City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, May 14, 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 7:30 p.m. Roll call was conducted. Councilmen Lori Jones, Ed Gorski, Denise Nicolay, and Lee Fenrich were present. Councilwoman Terry Duncan was excused.

Also, in attendance: James Graven, Mayor, Andrew D. Bemer, Law Director, Vic Nogalo, Finance Director, Joe Borczuch, Service Director, and Odis Rogers, Police Chief. Audience: 19.

Approval of Minutes
Mr. Gorski moved to approve the minutes from the Regular Council meeting of April 23, 2019; Ms. Jones seconded. Poll: 5 ayes; 0 nays. Motion carried.

Mr. Fenrich moved to approve the minutes from the Special Council meeting of May 2, 2019; Ms. Jones seconded. Poll: 4 ayes; 0 nays; 1 abstain (Gorski). Motion carried.

Consideration of Amendment to the Agenda - None

Mayor’s Report and Appointments
Mayor Graven administered the oath to the new Fire Chief Matt Sheehan.

Mayor Graven stated that Fire Chief Sheehan started with the Cleveland Fire Department in 1981 at Ladder Company 6 on East 66th; he then moved to Engine Company 24 on West 25th; he served on Squad #2 for many years as both a firefighter and Lieutenant; he then moved to Squad 2 which handles all fires and major emergencies on the west side; he also served on Squad 4 for 10 years in downtown Cleveland which covers the west side and half of the east side. He stated that we welcome his experience both in fire fighting and EMS. He stated that Fire Chief Sheehan is a paramedic and after retiring from the fire department he became the head of EMS and Emergency Management at St. John Westshore.

Fire Chief Sheehan thanked everyone for allowing him this opportunity and does not believe a beat will be missed in the fire department. He hopes his career and knowledge can be passed on to a fine group of guys that are already a part of the fire department. He is very honored to be in front of council and understands that the citizens of Olmsted Falls are his bosses as well as members of Council. We are here to serve you to the best of our ability.

Mr. Stibich called for a five-minute recess at 7:38 p.m.

The Council meeting reconvened at 7:43 p.m.
Mayor Graven indicated that this is a great day for the city and feels that we are very fortunate to have Chief Sheehan’s experience, expertise and dedication of the fire service.

Also, two individuals resigned last week and he would like to wish them both well, Paula Accordino and Jim Haviland. He stated that Ms. Accordino was a valued employee for the city and her talent for writing and securing grants for our city was greatly appreciated by both himself and our whole administration and he would like to wish Ms. Accordino well in her future endeavors. He stated that Mr. Haviland also resigned and he appreciates everything Mr. Haviland has done for the city. He worked with Mr. Haviland for 16 months and feels fortunate to have been able to get to know him well; he spoke with Mr. Haviland weekly when he was Council President and will miss his even temperament. On behalf of the City of Olmsted Falls he would like to thank Mr. Haviland for his service and wish him well in all his future endeavors.

He stated that the CRA District is on tonight’s agenda and believes that this will not only promote the development of new residential and commercial structures but he also believes it will encourage the revitalization of our existing housing stock. The entire administration is very excited for this to be adopted because this will enable us to offer tax abatement. We are one of the very few cities in Cuyahoga County that does not have a CRA district and he is looking forward to having one.

**Communications from Residents**

**Scott Solarz, 9585 Ravinia Drive**, stated that he is present to discuss his foundation which was, in his opinion, never inspected by the City of Olmsted Falls or whomever they might have hired to do it. He does not know how much more evidence he could provide. As you can see, he has corresponded with Mr. Bemer and his attorney and he has the utmost respect for Mr. Bemer since he does work with him indirectly in Rocky River. It bothers him and as you can see the last two documents in the information he passed out, are from the building department. The building department cannot produce or find a final inspection document for a foundation and he believes neither of these documents are the final inspection, one does not have an approval on it. One is a footer inspection and does have an approval and he does not understand how this could happen. One thing he has learned in life when you are talking to people about stuff like this, like Braden Thomas, you have good communication and then when you have a good point and your are right then all of a sudden they disappear and go into hiding, so, he had no choice but to have his attorney contact Mr. Bemer. Now, the one thing he loves hearing is we don’t care what your foundation looks like as long as it is structurally sound, he really likes that comment. He indicated that he knows where the Mayor lives and does not think the Mayor would like it if he took a hammer and chisel to his foundation on that nice side patio and then he would have to look at it, but we could say its structural sound and the house will not fall down. He stated that he had to put $10,000 of his own money into fixing his foundation because if he tried to sell his house the foundation would have had to be fixed because no one would have bought his house. His other issue is the immunity the city has, the loopholes, the evasion from getting out of stuff like this he does not understand. We have to follow laws and rules; he could have easily not gotten a building permit to fix his foundation but he did the right thing as a law biding citizen and yet it is flipped the other way around, sorry we can’t do nothing for you. He wanted everybody to know this because he does not know if all of Council was privy to this because he does not know if Mr. Bemer just talked to the mayor, or the building department, or who he might have spoken to. It was reassuring to know that at one of the last council meetings he saw checks and balances when there was discussion about the resignation of the old fire chief and some people were
not happy, so it was good to see that its just not a rubber stamp club here. So, he is asking that maybe somebody on Council step up and do the right thing and approve what he is asking. He is asking for $800.00, which won’t bankrupt the city, and $800 goes a long way in his budget. He isn’t asking for $8,000 or $80,000 and is asking for principle. One of the things the Mayor ran on was principle; he used to walk the streets during election time, including Ravinia, and in all honesty he has not seen him walk his street since he was voted in. He talks about Ann Marie Donegan and principles and right and wrong and all the things that she might have caused or not caused, which he does not know because he does not know her as he moved here during that time but now the Mayor has a chance to step up and do the right thing. Please do not tell him that it is not the city’s responsibility and that you cannot do nothing for him or pass the buck because he has heard that from the Mayor before on another issue in this city. He stated that if Council needs time to discuss this issue he does not care if a week or more is needed but he would like some answer not being avoided.

Mr. Bemer stated that he is not sure what Mr. Solarz expects of the City. The information he received came from Mr. Borczuch’s office and he communicated with Braden Thomas via email who indicated that the building department does not have any information regarding how this was done or when any of the problems occurred. He understands that this is a moral claim as Mr. Solarz thinks the city should belly up some money because he had to take his contractor to arbitration. The law states that everyone is entitled to due process and an opportunity to be heard. He asked Mr. Solarz why he did not involve the city in the arbitration process; he also notes that Mr. Solarz went through arbitration but the arbitrator did not award him costs which he finds odd. There are a couple of things Mr. Solarz’ contract may not have allowed, one is costs, which he would find quite odd, and the arbitrator questioned the validity of the claim to the extent of awarding costs. So, when he comes here before Council he is asking for a moral claim as Mr. Solarz believes, by principle, that he has a legitimate request. Mr. Bemer indicated that he received a letter from Mr. Solarz’ attorney on the 24th of April and responded to it on the 30th at which time he identified that the city had no involvement in the arbitration proceeding nor was the city given the arbitrators decision. He understands that this claim is premised on a 3rd party inspection performed by a prior private inspection company and the city does not have any records. The letter also states that he was basically alluding to the experts in the city and that no inspection can guarantee that poured concrete will not spall or crack as such inspection is limited to determining whether a foundation is properly centered on the footing and whether the project calls for reinforced steel installation at the property location. This is the information he was given and he passed that along to Mr. Solarz’ attorney. He did not find that Mr. Solarz’ request is reasonable or supported in fact or law. He wants City Council to know that he responded in a timely fashion as well as doing due diligence and that is the city administration’s position.

Mr. Solarz stated that he does not know how you communicate with the building department but he did submit all that stuff to them, pictures and arbitration report, so he did what he had to do. He cannot help it if they do not want to communicate with Mr. Bemer or the Mayor. Mr. Bemer asked if Mr. Solarz thought he had a claim against the City why was didn’t Mr. Solarz include the City in the arbitration, you are coming after the fact and the city did not have an opportunity to participate. Mr. Solarz indicated that in all honesty he did not know that he could include the city, this is all new to him, he does not like being here doing this. You can see in the arbitration report that it did not even pass the guidelines for building construction anyone that would have inspected that foundation would have seen that there is no way it should have passed. He has some very good neighbor’s, thank god, that were witnesses to getting his driveway fixed which is the other part of the arbitration, which we do not have to worry about. It is pretty disturbing to find out that the guy just sat in the car and they
brought the ticket to him and he signed off, if that is how the city thinks things should be done here so be it. He never in his wildest dreams did he think he would have these problems moving to Olmsted Falls, he lived in Olmsted Township for 15 years and everyone use to make fun of the Township, but he is 48 and has now addressed City Council twice in his life. He is not an attorney and does not have all the answers Mr. Bemer has or why he didn’t do this or that, he does the best he cans and tries to do the right thing but sometimes you get tired of it. So, if Mr. Bemer is a little upset that this is a little bit late, he is sorry. He stated that Mr. Bemer noted that he had no paperwork and the building department didn’t have paperwork, well there are two documents from the building department and if Mr. Bemer did not research that with the building department how would he know. He does not know if one of the documents is an inspection of the foundation or not, to him it looks like a pre-inspection form before pouring, he does not know. All he knows is that he has nothing that says it was approved or not and that is why he asking for a morale reason, obviously, not to be sarcastic, the Mayor walked the streets about morale reasons and now he has a chance to step up and maybe someone on Council will step up and do the right thing for $800 and if it is a no then freedom of speech and the first amendment. Mr. Stibich indicated that Mr. Solarz is stating that he paid $800 for an inspection. Mr. Solarz indicated that the arbitration fee was $800. Mr. Stibich stated that Mr. Solarz is requesting that the city reimburse for those fees. Mr. Solarz replied correct.

Mr. Fenrich indicated that he is assuming this is a poured basement wall. Mr. Solarz replied yes. Mr. Fenrich indicated that it looks to him like the pre-inspection was for pre-pour, which means they come out and make sure that the foundation walls are in place, they are standing up the way they are supposed to be and are braced properly. He stated that the document does not have any notes and is assuming the inspection was performed by Safebuilt. Mr. Bemer indicated probably. Mr. Solarz indicated that he is unsure as he is not at the site at the time of building. Mr. Fenrich stated that the city subbed out inspections to a company called Safebuilt. He stated that he is a contractor and has performed work in the city and generally speaking the inspectors come out and they have a piece of paper that has a drawing of your basement or building and they look at the drawing and look at building and if it looks the same, they approve. He stated that in Mr. Solarz’s note it states that there were holes in the poured wall that are larger than an inch, air holes. Mr. Solarz replied that statement is from the arbitrator. He stated that it looked a lot worse than that. Mr. Fenrich again stated that it was in the poured wall. Mr. Solarz replied correct. Mr. Fenrich stated that the records we need are from after the walls were poured. Mr. Borczuch indicated that if Safebuilt did not turn in a form we would not have that information. Mr. Fenrich asked if Safebuilt was involved in the arbitration. Mr. Solarz replied no. He stated when you go to arbitration you have the arbitration law firm handle and he followed what they instructed him to do. Mr. Fenrich stated that the law firm arbitrated with the contractor. Mr. Solarz replied correct. Mr. Stibich asked if that was required as part of his purchase of the home, if there was a claim against the builder it would go to arbitration. Mr. Solarz replied yes or he could have filed a lawsuit, these were the two options and he rolled the dice 50/50 with arbitration. Mr. Fenrich asked what was the result of the arbitration. Mr. Solarz replied that he won, but, you necessarily cannot fix a poured wall foundation by patching the holes. If anyone knows concrete you cannot put concrete on top of concrete. The bottom line is it looked like crap so he put $10,000 of his own money into fixing it and he is not seeking that back or the time. He stated that you bank on the arbitrators to do the right thing, the builders lie through the process and make stuff up. Mr. Stibich asked what was done to the foundation. Mr. Solarz replied that he placed a stone veneer over his foundation. He stated that after dealing with the building department the city might as well wipe the slate clean with them, he does not know what they do as they cannot find documents, he called them twice and is still waiting for them to come and give him an inspection of his foundation.
Mayor Graven thanked Mr. Solarz for his comments. First, he would like to state that he does not appreciate the negative comments regarding the building department as they put in 100%. He is sure that Mr. Solarz would not like negative comments regarding the Rocky River fire department, and no one is perfect but the building department does give 100%. Mr. Solarz replied common courtesy; he is not knocking on the door every day. Mayor Graven indicated that it is not his money to hand out it is the tax payers and we have to safeguard that money. He stated that Mr. Solarz keeps bringing up morale law and the law director has made a decision and as the Mayor of the City he has to follow the laws in the State of Ohio and cannot just say that Mr. Solarz is his neighbor and a nice guy so lets give him an $800 check, in his position he has to do what is legal and what is right for the city.

Mr. Stibich indicated that he will speak with City Council to see if any further action is warranted, and asked Mr. Solarz to give Council a few days to make that determination. Mr. Solarz indicated that all he is asking is that someone get back to him. As far as the building department, when you are nice to them in emails and they cannot even respond back, like he said he is not knocking on their door or calling them every day, that is not right so he has every right to say what he said about the building department. He stated all he is asking for is common courtesy. He asked if the Mayor remembers the incident regarding the ravine in his backyard, he understands that the day the Mayor was supposed to come and look at it, it was really cold and never called back to schedule a time to come back and the Mayor lives right down the street from him, he jogs every morning, he jogs down his street at 8:00 a.m. but does not asked what his concern is with the ravine which he has not done, all he cares about is his job and walking his dog, in his opinion.

Mr. Borczuch indicated that with regard to the non-returned phone calls, once a conversation reaches the point of someone suggesting a lawsuit, or something of that nature, the matter is turned over to the law director who did respond by letter. Therefore, Mr. Solarz would not receive an email from our building official about this subject.

**Dr. Scott Sedlacek, business address is 8099 Columbia Road.** The Eye Place in Mill River Plaza in downtown Olmsted Falls, stated that he would like to give Council an update. He wears many hats, he is a business owner, a community volunteer, personal sponsor of school organizations, member of Kiwanis and also Chamber of Commerce, he is in multiple PTA’s because he has five children. But most near and dear to his heart is that he is the President of the Board of Directors for Explore Olmsted Falls, that as you know is our city’s affiliate Main Street organization. He would like to thank the members of Council and the Mayor for supporting the formation of the group. We now have a solid 12-member Board of Directors and is comprised of corporate, community and professional leaders, a very diverse group well represented and all of them absolutely love the community, he calls this a group of people that represent the big “WE” which includes everyone. This organization is not just about this group or that group, or you or me, or us versus them, it truly is for everyone. He would like to personally update Council about the organization. We are flutily forming and quickly advancing. This is the first thing he has done that is like changing the tires on a moving car, and he has heard that saying before. We have recently completed our by-laws, we have operating rules, code of regulations, currently acquiring insurance, and in the process of submitting the 501c3 application and eventually the goal is to hire a paid executive director. He was sorry to hear about the resignation of the former Economic Development Director Paula Accordion as she was instrumental in helping organize this organization and the board. He believes that she knew that in a short time the organization could really truly function as an extension of her ability to do economic development for Olmsted Falls. We have had other board members who started out and could not fulfill their role or found that they were not sure what was involved when they got involved and have
come and gone, that is why it is a fluid organization that is growing. The show goes on. He stated that Main Street in general, without getting into statistics, is that they have very solid numbers that he has researched and Heritage Ohio basically proves that for every $1.00 invested in a Main Street program the community gets on average of about a $33.00 return, who would not think that is phenomenal. He believes that in a short period of time our organization has already made great strides and does not see a down side to a Main Street. There are 51 cities in Ohio that are Main Streets just like us. Any vibrant historic community that you see, not only in Ohio but across America and there are 2,000 of them, and it seems to him that smart cities know that Main Streets work and they work with the organization to support them. He is happy to have had the support of Council and Mayor and looks forward to our organization being able to not only work with Heritage Ohio but with all of you as well. He will say that he was honored and proud to accept the nomination to be the President of the organization. His goal, personally, because he is a business owner, has five kids and other things that he is involved in, that he loves and has passion for. He is in the center of downtown Olmsted Falls, at the very beginning of a seven-year lease, his kids are in 6th and 8th grade so he is obviously not going anywhere and has a rooted interest in what happens around here. His goal is to cut through some of the individual personality conflicts, there is a little bit of unnecessary kind of private competitions and just some odd negativity that he thinks everyone senses and kind of lingers around in some circles, sometimes, and he is all about getting down to the business of uniting everyone here and promoting our beautiful downtown so that people near and far will find this a place to be and be seen and want to return to. Everyone on the board is committed to that ideal and he thinks that we have already successfully over came a few early challenges, a couple little obstacles, no big deal, like bugs on a windshield. He wants Council to know that we will defend and accomplish our mission which is to unite, celebrate, enhance and promote historic downtown Olmsted Falls for economic vibrancy. He would invite everyone to join the organization and support it. If you should have any questions, he is available to talk to anyone 24/7 365.

Mayor Graven thanked Dr. Sedlacek for his presentation and calling him back to give him an update and giving Council an update. He asked that he keep the lines of communication open.

Garry Thompson, 9537 Charney Circle, stated that he would like to update Council on the recreation district, he is also happy to see that the Olmsted Township Trustees are present. Approximately two meetings ago he was present to give Council an update and at that time Council tabled the legislation. The following evening, he made the same presentation to Olmsted Township. The trustees requested that he obtain three quotes for the survey, which he is in the process of doing. The other members of this recreation group asked if they could put out a generic study, much like what the Township completed, just not quite as broad and focus on recreation. He sent the link to all of Council and a limited group of individuals, he has received 11 responses to date. He sent it to Council and the Trustees to determine if anyone had any objections before it was released to the general public in order to take care of any of those concerns. Since we did not receive any objections, we released it to the general public, and each member of Council should have a link to that generic survey. He would ask that each Council member send the link to those they know in the City. Since its release he has received almost 300 responses, we are hoping to obtain 1,000 responses or more. There are 10 questions regarding recreation which consist of asking for your age group and the kids; what you would like to see in this facility; your top five choices; and then your next top five; and then basically the costs. The costs placed in this survey are substantially higher than the costs we presented to Council and the Trustees because we would rather be higher than lower. We also asked what they would support and put together the same three packages; the first is improvements to the fields and Metro Park connectivity; the next part is a center itself in the ball park of $10 to $12 million dollars
and the next is a facility with an aquatic feature added on and that could be indoor and outdoor features, with all the pricing associated and asking what residents would support and at what levels. We are trying to get a feel before we ask Council or the Trustees to spend a substantial amount of money on a much more accurate survey. We believe this will give us a pretty good feel of what the community is thinking. He appreciates Council keeping the legislation tabled because this is not a dead issue. We will continue to proceed with trying to get some survey’s that may cost money but hopefully less than what we are currently looking at. He appreciates Council’s support and continued interest in trying to move this forward.

**Approval of Bills:**
Mr. Gorski moved to approve Pay Ordinance 2019-09; Ms. Nicolay seconded. Poll: 5 ayes; 0 nays. **Motion carried.**

**Officials Reports:**

**Odis Rogers, Police Chief**
Chief Rogers stated that this is police memorial week. He would ask that everyone keep in their thoughts the law enforcement officers who have given their lives to protect the communities that they serve. On Friday the Greater Cleveland Police Memorial Society will host their parade which he will attend and send cruisers and officers. We always go together with the Township officers as this is a good way for us to recognize and remember our fallen officers. He would be remiss if he did not mention Officer Clark, whose mother still resides in the community, it has been 21 years since Rob Clark was killed in Cleveland.

Chief Rogers indicated that he has a requisition for Cleveland Garage door to replace the police department garage doors, openers and lighting. This will be purchased through the NOPEC grant. He stated that the funds will not be spent until NOPEC approves this project. These will be energy efficient doors and lighting.

Mr. Fenrich moved to approve a requisition to Cleveland Garage Door to replace garage doors, openers and lighting in the police department in an amount not to exceed $13,995.00 conditionally upon the approval of NOPEC; Mr. Gorski seconded. Poll: 5 ayes; 0 nays. **Motion carried.**

**Joe Borczuch, Service Director**
Mr. Borczuch indicated that he would ask Council to adopt Resolutions 34-2019 and 39-2019.

He stated that there will be a lot of changes at the Village Green as we are preparing the area for the installation of the Vietnam War Memorial which will be unveiled on June 22nd.

He also has a few requisitions that he would ask Council to approve.

Mr. Gorski moved to approve a requisition to WW Williams for repairs to generator at City Hall and the Police Department in an amount not to exceed $6,132.93; Ms. Jones seconded. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that upon final inspection before the lining was completed on the sewer on Columbia Road we discovered other large gaps in another portion of the line down the road and is
roughly 200 feet. Overall there would be 400 feet of sewer that would be lined, which is roughly $68.00 per foot.

Mr. Fenrich moved to **approve** a requisition to United Survey to line an 18” storm sewer roughly 200 feet in an amount not to exceed $14,240.00; Mr. Gorski **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

**Vic Nogalo, Finance Director**
Mr. Nogalo indicated that Ordinances 29-2019 through 32-2019, the five debt ordinances, are on second reading and can run three readings. In late May our underwriter will price them and issue them out.

Also, the two property tax items, one is the park and recreation levy. He has been asked if this levy was a renewal or replacement and this is a renewal and will generate the same amount of money that it generated back in 1989. On the hand out he has given Council you will see the discounted rate, a full 2 mills is discounted to almost 1/5th and as the property values increase from 1976 when this mill was initially implemented, it will be reduced as the values go up every three years. Mr. Stibich indicated that neither of these levies will increase taxes for current property owners.

Mr. Nogalo indicated that there will be a budget meeting on May 28th. The budget will need to be amended and the new fire chief is now reviewing his personnel as we have one firefighter out on sick leave which has to be addressed, he is giving him a couple of weeks to determine any additional monies needed. We also have to amend the civil service portion that council verbally approved. We will begin doing this type of review periodically throughout the year and will continue to keep Council informed of items that will need to be attended to. During the last meeting we discussed whether or not Council wanted the administration to come to Council every meeting with a change in the appropriations but rather periodically and last year we waited until December and Council approved all the changes but we are no longer doing it like last year. Mr. Stibich replied especially with items as major as the addition of a fire chief. He asked Finance chairman Jones what time she would like the meeting on the 28th. Ms. Jones replied 6:45 p.m. Mr. Nogalo indicated that he would have the budget information to the Clerk in time for Council packets and will not pass it out on Tuesday.

Ms. Jones indicated that she does appreciate the review. She did some more research after the last meeting and was told not to think of this as a budget but more as an appropriation. We appropriate the money to spend if more is needed you present a supplemental appropriation to Council and we can estimate a over what you believe you need and do not have to be exact. Mr. Nogalo replied that Council controls the purse strings. He stated that there is a special fund for fire equipment with $200,000 in the fund and the fire chief noted that in December, when we approved the budget the department only asked for $30,000 in appropriations. He will be taking inventory of his equipment to determine what else will be needed for this year. He indicated that the general fund will need to be increased for civil service and the income tax revenues are supporting these appropriations and that is the key figure as it represents over 50% of our general fund revenues.

**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 for April, 2019; Mr. Fenrich seconded. Poll: 5 ayes; 0 nays. Motion carried.

Mr. Gorski stated that he would like to briefly comment on both of the individuals that resigned between the previous meeting and this one, starting with former Council Pro-Tempore Jim Haviland. He stated that he found it to be an absolute pleasure to work with Mr. Haviland and has known Councilman Haviland for a number of years through his children as he graduated high school with his oldest daughter Morgan and working with him as a member of this Council, he really thinks he is going to be missed. He stated that Councilman Haviland is someone who, he believes, was able to coax conversations out of us that we were not perhaps willing to have, but perhaps needed to be had. As the Mayor stated Councilman Haviland had an even temperament and wonderful disposition and he does not think there is a truer gentleman that has sat on this dais with him than Councilman Haviland. He wishes his best to him and he will be missed.

He stated that he has an immense amount of respect for Ms. Accordino and she is someone that he felt worked very hard in her position with this city and is someone else who he believes will be very much missed, not only in city hall but in our community as well.

He stated that back in January when Chief Gluss announced that he was vacating his position he made it a point to say “leaders lift their subordinates up they don’t bring them down.” He finds it somewhat disheartening to think that we have another employee who has left their position with the city because they didn’t want to be brought down further.

Councilman Lee Fenrich, Ward IV
Mr. Fenrich stated that he would also like Jim Haviland for his service and it was a pleasure getting to know him. When he told him that he was leaving he said he was just starting to like him.

He stated that the only think he can say about Ms. Accordino is this is going to be a classic you don’t know what you had until it is gone and he is sorry but that is how he feels she will be missed in so many more areas than just this building.

He stated that regarding Chandler’s Lane, on a personal note, he spoke with the mother of the woman who lived in the apartment where the fire started and she is still struggling terribly. She has tried to commit suicide twice, and just wants to die because she feels like she put 48 people out of their homes and feels like it is all her fault. He has explained to her that it was an accident but she is still struggling so he would ask everyone to keep her in their prayers. She does not deserve this type of guilt, it is a terrible thing that happened, but it was an accident.

Regarding Bakers Creek, he spoke with Paul Scheutzow, John Guzik and took the Mayor down to the area with Paul from Horizon Metals and the following day Rick from Columbia Steel. Both of these individuals discussed the possibility of building a new steel span bridge to replace the existing one which is still rather costly. The big expense is the abutments on the sides of the embankment the new bridge would have to be almost 15 feet longer in order to hit solid ground. They are now looking at a lot on West Northwood that is for sale. The Mayor spoke with the law director and found that there is nothing legally from stopping them from purchasing the property but they suggested that they speak to the homeowners on either side of the lot. He has passed this information on to John Guzik, who is their spokesman. He also spoke to Mr. Scheutzow and it seems that they are all coming around to the
realization that this would be less expensive and much easier to maintain. He has suggested that this drive be concrete and one lane so it does not sound like you are putting in an entire road; he also suggested a stop sign at the end with shrubbery along both sides to help eliminate the sound as well as making the road 5 MPH to soften the blow. They are feverishly trying to get this resolved before the June deadline.

Mr. Fenrich moved to **approve** a requisition to Explore Olmsted Falls as the city’s contribution towards the establishment in an amount not to exceed $12,000; Mr. Gorski **seconded**.

Mr. Fenrich indicated that this was a budgeted amount. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Fenrich moved to **approve** a requisition to Keith Parker for the concerts in the park for July and August in East River Park and authorize the Mayor to enter into agreements in an amount not to exceed $1,600; Ms. Nicolay **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Gorski stated that the amount of research and time that Councilman Fenrich has committed particularly to both of the primary issues of his ward, one being Chandlers Lane and the other Bakers Creek Bridge, he believes is impressive and has done an excellent job at keeping Council apprised and informed on both issues. Mr. Stibich included as well as working with the residents towards a solution.

**Councilwoman Lori Jones**

Ms. Jones would also like to state that she enjoyed working with Jim Haviland. When she first decided to run for Council, he did approach her and then we decided to run as a team. The interesting thing was that she, Kyle Miller, and Jim Haviland were all involved with community development corporations in Cleveland but did not know each other and once we became Council members, we found out that we knew all the same people in the community development circles. She stated that Mr. Haviland will be missed.

She would also like to say that she did not know Ms. Accordiono until she began working for Olmsted Falls as the Economic Development Director and observed her dedication and commitment to doing her job. She wasn’t an expert but did her research and brought the CRA before Council. She did her homework and from what she understands Ms. Accordiono was everywhere all the time, many times with Dr. Sedlacek. She was very committed to her job and appreciates all the hard work and long hours she put in for Olmsted Falls. She, like Mr. Gorski, was a little disheartened to read some of the comments about how Ms. Accordiono felt that she couldn’t grow and prosper here in Olmsted Falls due to the environment and that is very concerning to her as a woman about perceptions and the feeling that you work in a hostile environment which we will discuss later in executive session.

She was invited to the Park and Recreation Board meeting, unfortunately Mr. Borczuch nor Mr. Nogalo could attend that meeting. She was not prepared to answer all the questions she received but the meeting was enlightening and informative. She discussed some of the questions with Mr. Bemer and the Mayor. She would like to say that they asked if we could all meet finance director, service director, administration, and Council to discuss some of the issues surrounding the parks, any funds available to improve the playgrounds, and the levy. Mr. Gorski stated that recently Council received a request via email from Ms. Lukes requesting a council work session to discuss these issues. Ms. Jones indicated that Ms. Mancini did mention that the board would like to hold that meeting during their regularly scheduled meeting on June 5th. Mr. Gorski stated that he would entertain holding a
Council work session. Mr. Stibich indicated that there is a planning commission meeting that night at 7:30 p.m. and suggested holding the work session on Tuesday June 4th. Council agreed to June 4th at 7:00 p.m. Ms. Jansen from the Park and Recreation Board indicated that the board members would be able to attend that meeting. Mr. Gorski indicated that the Clerk will properly distribute agendas to all parties involved.

Ms. Jones stated that some of the issues that need to be included on the agenda are: conditions of some of the playground equipment and maintenance of that equipment, possibly replacing some of the poor equipment, graffiti in Fortier Park, restrooms, park maintenance, including the fact that when the park it utilized during the weekend there is trash left behind everywhere. She stated that she was informed that two administrations ago part time help was used over the weekends to pick up trash. Mr. Stibich indicated that costs would need to be considered for that type of activity. Ms. Jones indicated that if this is regularly scheduled overtime would not be an issue. Mr. Borczuch indicated that according to the CBA he has to offer the work to full time members first and then part time employees. Ms. Nicolay indicated that we could possibly look into those individuals who need to complete community service as an alternative. Mr. Gorski stated to the park and recreation board members present if there are any items they would like Council to address please make sure those are forwarded to the Council Clerk as this will help Council and the administration to prepare for the meeting. Ms. Jones indicated that another item discussed was the park maintenance levy and maybe putting on a small supplemental levy to improve the park areas. The board also had concerns over the availability and funds and she was informed, by Ms. Duncan, that the impact funds from developments have been placed in the 108 fund rather than the 113. Mr. Nogalo indicated that the one received last year in the amount of $59,500 was deposited into the 108 fund, which is under the purview of Mr. Borczuch. Ms. Jones indicated that she was under the understanding that these funds were supposed to be placed in the 113 fund. Mr. Nogalo indicated that the 113 is idle and the 108 has replaced that fund. Ms. Jones stated that we are mixing impact funds with property tax levy funds. She stated that Ms. Duncan informed her that when the funds were received from the Falls Pointe North development, they purchased the land behind the fire station and that is where the impact money is supposed to be deposited. Mr. Nogalo indicated that the title of the 113 fund states park and recreation operations fund. Ms. Jones replied that it is not an operations fund. Mr. Nogalo indicated that the title is also deceiving. Ms. Jones stated that this is the fund that is utilized for the impact funds and is for the purchase and acquisition of equipment and development. She also stated that the funds received from Falls Pointe North was utilized to purchase the land behind the fire station for parks and recreation, which cannot be used because there were greenhouses on the property and there is a bunch of glass and too costly to prepare for use. Mr. Stibich indicated that it cannot be used for parks and recreation. Ms. Jones replied that when this property is sold the 113 fund would be reimbursed. The impact tax money, as explained by Ms. Duncan, goes to the 113 fund for acquisition, now having said that she understands that we spend money on restrooms for East River Park. Mr. Nogalo indicated that there is a small portion of park and recreation in the general fund, we have a 113 fund, 108 fund and 121 fund all labeled in some way park and recreation. When he and Mr. Bemer reviewed the ordinances, we only found two creation of funds, so the ordinances will need to be reviewed and a determination made. Ms. Jones indicated that Ms. Duncan knows the history and the impact tax money went into the 113. If that property sells it would be great because then the 113 fund would be reimbursed for purchase and acquisition of park and recreation items. Mr. Nogalo indicated that we could change the name of the 113 fund and rename and then establish what type of monies would be deposited and what type of expenditures would be utilized. Ms. Jones stated that we spent $49,000 of those funds already which leaves $10,000 that could be utilized for park improvements and those funds should have been placed in the fund for impact taxes. She stated that
no one had an issue with the restrooms in East River Park so those funds could have been used for development because it would have been an acquisition or development and would have been an appropriate expense for this fund. Mr. Borczuch indicated that before Ms. Duncan was a member of Council, so approximately four finance directors ago, the 113 fund was used up at that point in time and for operations, that was what it was standard and used for, the 108 was for development and maintenance as far as he was told through the finance directors. Mr. Stibich replied parks and recreation maintenance. Mr. Borczuch replied yes and maintenance was the 108 and 113 was for operations and maintenance. He stated that Mr. Patrick had the city utilize the 108 and has been utilized since then because there has not been enough money to handle what we need to do in the parks, so, the 108 has been utilized for more than 15 years for these types of expenditures. Mr. Nogalo indicated that the ordinance for the 113 fund states that the director of finance shall make payments from this fund for programs deemed by the park and recreation board for recreational programs for participants. Mr. Stibich indicated that this needs to be discussed more thoroughly at the work session. Ms. Jones indicated that these are the types of questions that have been asked. She stated that some how the park maintenance needs to be completed.

Chief Rogers indicated that his son has had to complete volunteer hours for his environmental science class and we have been in the parks, and maybe he is going on the wrong days, but the parks are pretty clean. We spent a lot of hours in Fortier Park, David Mills, Village Green and East River Park. Ms. Jones indicated that she is speaking about the nicer weather days on Saturday night. Chief Rogers indicated that in the years of experience working in this city there are water bottles, etc., in the parks on Saturday and Sunday nights. He stated that his department is always looking for things for the juvenile diversion program kids to complete as community service hours. We are regulated to washing cruisers because there is not a lot we can do with kids, but, he could suggest that these kids clean the parks on the weekends, the only caveat is that they obviously have to be surprised and he would have to pay a policeman to do that, and cannot utilize an officer currently on the road. He stated that the department does receive a grant from the county for juvenile diversion so for example, if the juvenile diversion officer brings kids in Saturdays or Sundays, he would be paid overtime out of the grant. Ms. Jones asked that Mr. Nogalo bring the grant information to the meeting on June 4th. Mr. Stibich suggested any other options for having trash picked up over the weekends. Chief Rogers indicated that he has spent many hours in the parks these last few weeks and he told Mr. Borczuch during the staff meeting that he was happy how clean the parks are. But, again the nicer weather has not yet come so he does understand the need.

**Council President Paul Stibich**

Mr. Stibich indicated that the Clerk has received a few resumes for the open Council-at-Large seat and the deadline is Monday, the 20th for applications to be submitted. He is hopeful that Council members will be available next week to begin reviewing the resumes and deciding on dates for interviews. Council discussed their availability. It was determined that Council members were available on Wednesday or Thursday. Mr. Gorski asked when the 30 days would expire. Mr. Stibich indicated June 1st but, the Mayor has informed him that if Council needs additional time, he will not exercise his right to make an appointment. Mayor Graven replied that is correct.

Mr. Stibich indicated that Council has scheduled a work session for June 4th at 7:00 p.m. for the parks and recreation discussion and a finance committee meeting for May 28th at 6:45 p.m.

Mr. Stibich indicated that there will be a Memorial Day parade and inquired if Council would like to utilize a vehicle to be in the parade. Ms. Jones indicated that she would be in the parade as she
considers it an honor as her father served in WWII, her grandfather served in WWI, her uncle served in Korea. Mr. Stibich stated that in the past Memorial Day was considered a solemn day and was not one for celebrating or politicking, and Council has very seldom ridden in the parade. Mr. Gorski indicated that he appreciates both perspectives on this issue and for Ms. Jones it would be a means of celebrating her family’s past, but he will be out of town during this weekend and would not be available to ride in the parade. Ms. Jones stated that this is the first year at the cemetery that we have asked the boy and girl scouts to place flags on the graves. In the past we have only placed them on the graves on Veterans Day. Mr. Fenrich indicated that he will attend the parade but will not ride in the parade.

Andrew D. Bemer, Law Director – No Report

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 24-2019
A RESOLUTION APPROVING RENEWAL APPLICATIONS TO PLACE CERTAIN LANDS INTO AGRICULTURAL DISTRICTS  Third Reading

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

Ordinance 26-2019
AN ORDINANCE ESTABLISHING A POLICE VEHICLE FUND AND DECLARING AN EMERGENCY  Third Reading

Mr. Gorski moved to adopt; Mr. Fenrich seconded. Ms. Jones indicated that she has received comments from individuals that when Council adopts legislation, they do not understand what the legislation is for. For example, the agricultural district is for the greenhouses within the city. She then suggested that Council describe the reasoning for the legislation. Poll: 5 ayes; 0 nays. Motion carried.

Ordinance 27-2019
AN ORDINANCE ADOPTING PROVISIONS OF SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE TO ESTABLISH AND DESCRIBE THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE CITY OF OLMSTED FALLS, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL, AND A TAX INCENTIVES REVIEW COUNCIL, AND DECLARING AN EMERGENCY  Third Reading

Mr. Fenrich moved to adopt; Ms. Jones seconded. Ms. Jones indicated that all of Olmsted Falls will be included in the Community Reinvestment area and will be used to attract people to the city and the
city is receiving different avenues whether that be tax incentives or programs. This is just an avenue for the city to improve the area. Mr. Gorski indicated that when this legislation was first introduced in April he had suggested that Council as a Whole be added to the introduction and would like to make sure that is on the final legislation. The Clerk indicated that the language would be added. Poll: 5 ayes; 0 nays. Motion carried.

**Ordinance 28-2019**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $125,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE TO ADD TO THE CITY HALL BUILDING COMPLEX CURRENTLY HOUSING ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS, AND DECLARING AN EMERGENCY. **Second Reading**

**Ordinance 29-2019**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF REMODELING, RENOVATING AND OTHERWISE IMPROVING A CITY BUILDING WHICH WILL HOUSE ADMINISTRATIVE OFFICES AND OTHER MUNICIPAL FUNCTIONS AND IMPROVING THE SITE THEREOF, AND DECLARING AN EMERGENCY. **Second Reading**

**Ordinance 30-2019**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $1,500,000 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**

**Ordinance 31-2019**

AN ORDINANCE AMENDING ORDINANCE NO. 03-2019, PASSED FEBRUARY 12, 2019, 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**

**Ordinance 32-2019**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $85,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING AND EQUIPPING A STREET SERVICING VEHICLE,
TOGETHER WITH NECESSARY APPURTEANCES THERETO AND DECLARING AN EMERGENCY. Second Reading

New Business

Ordinance 33-2019
AN ORDINANCE AMENDING SECTION 1470.10 OF THE OLMSTED FALLS CODIFIED ORDINANCES ENTITLED “ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACK” AND SECTION 1470.11 ENTITLED “ESTABLISHMENT OF WETLAND SETBACKS” AND DECLARING AN EMERGENCY First Reading

Resolution 34-2019
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DONAUSCHWABENS GERMAN AMERICAN CULTURAL CENTER (THE GERMAN CLUB) TO ACQUIRE CERTAIN REAL ESTATE KNOWN AS PP #281-02-001, AND ABUTTING COOK ROAD AND DECLARING AN EMERGENCY First Reading

Mr. Gorski moved to suspend; Ms. Jones seconded. Mr. Gorski stated that this is an MOU for the city to purchase property for the installation of a pump station. Mr. Borczuch replied correct; this is a necessary piece for the city to continue the Phase V bidding process. 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. Fenrich seconded. Poll: 5 ayes; 0 nays. Motion carried.

Resolution 35-2019
A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING 1.0-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR PARKS MAINTENANCE AND PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PARKS OF THE CITY AND REQUESTING THE CUYAHOGA COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, AND DECLARING AN EMERGENCY. First Reading

Mr. Gorski moved to amend the title to remove “RENEW” and add “RENEW”; Ms. Nicolay seconded. Ms. Jones asked if Council would have enough time for three readings. The Clerk indicated that this legislation would be sent to the county for the certification. Voice Vote: 5 ayes; 0 nays. Motion carried. Ms. Jones moved to suspend; Mr. Gorski seconded. Voice Vote: 5 ayes; 0 nays. Motion carried. Mr. Gorski moved to waive the reading in its entirety; Ms. Jones seconded. Voice Vote: 5 ayes; 0 nays. Motion carried. Ms. Jones moved to adopt as amended; Mr. Gorski seconded. Poll: 5 ayes; 0 nays. Motion carried.

Resolution 36-2019
A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF THE RENEWAL OF AN EXISTING 1.0-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR PARKS MAINTENANCE AND PURCHASE OF PLAYGROUND
EQUIPMENT FOR THE PARKS OF THE CITY, AND DECLARING AN EMERGENCY. First Reading

Resolution 37-2019
A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING 2.0-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND EMERGENCY RESCUE EQUIPMENT OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR OR THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREMEN OR FIRE-FIGHTING COMPANIES TO OPERATE THE SAME, AND REQUESTING THE CUYAHOGA COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, AND DECLARING AN EMERGENCY. First Reading

Mr. Gorski moved to amend the title to remove “REVIEW” and add “RENEW”; Ms. Jones seconded. Voice Vote: 5 ayes; 0 nays. Motion carried. Mr. Gorski moved to suspend; Ms. Jones 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. Ms. Jones moved to adopt as amended; Mr. Gorski seconded. Poll: 5 ayes; 0 nays. Motion carried.

Resolution 38-2019
A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF THE RENEWAL OF AN EXISTING 2.0-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND EMERGENCY RESCUE EQUIPMENT OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR OR THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREMEN OR FIRE-FIGHTING COMPANIES TO OPERATE THE SAME, AND DECLARING AN EMERGENCY. First Reading

Resolution 39-2019
A RESOLUTION REQUESTING AND CONSENTING TO AN EMERGENCY ROAD MAINTENANCE PROJECT BY THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR 2019 AND DECLARING AN EMERGENCY. First Reading

Mr. Gorski moved to suspend; Ms. Jones 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. Fenrich seconded. Poll: 5 ayes; 0 nays. Motion carried.

Miscellaneous New Business - None

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 litigation pursuant to ORC 121.22(G)(3); Mr. Gorski seconded. Poll: 5 ayes; 0 nays. Motion carried.
The meeting adjourned at 9:16 p.m.

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

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

The meeting adjourned at 10:17 p.m.

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**Paul Stibich, Council President**

**Angela Mancini, Clerk of Council**