

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, March 26, 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 7:31 p.m. Roll call was conducted. Councilmen Jim Haviland, Ed Gorski, Terry Duncan, and Lee Fenrich were present. Councilwomen Denise Nicolay and Lori Jones were excused.

Also, in attendance: James Graven, Mayor, Andrew D. Bemer, Law Director, Vic Nogalo, Finance Director, Odis Rogers, Police Chief, and Paula Accordino, Economic Development Director. Audience: 8.

Approval of Minutes

Mr. Fenrich moved to **approve** the minutes from the Council Work Session of February 19, 2019; Mr. Gorski **seconded**. Mr. Gorski would like to apologize to the Clerk for the length of the minutes. Mr. Haviland indicated a typographical error and would also like to echo Mr. Gorski's comments as the Clerk did a great job on the minutes. Poll as amended: 5 ayes; 0 nays. **Motion carried**.

Mr. Gorski moved to **approve** the minutes from the Council Work Session of March 12, 2019; Mr. Fenrich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Haviland indicated a grammatical error. Mr. Stibich moved to **amend** the March 12, 2019 Council Work Session minutes as indicated by Mr. Haviland; Mr. Gorski **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Haviland moved to **approve** the minutes from the Regular Council meeting of March 12, 2019; Mr. Gorski **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven thanked the service department for installing the new Year 2000 State Champion signs. One was installed on Bagley and one on Columbia and they look great.

He stated that the Vietnam Veterans Memorial donations have surpassed our expectations and he is happy to report that we have doubled our goal with a collection of over \$8,000. The ceremony will take place on June 22, 2019.

He is proud to report that the city will host the Flags of Honor display the weekend of June 21st through June 23rd. This weekend will honor all of our veterans.

He would like to speak briefly regarding CRA's (Community Reinvestment Areas). Since coming into office in early 2018 the administration has had discussions with several business owners and

some developers regarding possibly locating their businesses or undertaking new projects in our city. As a lot of you are aware without incentives it is very difficult for a city to compete with other Northeast Ohio communities or communities throughout the nation. In order to provide more tools in our economic development tool kit the city is considering a CRA that would extend community wide and offer real property investment stimulus in the form of tax abatements. When the concept was first shared with City Council this past Fall it was met with positive interest. We have had an initial discussion with the Olmsted Falls School Board President and some of the members and will meet again in the near future. Ultimately, we will prepare for City Council approval something that would offer residents a tax incentive in the form of a 50% tax abatement for 10 years on improve real property value. Also, for existing business owners who want to grow or expand will also be eligible for 50% 10-year real property tax abatements. He believes Ms. Accordino will be requesting a work session in order to update Council regarding CRA's.

He stated that we have two alert programs. One is CodeRed which has replaced the old Ready Notify program which provides emergency notifications regarding weather, power outages and other emergencies and is a service provided throughout Cuyahoga County. Since the County recently changed their emergency notification system provider, they are asking all residents to re-register even if they were previously registered with Ready Notify. We also have the Alertizen program which will quickly notify registered users of crimes occurring in your neighborhoods. We continue to implement programs to keep all of our residents safe.

Communications from Residents

June Vlach, 25905 Bagley Road, stated that she has been a resident for 15 years. She would like to discuss the Bagley Road corridor. She is concerned and does not understand why from Lewis Road down to 252 the speed limit is 25 mph when we have condominiums back off the road and one house off the road, the gas station and Drug Mart. We have police presence there and are in the Drug Mart parking lot and the concrete pad closer to Lewis. From 252 down to Usher is also 25 mph, there is a school there and goes straight down the bridge to Usher Road. She lives between Usher and Mapleway and she does not understand why her neighborhood, which has walkers, runners, dogs, cats, and kids, why are speed limit is 35 mph. She has called the police several times to get some action because we all know 35 mph is usually 40 or 45 mph. We have same speed limit as 252 passed Uncle John's plant farm where there is no one walking or no dogs and the houses are spread apart. Her neighborhood from Usher to Mapleway looks no different than Garfield, Lynway, Olmway or Brookside and their speed limits are all 25 mph. She sees people on Water Street displaying signs reminding people that the speed limit is 25 mph. She would like to know if we can change the speed limit between Usher and Mapleway and how we could go about doing that or at least get police presence where people would slow down. Mr. Stibich stated that she mentioned that she's called the police and asked if she called the dispatch line or police department. Mr. Vlach indicated that she called the dispatch line yesterday and a couple of months ago and she did see police presence for a while. Chief Rogers indicated that he is all for that area being 25 mph; anytime we can slow people down he is for. The problem is that the city does not have a say because that is something that comes from the state as they set speed limits. However, he will look into how to start the process of changing the speed limit. Mayor Graven indicated that he is also in favor of changing the speed limit to 25 mph. Chief Rogers indicated that he knows in past years this issue was brought forward and he will find out if there is something we can do. One-point Ms. Vlach did not bring up is the fact that there is a school in the area. Ms. Vlach stated that the school is probably less than ¼

mile from her. Chief Rogers stated that obviously during school hours that area is 20 mph from roughly 200 feet East past Falls Lenox going West to about 200 feet West but that is only during the pickup and drop off times and is the state law. Everyone in this room knows there are children out especially in the summer time and nicer weather. Mayor Graven asked Ms. Vlach to contact his office later in the week in order to give her an update. Mr. Stibich indicated that anytime Ms. Vlach needs to contact the city she could call the main city hall phone number and the Council Clerk answers the main number and she will be able to connect her to the right people to get answers to the questions.

Ann Reichle, 8155 Columbia Road (Business address), stated that she is thrilled about all the money that has come in for the Vietnam War Memorial and believes that this is an awesome idea. Living through that period herself and watching so many people die every day. On the other side of that she remembers about a year and a half ago the city received a piece of the World Trade Center that was supposed to have a memorial built or a display at the fire station. She is wondering what happened with that because that was also a tragic loss of life and an honor for all of our first responders to get that artifact from the World Trade Center. Mayor Graven indicated that it is at the fire station and we will be doing something. Mr. Stibich indicated that some type of memorial will be completed.

Approval of Bills:

Mr. Gorski moved to **approve** Pay Ordinance 2019-06; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays.
Motion carried.

Officials Reports:

Odin Rogers, Police Chief – No Report

Paula Accordino, Economic Development Director

Ms. Accordino stated that the city has received notice from the Cuyahoga County Department of Development that we received a \$50,000 grant for wayfinding and branding to conduct our master plan study. This will be an important economic development piece for the city in addition to being a practical navigational tool. We are working on creating a steering committee and will hopefully get the study conducted after we go out to bid for a consultant. This grant will ultimately help us create a signage system that directs residents and visitors into the historic downtown; because whether or not we like to admit our historic downtown remains one of the best kept secrets in Northeast Ohio. This grant will also help create a design for gateways, the points of entry into the downtown area as well as create a branding system so people know where to park and directional signage to the library, community center, city hall, schools and other important institutions within the community.

As the Mayor mentioned we will be meeting with Dr. Lloyd the school superintendent and other members of the school board to discuss a CRA. We are working to develop the parameters and are hoping to present the CRA proposal to City Council next month to begin discussions and hold community discussions. There has been a lot of enthusiasm among members of the community particularly in light of the county's reappraisal of the property values. We are also looking forward to this as an incentive for current residents to improve the value of their homes and not feel in their real estate taxes.

She would like ask Council to schedule a work session in order to review the three properties that we have been discussing for economic development potential as well as other economic development issues. Mr. Stibich indicated that a Council work session will be scheduled for April 9th at 6:30 p.m. to discuss economic development.

Ms. Accordino indicated that she would ask Council to approve a requisition to Maximum Velocity for the report to the community.

Mr. Gorski moved to **approve** a requisition to Maximum Velocity for design, layout, printing and mailing services for the April report to the community in an amount not to exceed \$4,445.00; Mr. Fenrich **seconded**. Mr. Stibich asked if this was included in the budget. Mr. Nogalo replied yes. Poll: 5 ayes; 0 nays. **Motion carried**.

Vic Nogalo, Finance Director

Mr. Nogalo indicated that he distributed a requisition to Council for a Barracuda spam filter replacement and will replace a 2010 spam filter and is utilized for city email accounts.

Mr. Gorski moved to **approve** a requisition to Bailey Communications for the Barracuda spam filter replacement in an amount not to exceed \$6,752.50; Mr. Fenrich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Nogalo stated that he has another requisition to Bailey Communications for their annual IT maintenance agreement. He stated that the last time this was approved by Council was in 2015 and should be an annual approval by Council. When he arrived last year, he did sign the purchase order but did not sign the contract. He would like to note that the last page states that the city needs to notify Bailey 30 days before the agreements expiration date that the city does not wish to continue with their services. Earlier this year we spoke with Bailey Communications due to the fact that there seemed to be a revolving door with three or four representatives on a weekly basis. A lot of their time is spent working for the police department and he believes Chief Rogers did have some issues and have now sent their frontline representatives. We did indicate that come November we would review their performance this year and decide whether we will continue the maintenance agreement. He stated that Chief Rogers is very pleased with their performance these last several weeks and he would recommend that we continue with Bailey for this year. Mr. Stibich stated that this will then be looked at in November. Mr. Nogalo replied yes or earlier.

Mr. Gorski moved to **approve** a requisition to Bailey Communications for a 2019 maintenance agreement in an amount not to exceed \$15,498.00; Mr. Haviland **seconded**. Mr. Fenrich asked if the contract expired in November or December. Mr. Nogalo replied December 31st. Mr. Fenrich asked when Council would again discuss this issue. Mr. Nogalo replied that he would like to discuss this in October as the city would have to notify Bailey by November 30th if we decide not to continue the agreement for another year. Poll: 5 ayes; 0 nays. **Motion carried**.

Councilman Ed Gorski, Ward I – No Report

Councilwoman Terry Duncan, Ward III – No Report

Councilman Lee Fenrich, Ward IV

Mr. Fenrich indicated that Mr. Bemer has replied to Mr. Guzik's questions regarding the Bakers Creek bridge which he would like to briefly review with Council. The first question is "will the city engineer provide the engineering and bid documents for the project for a private driveway" the response was: "No, the city engineer is contracted with the city for city services and in discussions with him it was agreed that a conflict of interest exists and the engineer cannot do additional work within the city as he is required to do the ultimate review of any plans that may come before him." The second question was: "Must the contractor bid at prevailing wage if the construction is not actually for the city and not with the general tax payors funds" the response was: "No they do not have to be prevailing wage as this is a purely a private matter so prevailing wage does not apply." The third question: "Are there any general conditions for testing or contact administration that will have to be incorporated into the project if bid by the city" the response is: "the city cannot bid the project." The last question: "How quickly do we believe that this process could commence and be completed" the response: "that would be up to the residents and whomever is obtaining the estimates for the work or will enter into the contract. Once an estimate is received it can be submitted to the city which will place it on the Council's agenda for payment and assessment approval." These are the responses from Mr. Bemer to Mr. John Guzik.

Mr. Fenrich indicated that he also requested examples on easement laws and Mr. Bemer did forward him information regarding that request. He has forwarded these examples to Mr. Guzik to discuss.

He stated that Chandlers Lane is close to getting things started and will be doing panelizing as opposed to prefabbing. They will panelize the walls in a factory and bring them to the site in order to speed up the process and keep costs down. They are also close to settling with the insurance company regarding coverage.

Lastly, he would like to compliment both Ms. Accordino and the Mayor. Ms. Accordino for being everywhere she is part of the revitalization, rezoning and is involved with Main Street. She also is reviving First Fridays' and obtaining numerous grants for the city. He congratulated the Mayor for picking a winner as he could not have done better.

Mr. Fenrich indicated that the service department needs approval of a requisition to Aero-Mark for the 2019 edgeline/centerline markings.

Mr. Gorski moved to **approve** a requisition to Aero-Mark for the 2019 edgeline/centerline markings in an amount not to exceed \$16,996.00; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Council Pro-Tempore Jim Haviland

Mr. Haviland stated that the wayfinding grant is very important for the city. He also agrees with Mr. Fenrich's comments regarding the grants the city is receiving and are complementary to the master plan and everything we are trying to do to improve the city.

Mr. Haviland stated that the Planning & Zoning Commission has been reviewing a request for two new housing developments. One is a 27-luxury home development called Western Reserve East which is East of Columbia off of Main Street and a request for 21 homes called Western Reserve West. That is a total of 48 new houses that we are looking to approve variances for. There is development happening on the residential front and what we are looking to do with the CRA will be very important for the overall economic development in the city.

Mr. Stibich would like to thank Mr. Haviland and the Planning & Zoning Commission as they put in a lot of time and effort into reviewing these projects. There were a lot of residents concerned about this issue and Chairman Iafigliola has done a tremendous job running the hearings and investigating the facts.

Council President Paul Stibich – No Report

Andrew D. Bemer, Law Director

Mr. Bemer indicated that the Civil Service Commission met on March 20th and continue to review their rules and regulations and compare them with the state statute Chapter 124 with a focus on our charter provision. In particular Section 10.05 which is our constitution in effect for authority to promulgate civil service rules through the approval of City Council. Our chairman is Jan Smith and during our review last week Mr. Smith noted that the definition of classified service included members of the service department. Those of you that know Mr. Smith, he has been around quite a long time and he said that this does not seem right and a couple of days later he called Ms. Mancini and told her that he was pretty sure in 2002 there was a charter amendment removing those members of the service department from the classified service of the city. He stated that he and Ms. Mancini began investigating and so far we have located the actual proposed charter amendment, which does indeed remove the language, we've reviewed minutes from March of 2003, which reflects this change, and have located the index for the storage box where the actual vote tally should be located. Hopefully by tomorrow we can confirm that our service employees are no longer classified employees and then notify Walter Drane to make the necessary changes in our charter.

Old Business

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 **Tabled on Third Reading (3/12/19)**

Remained Tabled.

Resolution 17-2019

A RESOLUTION REPEALING RESOLUTION 36-2017 WHICH PROVIDED FOR THE ABATEMENT OF NUISANCE CONDITIONS BY THE REPLACEMENT OF THE BRIDGE OVER BAKER'S CREEK WITH CONTRACTED SERVICES AND THE ASSESSMENT OF CONTIGUOUS PROPERTY OWNERS **Third Reading**

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

Mr. Stibich indicated that Councilwomen Jones and Nicolay asked him to state that they were both in favor of this resolution.

New Business

Ordinance 22-2019

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OLMSTED FALLS CODIFIED ORDINANCES, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH **First Reading**

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

Resolution 23-2019

A RESOLUTION TO REPEAL RESOLUTION 08-2019 AND IN ITS STEAD 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**

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

Miscellaneous New Business

Mr. Fenrich moved to **approve** a requisition to Walter Drane for the 2019 codification update in an amount not to exceed \$4,646.32; Mr. Gorski **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Such other business that may come before Council - None

Ms. Duncan moved to **adjourn**; Mr. Fenrich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:14 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council