

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, February 12, 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: 39.

**Approval of Minutes**

Mr. Fenrich moved to **approve** the minutes from the Council Work Session of January 15, 2019; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **approve** the minutes from the Regular Council meeting of January 22, 2019, as amended; Mr. Fenrich **seconded**. Mr. Gorski and Mr. Haviland indicated typographical errors. Poll: 7 ayes; 0 nays. **Motion carried**.

**Consideration of Amendment to the Agenda**

Mr. Gorski moved to amend the agenda to move Resolution 15-2019 to be read before Mayor's Report and Appointments; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

***Resolution 15-2019***

A RESOLUTION EXPRESSING COMMENDATION, APPRECIATION AND  
HEARTIEST CONGRATULATIONS TO JARED BRANCATELLI UPON HIS  
RECOGNITION AS AN EAGLE SCOUT **First 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**.

Mr. Stibich read the Resolution in its entirety for the audience and the Brancatelli Family, who were present in the audience.

**Mayor's Report and Appointments**

Mayor Graven stated that he would like to take time to remember the city's former Mayor and great friend to many Tom Jones who passed away last week. Mr. Jones was a true community servant as Mayor and also former principal of Berea High School. He stated that he met Mr. Jones last summer when he stopped by his office. He would like to give condolences to his wife Judy, who were married for 62 years. Our sympathies are also with his children Greg, Lynn, Christopher and their spouses as

well as his four grandchildren and one great grandchild. Tom's devotion to our city will be remembered and he will be greatly missed.

Mayor Graven would like to briefly share information regarding the city's financial position. From 2014 through 2017 general fund expenditures increased every year and he is happy to report that 2018 marked the first year that the general fund expenditures decreased. For 2018 the city spent \$148,000 less than spent in 2017 and \$183,00 less than what was spent in 2016. We continue to pursue cost savings and grant funds and understand that we have a lot of work to do on our finances and are moving in a positive direction.

Mayor Graven administered the Oath of Office to the city's new police officer, K9 Officer Gauge.

Chief Rogers thanked City Council for the opportunity for us to be here tonight and their continued support of the police department. He would also like to thank the Mayor who has been very supportive of this endeavor from the beginning. He has provided a lot of insight and was helpful in the creation of the K9 program. The Mayor has insisted from the beginning that his administration was about law and order and public safety and his support of the K9 program proves this. He would also like to thank Tom and Kathy Schmidt, who are present this evening. Mr. and Mrs. Schmidt of Macedonia Breeders, and through their incredible donation of Gauge and his training that make this possible. They facilitate the donation of his bullet and stab proof vest that he will wear when he is grown and road ready, all of this is worth literally tens of thousands of dollars and the Schmidt's have saved the city tens of thousands of dollars by providing Gauge. He would like to thank Officer Tom Lang, who is present, who helped Officer Daugherty with the proposal and the presentation to get this program up and off the ground. K9's of Valor has donated the door popper for the cruiser and also Naloxone, Narcan specifically for the dog. He could go on and on with people to thank and it seems like we are getting more and more people everyday saying that they want to help out. After Officer Dave Lane's retirement in 2015 and his partner Onyx, no one thought we would have a K9 program in Olmsted Falls again, people said it was too costly, there was too much paperwork, too difficult to figure out how to compensate the handler, too much liability and he believed all of this at the time as well. About six months ago Officer Daugherty indicated that he wanted to resurrect the K9 program and he listed the issues that he would have to overcome and Officer Daugherty replied no problem. He stated that Officer Daugherty did his homework, obtained policies from other departments, MOU's from other departments, how other departments dealt with liability issues, veterinarian services donated, dog food donated, obviously worked with the Schmidt's to get Gauge donated, he had ideas on how to outfit a car, he worked for hours on the oldest vehicle in our fleet with the highest mileage to get it started to becoming the K9 cruiser, he has spent countless hours of his own time with one goal in mind having a K9 program. He is very proud of Officer Daugherty and appreciative of all his efforts, it is officers like this and those in attendance who make his job so much easier and makes him very proud to be their chief. Simply put a K9 program saves lives, it enhances officer safety, assists with building searches, takes drugs off the street. We made over 2,000 traffic stops in Olmsted Falls last year and he believes it is pretty fair to say we may have missed some drugs along the way, this dog will help us take care of some of the that. Gauge will assist with missing person cases, we can expedientially work quickly locating missing persons because of the dog, we can have more effective searches because of the dog, and very very importantly a K9 fosters a good relationship with the community. He and the Mayor have said from the beginning we want a police department that builds a bridge with the community and we are going to have a sociable dog and when its time to work he will work, but he is going to be sociable, Officer Daugherty has already had him in the schools, pretty incredible response there. It also fosters better relationships with our neighboring agencies we

are able to be better mutual aid partners because we have a K9 officer. Again, he is very proud and excited to have Gauge as the newest officer, and he is a police officer, on this department.

Officer Daugherty stated that he cannot express enough how much it means to him to be the K9 officer with the city. He could not have done this without any of the officer's standing in the back of this room. He thanked the Mayor, Chief Rogers and City Council for the opportunity he appreciates everything that has been done. He and Gauge will be out in the community and if you want to stop to see us, we will stop anytime. He then presented an award to Tom and Kathy Schmidt, Mayor Graven, Officer Tom Lang and Chief Rogers. He stated that without Mayor Graven's support the K9 would not be possible.

There was a brief recess to permit the officer's and K9 to leave the room.

Mr. Fenrich moved to **appoint** Martin Manuel to the Architectural Board of Review to fill an unexpired term until 12/31/2019; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **reappoint** Albert Namestnik to the Shade Tree Commission term to expire 12/31/2023; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

### **Communications from Residents**

**Garry Thompson, 9537 Charney Circle**, stated that his very first Council meeting there were tv camera's and it was all about a dog, Ranger, this was much more fun this evening. He would like to congratulate Council, on behalf of his committee, for introducing Resolution 14-2019, with the beginning of the Joint Recreational District. He appreciates Council taking the first step and placing this on their agenda. We have informed the Olmsted Township Trustees of this first step and he has met with them and they indicated that they were all on board 100%. The city's process is a little more complicated than the Township, as they can pass the legislation in one meeting. He knows that Council can also but the committee does not want that to happen as they want this issue to be heard and to bring the whole community together as we work out the details. We thank Council and are very appreciative of their efforts on placing this on first reading. Mr. Stibich asked if the committee was still working with the school board on a partnership. Mr. Thompson replied yes. We have a research specialist and is available to meet with the committee on February 25<sup>th</sup> at 3:00 p.m. and invited Council to attend the meeting. This was a last-minute meeting and is from Columbus but will be in Cleveland at this time. Ms. Jones asked if there was a discussion with the Township regarding seed money for the survey. Mr. Thompson stated that he will obtain those costs at this meeting at this point he does not have any solid numbers to offer. He has spoken with this individual who has completed surveys for the school board and understands the ramifications of what is being attempted and believes it can be done it will just be how we make that happen. There are a lot of questions that still have to be answered. Mr. Thompson indicated that the meeting will take place at the Olmsted Community Center and would invite any member of Council to attend. He is also planning an elected official meeting and would be hosted at one of the school facilities in order to bring everyone together. A date for that meeting has not been set as of yet. Ms. Jones asked if Council could receive an update after meeting with the gentleman who may conduct the survey. Mr. Thompson stated that he will be updating everyone after the meeting. He has also asked the gentleman to provide the best way to conduct the survey and present that during the meeting. He has completed several surveys for the schools regarding their bond issues, so he is tuned into this community. Mr. Haviland stated that

a survey does take time and understands that Mr. Thompson will want to move this along so that the survey can be completed by Fall and would recommend that he update Council and the Trustees with his needs as soon as possible. Mr. Thompson stated that he should have the gentleman's recommendations and costs by the end of this meeting. Mr. Gorski stated that Mr. Thompson, Mr. Galauner, Mr. Iafigliola and Ms. Winters did an immense amount of work on this project. Council held a work session last month to discuss moving forward with this project and all Council members seemed to be on board. He would like to thank all of them for all the work they have done to help this move forward and believes this will be something good for both of our communities. Ms. Jones indicated that she met Mr. Iafigliola and during that first meeting he indicated that the city needed a recreation center and sidewalks. Mr. Thompson indicated that these gentlemen are much younger than him and their youthfulness and the fact that they have kids that they are trying to teach which is what inspired him. We have been beating this issue around for 20 years and they have inspired him to get this project moving.

### **Approval of Bills:**

Mr. Haviland moved to **approve** Pay Ordinance 2019-03; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

### **Officials Reports:**

**Odis Rogers, Police Chief** - Chief Rogers left the meeting with his officers.

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

Mr. Borczuch indicated that he would ask for approval of several requisitions. The first one is Morton's Landscaping for the pruning and spring clean and yearly maintenance of the underpass hillsides.

Mr. Gorski moved to **approve** a requisition to Morton's Landscape for pruning; spring cleanup, five visits for weeding, spraying and pruning of the underpass hillside in an amount not to exceed \$9,400.00; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he would ask for approval of a requisition to MTech for software support plan and reinstatement for the sewer camera, the yearly cost will be \$900.00 after the reinstatement.

Mr. Haviland moved to **approve** a requisition to MTech for software support and reinstatement in an amount not to exceed \$2,650.00; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he has a requisition to Judco for a new lift cylinder for Truck 210. This vehicle broke down during the storm that recently happened.

Mr. Gorski moved to **approve** a requisition to Judco, Inc. for a new lift cylinder for truck 210 in an amount not to exceed \$4,400.00; Mr. Fenrich **seconded**. Mr. Stibich asked if this was a city salt truck. Mr. Borczuch replied yes and is out of service until repaired. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he has a requisition for Rush Truck Centers for a 2020 mid-size truck cab and chassis. This is part of his budget and will be replacing a 2003 utility truck with this unit.

The tool body will be submitted to Council once he receives the final costs. This vehicle will be received in approximately 120 days.

Mr. Fenrich moved to **approve** a requisition to Rush Truck Centers for the purchase of a 2020 mid-size truck cab and chassis in an amount not to exceed \$56,700.00; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that the Clerk put together a bid tabulation sheet after the road materials bids were opened Friday.

Mr. Haviland moved to **approve** a requisition to Crossroads Asphalt Recycling for 407 tack RS for the 2019 season in an amount not to exceed \$9,000; Mr. Gorski **seconded**. Mr. Borczuch indicated that the costs remained the same as last year. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **approve** a requisition to McConnell Concrete for concrete for the 2019 season in an amount not to exceed \$45,000.00; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Haviland moved to **approve** a requisition to Shelly Materials for stone for the 2019 season in an amount not to exceed \$20,000.00; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch indicated that he received two bids for asphalt and Kokosing was not the lowest and was 50 cents more per ton but are located a lot closer to the city. He can get to Kokosing in seven minutes compared to 25 minutes for the other supplier and without heated trucks the city would lost material and the cost will increase.

Mr. Gorski moved to **approve** a requisition to Kokosing Materials for asphalt for the 2019 season in an amount not to exceed \$110,000.00; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch would like to thank Mr. Gerald Peters for his 16 years of service. He has left the city and moved on to something more his passion as he will be teaching at the joint vocational school in Lorain County. He wanted to thank him for everything he has done for the city and his hard work over his 16 years. Mr. Stibich would like to thank Mr. Borczuch for his time and effort to present the city owned property information to Council.

Mr. Stibich indicated that Chief Rogers also submitted a requisition to Council to Watchguard and would ask Council to approve that requisition.

Mr. Gorski moved to **approve** a requisition to Watchguard for Vista HD cameras; warranties; software licensing; in-car system; cloud maintenance; tech services and shipping in an amount not to exceed \$28,985.00; Mr. Fenrich **seconded**. Ms. Accordino indicated that she has spoken with the Police Chief regarding pursuing potential grant funding and this is part of the \$15,000 grant the city received and then it was realized that more money was needed to complete the project. Mr. Stibich asked if grant money was received to cover half of these costs. Ms. Accordino replied no, this is in addition to the grant money the city received. Mr. Stibich asked if the city needs to approve the full cost of the project. Ms. Accordino replied yes, Council did for that portion but this is in addition. Mr. Stibich replied that there will be additional costs but should be covered by the grant money. Ms. Accordino replied potentially. Poll: 7 ayes; 0 nays. **Motion carried**.

**Paula Accordino, Economic Development Director**

Ms. Accordino stated that the Explore Olmsted Falls event was held this weekend and was the first fundraising event for the organization. She is a board member and would like to thank the Mayor and Council for their support of this initiative. This event was nearly at capacity with 86 people in attendance and was the culmination of the art contest held last year. The highest auction bid for a painting was \$600.00 from a local artist Joanne DePolo; another painting from a new artist went to auction for \$425.00 and the three winning artists from the art contest were present and two of them offered their work for sale in the auction, at the last moment. The work from the three artists brought in \$685.00 just from their originals. The most interesting thing was the modern and traditional art was auctioned off for high dollar amounts, and we now have evidence of what many who wish for retail vibrancy have thought for a long time, that our community is ripe for attraction of an art enthusiast community. In communities with vibrant art scenes not only do they realize cultural benefits but there is a very real economic benefit, some research suggests that the return on investment can be \$20.00 to every \$1.00 invested. There were also many people from outside the city whose introduction to Olmsted Falls was through this event. One of the owners of Platform Brewery attended and gave organizers samples for the event and this owner is interested in talking with the city to help and learn more about us. By all accounts this first event was a great success bringing in net revenues of nearly \$6,000 for our Main Street program.

Mr. Stibich stated that he recalls when the public hearings were held on the rezoning there was one resident who commented that she had a vision of an art community and it is nice to see that the community is receptive to that.

**Vic Nogalo, Finance Director**

Mr. Nogalo stated that he distributed the detailed vendor list, as promised, and does tie to the budget report entitled Report 52 distributed to Council last week. It details almost each and every vendor for the last four years totaling over \$43 million dollars. There were some abbreviations of vendors he could not determine and will continue to work on those. He also included a 2019 budget and will tie to Report 52, except for two changes, one was the election expense paid to the county and will be approximately \$1,400 and increased the costs to the county health services. These were the only two changes made since he presented the budget to Council last week.

**Councilman Lee Fenrich, Ward IV**

Mr. Fenrich stated that he has spoken several times with residents regarding the Baker's Creek Bridge. He met with them personally once and there have been a couple of meetings at City Hall with the newly elected representative. He did send a report to all members of Council regarding these meetings. If anyone would like more details regarding this issue, he would be happy to sit down with anyone to give updates regarding options and direction that we will take. Mr. Stibich asked if the email forwarded to Council was research performed by Mr. Guzik, who is the individual the residents elected as their representative. Mr. Fenrich replied that was correct and Mr. Guzik has collected interesting information. He also indicated that he did explain to Mr. Guzik that he would be willing to meet with those residents who are still against the project to discuss the Ohio law's regarding easements and shared driveways. He also sent a letter to one of the residents regarding the accessway that the city will be standing firm on its decision. Mr. Stibich stated that the literature Mr. Fenrich sent to Council does clearly show that Ohio law would support assessing the nine residents that use the bridge for the cost of the bridge. He would advise that Council review the packet that was forwarded. As a result of this information, legislation will be placed on Council's agenda to revoke the legislation adopted a couple of years ago.

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

**Councilman Ed Gorski, Ward I**

Mr. Gorski moved to **acknowledge** receipt of the monthly Mayor's Court report dated February 8, 2019; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

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

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

Ms. Jones indicated that a finance committee was held prior to this meeting to discuss the 2019 budget updates.

Mr. Nogalo would like to again thank Mr. Tony Kleem, who was the intern helping the department and put together the vendor listing. Mr. Kleem is currently a student at Ohio State.

**Council Pro-Tempore Jim Haviland – No Report**

**Council President Paul Stibich**

Mr. Stibich would like to acknowledge receipt of the annual report of the Olmsted Falls Architectural Board of Review submitted by Chairman Janet Tomasch. He would also like to thank Chairman Tomasch for all the work she does on the committee. Her heartfelt support for the historical district and maintaining the integrity of the historical district.

**Andy Bemer, Law Director**

Mr. Bemer indicated that the Civil Service Commission will meet next Wednesday at 3:00 p.m. The agenda primarily focuses on completing a systematic review of its Rules and Regulations. The process for fire chief assessment examination has a February 25, 2019 deadline with a testing date of March 2, 2019 and we anticipate a civil service meeting in march once those results are submitted.

**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 **Third Reading**

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

***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

**Third Reading**

Mr. Fenrich moved to **adopt**; Mr. Gorski **seconded**. Ms. Jones would like to ask if the \$5 million dollars would cover the project costs and is not to excessive that we look like we are using it as an excuse for a bond. Mr. Nogalo indicated that he wants to be conservative as to not affect the city's cash flow. This number is slightly higher than the estimated cost of the city's portion of the project that is not covered by grants. The city still has expenditures in 2020 that have not been budgeted so any unused portion of this will be applied. He stated that for example, the project costs \$2.5 million versus the \$5 million, these are short term notes when they are renewed the city would only have to renew them for \$2.5 million. When the project is complete the city will issue 20-year bonds with an exact cost of the project. Poll: 7 ayes; 0 nays. **Motion carried.**

**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 **Second Reading**

**Resolution 07-2019**

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

**New Business**

**Ordinance 09-2019**

AN ORDINANCE AUTHORIZING AN INCREASE OF FIFTEEN DOLLARS (\$15.00) TO THE OLMSTED FALLS MAYOR'S COURT COSTS, AND EARMARKING SAID INCREASE TO THE PURCHASE OF CITY POLICE DEPARTMENT VEHICLES, AND DECLARING AN EMERGENCY **First Reading**

**Ordinance 10-2019**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **waive** the reading in its entirety; Mr. Fenrich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Gorski moved to **adopt**; Mr. Haviland **seconded**. Mr. Gorski asked if this grant has already been awarded to the city. Ms. Accordino indicated that these are funds that come back to the community for being a member of NOPEC, this is an unsolicited grant and part of our energy savings. Mr. Stibich indicated that the city has to formally accept the grant. Poll: 7 ayes; 0 nays. **Motion carried**.

**Resolution 11-2019**

AN RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR THE IMPLEMENTATION OF PUBLIC INVOLVEMENT AND PUBLIC EDUCATION (PIPE) PROGRAM UNDER OHIO EPA MS4 PERMIT AND DECLARING AN EMERGENCY  
**First Reading**

Ms. Duncan moved to **suspend**; Mr. Gorski **seconded**. Mr. Gorski withdrew his second for suspension; Ms. Duncan remove her motion. Mr. Gorski moved to **amend** the second whereas clause to read Five Thousand Five Hundred Dollars; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**. Ms. Duncan moved to **suspend**; Mr. Gorski **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**; Mr. Fenrich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Haviland asked who the city's liaison to the Soil and Water District. Mr. Borczuch indicated that it is the city's engineer, Mr. Don Sheehy.

**Resolution 12-2019**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CUYAHOGA COUNTY BOARD OF HEALTH TO PROVIDE PHASE II STORMWATER SERVICES IN 2019 - 2021 AND DECLARING AN EMERGENCY  
**First 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**; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

**Resolution 13-2019**

A RESOLUTION EXPRESSING CONDOLENCES TO THE FAMILY OF THOMAS (TOM) JONES ON BEHALF OF CITY COUNCIL, THE ADMINISTRATION AND CITIZENS OF OLMSTED FALLS, OHIO  
**First Reading**

Mr. Haviland moved to **suspend**; Ms. Duncan **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. Fenrich moved to **adopt**; Ms. Jones **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

**Resolution 14-2019**

A RESOLUTION TO FORM THE OLMSTED JOINT RECREATION DISTRICT BETWEEN THE CITY OF OLMSTED FALLS AND OLMSTED TOWNSHIP AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **discuss**; Ms. Jones **seconded**. Mr. Gorski indicated that he has a question regarding Section 3, which states that the Joint Recreation District Board of Trustees shall contain six trustees, is that something that Council agreed upon. Mr. Stibich indicated that these figures is not set in stone. Mr. Thompson stated that once the six are appointed those six will appoint an At-Large trustee who will serve as their chairman. At this point in time we still anticipate the school board and have sent information to them and are awaiting their response. The school board is not named in the heading but are named in the creation of the board and he believes legislatively this is the correct way to write the legislation. The actual district can be formed by the Falls and the Township, the two government entities.

**Ordinance 16-2019**

AN ORDINANCE RENAMING AND AMENDING SECTION 434.10 OF THE TRAFFIC CODE CURRENTLY ENTITLED "TEXTING WHILE DRIVING PROHIBITED" SO AS TO FURTHER PROHIBIT INTERNET USAGE WHILE DRIVING AND ADDITIONALLY MAKING A VIOLATION OF SECTION 434.10 A PRIMARY OFFENSE, AND DECLARING AN EMERGENCY **First Reading**

**Miscellaneous New Business**

Ms. Jones stated that she has a couple of issues. She would like to acknowledge receipt of a letter from current and retired Olmsted Falls firefighters and a former chief. The issues relate to what happened in January and was brought up then by her. The Olmsted Falls Charter states that any changes in policies, procedures or rules have to come before Council, if the Safety Director makes those changes, and they were not brought before Council. She would like to request a work session to discuss these issues so they can be brought before Council in order to determine a resolution. Mr. Stibich asked when Ms. Jones would like to hold that work session. Mayor Graven indicated that this was addressed last month by the law director. Ms. Jones indicated that the law director quoted the Ohio Revised Code but because we are a chartered city our charter supersedes it and our charter states otherwise and was originally implemented as an internal control. If the Mayor and Fire Chief would have been in agreement, there would not be an issue, because the Fire Chief does the fire department and the Police Chief does the police department, this is just to keep internal control over the safety director, who could be the Mayor and at one point was the prosecutor. It has always been used historically to give someone a bump up in pay. Mayor Graven replied that Ms. Jones is saying these individuals were not suppose to do any work as the safety director. Ms. Jones stated that the safety director can be an overseer but cannot change policy or procedures. Ms. Jones again indicated that she would like Council to meet to review the issues by the fire department and implementation of a change made on November 28, 2018 by the Mayor to the fire department without the approval of Council which is a violation of our charter. Mayor Graven asked if this was the change regarding the chase car. Ms. Jones replied yes. Mayor Graven indicated that the Council President addressed that and for approximately 15 years Olmsted Falls Fire Department had a chase car concept and as Council President Stibich stated the prior Mayor and prior Fire Chief never went to council to make that change. Ms. Jones replied no, just because the law wasn't followed in the past doesn't mean we don't follow it in the future. For example, you know murder is against the law but because Charles

Manson murdered doesn't mean you can murder, you have to follow the law. Mr. Stibich asked Council to schedule a work session. Mr. Bemer stated that there is an executive session and believes this will become personnel issue. Ms. Jones replied no, we are discussing the fire department. Mr. Bemer stated that he believes this will get into personnel matters and needs to be discussed in executive session. Ms. Jones stated that there is a request to have a Council work session to hear and Council has a right to hear changes in policy and procedures. Mr. Stibich again asked what date she would like to set a meeting. Mr. Haviland stated that he has concerns over the continued challenges and what Ms. Jones has brought up and he would recommend that Council hold a work session but would also like to limit the discussion to what has been raised in the letter so this is not an open-ended discussion. He would also like to suspend some of the discussions that are happening before that meeting so we can all have a meaningful discussion and be informed. He does not want this to turn into an open-ended discussion because we know what the two or three issues are and have heard from the fire department, the former chief, and the Mayor's concerns regarding his desire for safety issues. He would like to have this conversation but is worried about micro managing what the safety director does. On the other hand, these issues keep coming up and are not being resolved. Ms. Jones reiterated that the Charter states it is to go before Council. Mr. Haviland stated that is issue two. Mr. Stibich stated that we also have to look at the wording and determine what is a rule. Ms. Jones stated that it is any policy or procedure, anything that is ordered. Mr. Stibich replied the charter does not say policies and procedures but rather a rule and this should be discussed. Mr. Gorski stated regardless, the fact since we have in front of us a letter submitted by 19 current and past Olmsted Falls firefighters and Chiefs, he thinks we owe it to them to have a discussion and to discuss the goings on between the department and administration. Mr. Stibich again asked Ms. Jones when she would like the meeting. Ms. Jones replied next Tuesday, February 19<sup>th</sup>. There was a discussion regarding meeting dates. Council determined that the work session would be scheduled for February 19<sup>th</sup> at 7:00 p.m. Mr. Haviland asked who would represent the authors of the letter and if the fire department should be invited. Mr. Gorski replied that he believes it would be appropriate as they have issues they would like to express and issues they would like Council to address specifically. Mayor Graven stated that there are a bunch of signatures on the letter but no one has acknowledged who its from. Ms. Jones indicated that she does not want to get into a match between the fire department and administration and suggested that Council have the fire people can come at a certain time and administration present their case at a different time. Mr. Stibich stated that he does not believe that can be done. Mr. Gorski stated that he does not feel that makes sense. We all have enough respect for each other and believes we can entertain a dialogue without fear of different parties getting into a shouting match. Ms. Jones indicated that a time limit could be set for each person to speak. Mr. Gorski replied that he has no issue with who attends but believes it would make more sense for them to have a spokesperson, which Mr. Kimbro has done in the past, and believes he would be willing to do so again but that is their prerogative. Mr. Stibich stated that if there are other retired chiefs that also want to speak that would be permitted. Ms. Jones stated that we could permitted the retired chief to speak for a couple minutes, if he feels obligated. Mr. Stibich would ask that the comments be limited, so they do not become repetitive and say the same thing. Mayor Graven stated that one of the items is fire gear and as safety director he is responsible for the lives in this city and does not believe there is anything to discuss, all firefighters, including fire chief's need to have their fire gear. Ms. Jones stated that can be discussed next Tuesday. Mayor Graven stated for the record, as safety director, he is responsible for all the lives of all the citizens and employees and you have to have your fire gear on. Ms. Jones reiterated that this can be addressed next Tuesday.

Ms. Jones stated that her other concern is the posting for fire chief. The posting stated that a paramedic is preferred, and her understanding is that the fire chief of Olmsted Falls has always been a

paramedic. In light of the fact that we only have a fire station of three (3) and it is imperative that the fire chief continue to be a paramedic. Mr. Bemer stated that the Civil Service Commission identified that as a preferred qualifier. Ms. Jones stated that according to the Charter if Civil Service changes any kind of requirement for a job it has to be approved by Council and if Council has to approve it within 45 days. Mr. Bemer replied that the qualifications are to determine who can take the assessment test to be fire chief, so if you have someone not qualified then they are not going to be the fire chief. Mayor Graven stated that he believes Ms. Jones made a mistake as she is referring to an original appointment as a firefighter and this test is not an original appointment as it is not for firefighter but rather a chief. Ms. Jones replied that in light of the fact that we only have three people around the clock at the fire station and three people have to respond when there is a call per the Southwest General Hospital agreement, as of April 1, 2019, and as part of our agreement with 911 it is important that the chief be a paramedic. If part of the budget is to lay off other firemen, right now 100% of them in the fire station are paramedics. Mayor Graven stated that he believes Ms. Jones is trying to politicize the civil service process. Ms. Jones replied no, Council has the right to approve any changes by civil service within 45 days. Mayor Graven stated that when civil service held their meeting he did not attend, the law director did. As you are aware, there was a blue ribbon panel led by Judge Donnelly a couple years ago who indicated that Council and the Mayor should not be involved in civil service because you need to keep politics out of civil service. Mr. Gorski replied that he resents that statement, he does not believe Ms. Jones is trying to politicize the civil service commission at all, she is acting in a capacity that this Council has in doing oversight, that's not politicizing, that is doing her job as a Council person and engaging in oversight. Ms. Jones reiterated that the charter says any changes to the positions or any rules or positions with the civil service have to be approved by Council within 45 days Council can pass that with just a majority motion. Her question to the law director is when did you change the paramedic. Mr. Bemer replied he did not make a change. Mr. Gorski replied the civil service commission did. Ms. Jones said then Council has the right to overrule the civil service commission change within 45 days with a simple majority. Mr. Bemer asked why Ms. Jones does not just let the process run. Ms. Jones replied because we have the right to overturn.

Ms. Jones moved to **overturn** the Civil Service Commission and require the Fire Chief to be a paramedic; no second.

Mayor Graven stated for the record, as the Mayor, Council and the city we need to follow the law and the rules. He stated that a week and a half ago Ms. Jones called him and asked why we could not just make Bob Arida the Chief and he replied that we follow the rules and have a civil service test. Ms. Jones indicated that is taken out of context. Mayor Graven stated that he does not mean to put words into anyone's mouth and this is semantics Councilman Gorski. He wants to make sure that we follow all the law and rules. Ms. Jones indicated that the law says any change made by civil service can be overturned by Council with a majority within 45 days and that is what the charter says. Ms. Stibich indicated that this issue could also be discussed at the work session.

Ms. Jones again made a motion to **overturn** the Civil Service Commission and require that the Fire Chief to be a paramedic; Mr. Gorski **seconded**.

Mr. Bemer indicated that Council can make the motion the question is whether it is effective or enforceable. Ms. Jones replied for him to look under Civil Service in the Olmsted Falls charter because it states that within 45 days we can with a simple majority and a motion from the floor. Mr. Haviland indicated that he believes this is exactly why Council was going to hold a work session

because we are mixing civil service action that was taken with policy. We are talking about what is in this letter and the 2-man ambulance versus three and the chase car and whether it is appropriate for Olmsted Falls. One of the concerns is that we should have a paramedic be the chief but, he is not sure that we are able to take action on that right now because this is something, he wanted to learn more about based on previous conversations and this three-page letter we received from the fire department. Ms. Jones replied that she did her homework and wishes Mr. Haviland would have as well. She indicated that if he like to see her research, she would give him a copy but, Council only has 45 days from the date civil service made the change it so we need to do it tonight. If Mr. Haviland is stated that he is not prepared to deal with this issue that has been brought before him that is his issue and several people have talked to him about it. Mr. Haviland stated that he is concerned about jumping ahead since we will be meeting next Tuesday. Ms. Jones replied no, what we are going to talk about next Tuesday is whether the changes made by the safety director have to be approved by Council and that is a different issue. Mr. Stibich stated that this motion is to change the requirements for fire chief. Ms. Jones replied no, civil service changed the requirement to make paramedic preferred and it was always required so she is stating that she does not accept their change to make it preferred as she believes it should stay required. Council has 45 days from the date of the change to say, with a simple majority, whether or not we agree that change. Secondly, Council was not notified of the change other than her seeing the posting and she thinks there needs to be more communication. Ms. Duncan asked when was the civil service meeting. Mr. Gorski replied most recent meeting would have been January 18<sup>th</sup>. Ms. Duncan replied that there will still be enough time if Council discusses this issue on February 19<sup>th</sup>. Mr. Gorski replied that the 45-day requirement would be up on March 5<sup>th</sup>. So, we could table this discussion if that was Council's pleasure. He indicated that he also wanted to do some research on this particular issue because he has had conversations with a few members of Council and he has to admit that he does agree with Ms. Jones and does not necessarily see an issue with us having paramedic as a requirement for the fire chief's position. He stated that as a member of the safety committee he used to get former Chief Gluss's weekly reports which outlined how many calls they had in a particular week and for all the weeks that he could account for between August 19<sup>th</sup> and December 29<sup>th</sup> of 2018 he found that EMS calls out number fire calls by a ratio of approximately 4 to 1, which gave him pause and made him somewhat concerned that our fire chief would not be a paramedic because that would limit his effectiveness on calls. He indicated that he is willing to table this discussion for either the work session or the next Council meeting but does encourage everyone to think about the calls as food for thought. Ms. Jones replied that everyone needs to do their homework; she has looked up a lot of information and her issue is that it was changed and Council did not approve that change therefore, we have the right to say no; that is her issue and she feels that it is important with such a small fire department. Mayor Graven stated that it is a small department and asked if she would agree with him that since we are a small department occasionally the chief may have to go into a fire. Mr. Gorski replied absolutely, no one is disputing that. Ms. Jones replied yes and stated that no one is arguing about that. Mayor Graven indicated that is why it is important to have your gear. Ms. Jones replied that since most of the calls are paramedic, we need the paramedic. She indicated that the Mayor also wrote in his memo that there will be rotations regarding who is in the ambulance and who is in the chase car but in order to fulfill the requirements that we agreed to with Southwest and the 911 regional the fire chief would always be the ambulance driver. Mayor Graven indicated that he spoke with the Southwest CEO, Bill Young, about the letter that was sent and he indicated that they should not be getting involved in the city's internal operations and the CEO indicated that he was upset the letter was sent but we can discuss that at the work session. Ms. Jones indicated that Council has a right to be involved in city operations.

Mr. Gorski stated that he believes we have plenty of room for discussions at the work session next week. It seems clear, if we want to move on this particular issue that we can wait until the next Council meeting to do so. Therefore, he is withdrawing his second to the motion. Ms. Jones replied that she will agree to rescind her motion and discuss it more. The issue is if Council rescinds the requirement within the 45 days will that impact who is eligible to take the test or does it get pulled and re-administered. Mr. Stibich asked Ms. Jones if her motion was still on the table. Ms. Jones replied no, she rescinding her motion. Mr. Stibich stated that a work session has been scheduled for next week. Ms. Jones replied February 19<sup>th</sup> at 7:00 p.m.

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

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

The meeting adjourned at 9:05 p.m.

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

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

The meeting adjourned at 9:41 p.m.

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*Paul Stibich, Council President*

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*Angela Mancini, Clerk of Council*