's Creek Bridge. He received an email from Mr. John Guzik indicating that the residents did continue to meet after he left to discuss the possibility of reaching some kind of an agreement. He did inform them that the access road will be closing and they would receive a 60-day notice. He also informed the residents that the Mayor would be patient with them with the hopes that they come up with some kind of solution. He said that there was apparently another meeting since he last talked to them, but he did tell him that they have spent 50 years "kicking this stone down the road" and it is time that they come to a solution. He also let them know that they would probably get their 60-day notice some time mid-February to early March. He has volunteered to be there for them and is eager to help them determine some sort of solution.

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

Ms. Jones indicated that she appreciates Mr. Gorki's courage and comments and is glad that we have the forum where people feel comfortable to voice their opinion. As McArthur said if "everybody is thinking alike somebody isn't thinking" so she appreciates it very much that he made his statement. Nobody should ever be afraid on Council to say how they feel.

She asked the clerk to give us an update of the Charter, which hasn't been updated since the election. She also asked for Council's rules as they will also need to be updated due to the charter amendments for example, the Council President chairing the meetings. When she first became a council person, she received a list of committees' and included in that list was a community and economic development committee. With Olmsted Falls obtaining a new district and expanding liquor permits she would like Council to consider reinstating that council committee. We do have the duties of that committee in previous rules of order, if reinstated.

She also reminded everyone that there would be a finance committee meeting on February 5<sup>th</sup> as we have a lot to discuss. There could be a lot that impacts the budget for example, if we need a new fire chief and if that person is internal or external; if external what is the cost because our funds are very limited. So, please prepare for our discussions.

She asked Mr. Stibich if he would be asking if the civil service commission could meet at a later time or if she should ask. Mr. Stibich replied that she could make that request now if she wanted to. Ms. Jones stated that as the liaison to the Civil Service Commission and after speaking with Mr. Stibich he mentioned that the commission use to meet later, and when Nick Stanislav became chairman, he moved the meeting time to 3:30 p.m. She would like to know if those meetings could begin meeting at a later time again so that she could attend those meetings. Mayor Graven indicated that would be a question for the Civil Service Commission. Mr. Stibich stated that when he discussed this with Ms. Jones he mentioned that when Mr. Jan Smith was the chairman in years past, the meetings were in the evenings. Ms. Jones replied that it was then switched a few years ago and asked if she should contact the chairman with her request. Mr. Stibich indicated that she should call the chairman and ask if they would change the time. Ms. Jones replied if not, she would request that she be switched out of this commission because she cannot make afternoon meetings and is unsure if anyone from Council would be available in the afternoons.

Mr. Gorski stated that since the Charter changes are already technically enacted as law in the city, even if they are not updated via the website, can Council make a motion to update Council's Rules of Order to reflect those changes. Ms. Jones indicated that the Clerk noted the sections that would need to be updated. Mr. Stibich stated that Ms. Jones also has other areas that she would like Council to consider updating. Ms. Jones indicated that she would like Council to consider reinstating the Community Development Committee.

Mr. Gorski **moved to update** Council's Rules of Orders to reflect the recent charter changes; Ms. Jones **seconded**. Mr. Stibich indicated that Council was given a copy of the rules of order indicating two minor changes that currently state that the Mayor chair's the council meetings and update to reflect the charter change that indicates the Council President now chairs the council meetings. Poll: 7 ayes; 0 nays. **Motion carried**.

#### **Council Pro-Tempore Jim Haviland**

Mr. Haviland would like to state that he respects Mr. Gorski immensely. As he mentioned at the last meeting, he personally will reflect on the points that he has made and he would like to thank Mr. Gorski for stating his concerns and expressing his feelings. We have the opportunity and must address his concerns in what transpired as both the administration and council going forward and he pledges that he will do that as well. He knows that we are all working together for this community.

We have a Joint Economic Development District meeting scheduled for Monday, January 28<sup>th</sup> at 7:00 p.m.

He would like to thank Director Borczuch and his department for the work over the weekend. He was doing some shoveling at the apron of his driveway and a plow came by and respected the fact that he had just spent a lot of time clearing the apron and did not push snow into his drive.

#### **Andy Bemer Law Director**

Mr. Bemer indicated that he attended the Civil Service Commission meeting this past Friday. He indicated that Chad Gluss was reinstated to firefighter pursuant to his request and the Mayor's recommendation. The Commission discussed a number of the issues and factors going into a Fire Chief's test, tentatively it has been scheduled for March 2<sup>nd</sup>. The next Civil Service Commission meeting is Wednesday afternoon on February 20<sup>th</sup>. To address Councilwoman Jones concern based

on the composition of the commission and their schedules Wednesday seemed to fit best as one of the members that is his consistent day off and afternoons seemed to work best for the Commission.

Mr. Stibich indicated that if afternoon meetings are a problem for Ms. Jones a reassignment of the liaison could take place if Ms. Jones would like. Ms. Jones stated that she knows the Commission used to meet in the evenings and at one time they met at 4:30 p.m. and then scheduling was changed.

**Council President Paul Stibich – No Report**

**Old Business**

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

**New Business**

***Ordinance 05-2019***

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX ON REAL PROPERTY AND PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE, SUPPORT AND COMPENSATION FOR THE USE OF SAID HEALTH CENTER **First Reading**

***Resolution 06-2019***

A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR CERTIFY CERTAIN TAX VALUATION INFORMATION TO THE CITY OF OLMSTED FALLS, AND DECLARING AN EMERGENCY **First Reading**

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

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

***Resolution 07-2019***

A RESOLUTION ADOPTING THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT **First Reading**

***Resolution 08-2019***

A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY WITHIN THE TEN (10) MILL LIMITATION WITHOUT A VOTE OF THE ELECTORS OF THE CITY OF OLMSTED FALLS TO BE INSUFFICIENT, AND DECLARING AN EMERGENCY **First Reading**

**Miscellaneous New Business - None**

**Such other business that may come before Council**

Mr. Solarz asked if he could address Council as he did email Councilwoman Duncan indicating that he would be present this evening. Ms. Duncan indicated that she was not aware of who Mr. Solarz was and had she known she would have recommended that he speak during communications from residents. She asked Council if they would permit Mr. Solarz to address Council. Mr. Stibich indicated that he would permit Mr. Solarz to address Council.

**Scott Solarz, 9585 Ravinia Drive**, stated that the Mayor is aware of what he will be discussing and he has also spoken with Mr. Borczuch in the past. He emailed Councilwoman Duncan as well. He stated that there is a new development that will be built off of Devonshire and Lakeview and will also be on the backside of Ravinia, his street, he is not opposed to the development and understands that it has been in the works for years and they are finally going to build. His concern is the basin behind his house, which will drain the 37 new homes that are built. In his opinion the basin will not hold the drainage for those new homes. He emailed pictures to the Mayor and the Council lady, the pictures do not lie. Last week at the Planning and Zoning Commission there were a lot of residents speaking and what concerns him is that it was like a rubber stamping of what the developer and builder were saying. You have a developer that says the basin can handle this and the builder, yet, he probably only looked at it one time in the middle of the summer when it was completely dry and is going off old engineering specs. He reviewed the old plans for this development that his neighbor had from 1996 and the new housing, the way it will be plotted on the land, is completely different from what it was originally intended for. For example, Pepper Tree Lane runs off of Ravinia and dead ends because they never finished the wrap around to Lakeview. It was supposed to wrap around to Lakeview Drive and then houses would be built according to that setting. But now it will remain as a dead-end street and they will build behind it, which is fine, he really does not care. What he cares about is the way the water is supposed to be drained. The other issue he noticed is that they are building on a 100 year flood zone, a lot of these houses, now from the plans he reviewed it clearly says 100 year flood zone but yet they are building a bunch of houses towards Plum Creek. How does that change over the years; and if these people are going to be buying these homes are they going to know about it. Will they know they are buying a house on a flood plain, partially. When he addressed the Commission, as well as the other residents, who had a lot of questions and concerns, not one member of the Planning and Zoning Commission when it came to the vote said “maybe we should delay the vote and look into this” or maybe ask the developer to come up with a contingency

plan for rerouting the water somehow into another basin. The amount of work that the developer is doing back there is amazing. The forestry alone wiping out the woods is going to be incredible, which is sad, but he knows it is private property and they can. At the one end of the basin, anyone that has seen it, are two big drain pipes that come in and those pipes handle about all of Falls Pointe water drainage. The developer, in order to build the new houses, is digging them up to reroute them, the amount of work that will take is unbelievable. If you look at these pipes from his backyard, they are a good 30 feet down in the ground. They are doing a lot of work and making a lot of changes. Why can't they have a plan to maybe have another retention basin, he asked that but did not get a straight answer they just said it should be able to handle it. He does not know if Council is aware but when that basin was redone four years ago it was totally changed. It used to be one retention basin, and they split it four years ago or maybe five, now it is a retention and detention basin, so there is a pond on one side and drainage on the other side. The water goes through four pipes over a bridge into Plum Creek and the reason why the pipes are there is to control the flow of water going to Plum Creek. If it was wide open and you got a lot of water draining it will slam into Plum Creek's backside and probably cause a lot of land erosion. He made a suggestion to Mark Kopcienski, the developer, that maybe as the best economic way to solve this problem is to redo the bridge instead of having four pipes maybe add a fifth. The bridge is kind of an eyesore, as it is, it's a concrete slab over four pipes. If you are going to add 37 new units back there, he does not believe that is an unreasonable request that maybe the bridge gets redone if they do not want to build another retention pond, they can maybe make five pipes drain into the creek. He emailed Planning and Zoning, the developer and asked them to attend tonight's meeting so he could speak because he does not believe in ambushing anyone. His email to the Mayor was a little harsh about it seeming like those guys already had the vote voted on before they made the vote. To him it was a rubber stamp committee, and he believes there were six members and not one of them opposed the builder to say its been 23 years since this has lingered on let's look into the concerns of the citizens. One gentleman on Ravinia talked about how water sits around his house all year round, including the summer time. That is his point, he thought governing bodies in Olmsted Falls were here to serve us the best they can and not serve developers that come in and say it will be fine and that is what he got out of that meeting.

He stated that it is refreshing to see that some of the council people are talking about the mishap a few weeks ago, to him, that's good, but he does not like the Planning and Zoning's demeanor on how they handled that.

Mr. Stibich indicated that Mr. Solarz has made his point clearly on the record tonight. He asked if he spoke during the Planning and Zoning meeting. Mr. Solarz replied that he did address the Commission. He cannot remember the younger chairman's name but he did make a comment like "what you could be saying might not be accurate and not true" or something like that and how does he know. Mr. Solarz indicated he was right, the last thing he wants to do is be here speaking he would rather be at Razzles losing on Keno or watching sports, he really does not want to be present tonight. But he does not want his house flooded every time we get normal weather, not talking a natural disaster. The pictures he sent were from three days of solid steady rain and that basin filled up to the edge of his property line, he has a bird feeder that he noted in the pictures for scale. If it comes up anymore it will rise up into his yard and hit the corner of his house and when it drains it will be a steady flow bashing on the corner of his house and that is what he is afraid of if the drainage of these houses go into there.

Mr. Fenrich asked how far belong the grade of his yard is the basin. Mr. Solarz replied that there is a drop of about three to four feet, so the picture shows about a foot from where the bottom drops.

Now, it was actually higher than that but he did not get a picture before it started receding into the creek. Mr. Fenrich asked if the builder had gone out to see the basin when it has been wet like or if Mr. Solarz sent any of the pictures to the builder. Mr. Solarz replied that he did send copies of the pictures. Mr. Fenrich asked if he received a response. Mr. Solarz replied no and did not expect one. He did not expect the builder to get back to him once the pictures were sent. You know how it is in life when you have something like that and that he could be a little troublesome when he sent him actual evidence, its like the ignore and evade thing. Mr. Fenrich stated that Mr. Solarz mentioned that the basin was wet all year long. Mr. Solarz replied no, that was the other resident who spoke. A lot of times the basin is dry, except for the pond which is always a pond, and a lot of times when it rains it fills up and looks like a lake and then in a day it is gone. But when you get the three or four days of steady to solid rain it's a lot of water coming in there and he is not talking about like what Hurricane Sandy did back in 2012 when he used to live on Usher Road at that time Usher was flooded that's a catastrophe and he does not expect the basin to handle something like a natural disaster nobody can, what he is saying is the normal weathering to be considered for this.

Mr. Stibich asked if Mr. Borczuch was familiar with this basin. Mr. Borczuch replied he is. This basin has been a problem in the past, the biggest issue is the HOA maintaining the basin to make sure it is properly cleaned out each and every year for waterflow. Due to the new storm water permit information our engineering office is creating letters that will be sent to all HOA's that handle any of the retention/detention basins throughout the city limits. Mr. Stibich stated this is a matter of failure of maintenance of the retention basin. Mr. Borczuch replied he believes so. This basin was really bad the last time. Mr. Stibich asked if the engineer had looked into this issue. Mr. Borczuch stated that the city engineer has looked at the basin, the previous engineer, Joe Schaller, also looked at the basin and was the individual that pushed to have the basin cleaned. He also knows that this basin is overgrown again. Mr. Stibich stated that the builder no longer involved with this development it is now up to the HOA to maintain. Mr. Borczuch replied that he believes that is correct.

Ms. Jones asked what would be the impact of 37 additional homes. Mr. Borczuch indicated that he is not an engineer so he cannot answer that question. Ms. Jones stated that if there is any chance that our existing residents will be flooded and the problem can be resolved before that happens why can't the city work with the builder. She would like to prevent the problem rather than deal with flooding afterwards. Mr. Bemer stated that we need to determine if the city engineer approved the plans prior to the Planning & Zoning Commission and he would be surprised if any development would go in without the engineer signing off on the plans. He asked Mr. Borczuch if that would be a normal protocol. Mr. Borczuch replied yes. Mr. Bemer indicated that an inquiry will be made to Mr. Sheehy to determine his findings and if there were any recommendations to the Planning & Zoning Commission. Mr. Borczuch indicated that once he receives this information, he will inform Council.

Mr. Solarz stated that the point he wants to make is that he sees this basin just about every day and you have to have some engineer that probably looks at it once a year, if that, or maybe never looked at it at all until he looked at it on a nice summer day and say "oh yea I'm an engineer this could handle it" is the reason he sent the pictures, like he said the pictures do not lie. As far as the maintenance, this year they did not even cut the basin and it drained no different than last year when they cut it. To him the basin drains fine, he watches it when it rains and has done research. The important maintenance needed is to make sure that nothing is growing in front of the pipes and the pipes are not obstructed, like roots growing in or trees growing in front. That is the most important thing that they should do to the basin. Mr. Stibich asked who "they" was. Mr. Solarz replied that he does not know. Mr. Stibich indicated that he believes it is the homeowner's association. Mr. Bemer

asked if there was someone who addresses these situations, either the board of health or EPA. Mr. Borczuch indicated that it is soil and water conservation. Mr. Bemer indicated that Mr. Solarz is presenting a lot of issues that he does not believe city council nor the administration is prepared to answer, he asked Mr. Solarz to give the administration and council time to speak with all the necessary people. Mr. Solarz indicated that the EPA does come out but they just test the water quality, they usually knock on his door when they want to cut through his yard for access. He knows that no one has ever come out there as far as an engineer that at least has accessed through his yard or knocked on his door, or any one he has seen looking at the basin, marking the basin, or surveying the basin, just the builder in the back. He would like to make one more point, he is not making this up he believes he is an honorable guy, for the most part, served in the marines, 24-year firefighter, had nothing to do with what happened a few weeks ago and he is looking to protect his house. He suggested a couple of solutions, sure maintenance would help, but the maintenance he mentioned is what should be done. You do not want to cut hillsides of basins, if you look into basin maintenance for water purification and for absorbing water running in and for ground erosion there is a lot of things that can be done but if the developer is not willing to add another retention basin or drainage way then he is asking Council to maybe look at somehow redoing the bridge that drains into Plum Creek or adding another drainage pipe in order to get some of that water out of there and still control the water going into Plum Creek.

Ms. Jones thanked Mr. Solarz for coming in and council will look into it. Mr. Gorski stated that he would like Mr. Solarz to send any exhibits. Ms. Duncan indicated that she has a copy of those and will forward. Mr. Solarz stated there is a picture with a bird feeder and the other is towards Plum Creek. The one towards Plum Creek you will see that the entire bridge is covered, the water is going over it, the water rose up over the bridge going into Plum Creek so there is no control there because the water got so high it exceeded what the bridge did. He welcomes anyone to stop by his house and look in the back you would probably understand it better if you physically looked at it. Like he stated the pictures don't lie and when you have water rising over the bridge to Plum Creek about half a foot to a foot which is shown in the one picture that is a problem, in his opinion. Thank you for your time.

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

The meeting adjourned at 8:36 p.m.

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*Paul Stibich, Council President*

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*Angela Mancini, Clerk of Council*