

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, January 28, 2020, 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 7:32 p.m. Roll call was conducted. Councilmen Lori Jones, Jennifer Jansen, Cornel Munteanu, Yvonne Buchholz, and Brian Chitester were present.

Also, in attendance: James Graven, Mayor, Andrew D. Bemmer, Law Director, Joe Borczuch, Service Director, Tom Jordan, Economic Development Consultant, and Matt Sheehan, Fire Chief. Audience: 15.

Approval of Minutes

Mr. Munteanu moved to **approve** the minutes from the Regular Council Meeting of January 14, 2020; Mr. Chitester **seconded**.

Ms. Jones indicated that Mr. Chitester has discussion. Mr. Chitester indicated that Ms. Jones and Ms. Jansen had mentioned during the legislation committee meeting on Saturday that there was no mention of his discussion during the senior transportation legislation. Mr. Stibich indicated that he would ask the clerk to check the recording and hold these minutes until then. Mr. Chitester withdrew his second and Mr. Munteanu withdrew his motion.

Consideration of Amendment to the Agenda

Mr. Munteanu moved to **add** Resolution 13-2020 to the agenda under New Business; Ms. Jones **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mayor's Report and Appointments

Mayor Graven indicated that he has a Proclamation for Grant Fischer and his family. (See attached). Mayor Graven stated that as a 30-year firefighter he and the Fire Chief appreciate what Mr. Fischer accomplished and congratulated him and the Fischer family.

Mayor Graven stated that he would like to encourage Council to support the lease agreement with the Olmsted Athletic Commission for parks and recreation use. As you know, when he ran for office one of his goals was to increase recreational opportunities for all of our residents. He believes that the agreement that was negotiated with OAC meets all of our goals. We will be able to provide a new playground and two new ballfields without taking money out of the General Fund. He believes this is a win/win for everyone and certainly helps the City and Olmsted Athletic Commission. He believes this will be a great public/private partnership. He appreciates all the work that Ms. Lukes and Mr. Lara have done.

He stated that he met with CTS (Contract Transport Services) yesterday. The City is attempting to save money for senior transportation. The current provider, Senior Transportation Connection, wants to increase their fees by almost 40% so obviously that is a ridiculous increase and the administration is

working hard, himself, Ms. Veloski and Ms. O'Malley, from the senior center, we will all try to work out a better agreement that saves the City money but also offer the same services for all of our seniors.

He thanked Mr. Vitalone for being present this evening and willing to serve the City of Olmsted Falls, provided that Council approves the appointment. It is hard to find people with over 20 years of municipal finance experience and he appreciates him stepping up and being willing to serve our great city. He would respectfully request that Council support the appointment of Mr. Vitalone. Again, he has over 20 years of experience in municipal finance and worked with the State of Ohio with our Assistant Finance Director, Terry Veloski, and believes they will have a great working relationship. He also believes that Mr. Vitalone will fit in well in our finance department.

He stated that the \$225,000 cost-sharing grant from the Northeast Ohio Regional Sewer District should bring some much needed relief to our residents who live on Metropolitan and Holton Streets because this will provide additional storm sewers that will improve the drainage and flooding problems on these streets. He is happy to be able to help those residents with much needed relief.

He stated that Mr. Jordan is present this evening who will give a report but he would like to briefly bring Council up to speed on economic development. He is still in contact with Cleveland Candle Company and will be speaking with the Grand Pacific Junction due to the fact that there is an opening there. He believes Cleveland Candle Company will be a great fit in our historic Grand Pacific Junction. He has also spoken with some Mexican restaurant owners to look at our city. As you know, we did lose one Mexican restaurant and believes there is room for another one.

Communications from Residents - None

Approval of Bills:

Mr. Munteanu moved to **approve** Pay Ordinance 2020-02; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch stated that he has one requisition for Cargill Salt for 500 tons of rock salt for this winter season totaling \$29,075.00.

Mr. Munteanu moved to **approve** a requisition to Cargill Salt for 500 tons of rock salt for the 2019-2020 winter season in an amount not to exceed \$29,075.00; Ms. Buchholz **seconded**.

Ms. Jones asked if he needed a vendor or PO number. Mr. Borczuch replied no. Mr. Stibich indicated that it is not a requirement. At times they are placed on requisition. Mr. Borczuch indicated that once the requisition is approved by Council the PO is issued from the finance department.

Ms. Jansen asked if the remainder of the information is also filled in once approved as far as the mailing address. Mr. Borczuch replied yes as the finance department handles the billing. Ms. Jansen stated that the total is over \$2,500 were three bids not necessary. Mr. Stibich indicated that this purchase is under a contract. Mr. Borczuch replied that the contract was bid out two years ago. Ms.

Jansen asked when the contract would expire. Mr. Borczuch replied that each year Council approves an option year for the upcoming winter season. This is a five-year contract. Ms. Jansen asked when this would need to be reviewed. Mr. Borczuch replied that in May or June he will ask Council to approve another option year. Mr. Stibich indicated that usually the decision is what does the option year give the city with Cargill versus the market and in the past the contract that we have has been very favorable. Poll: 6 ayes; 0 nays. **Motion carried.**

He stated that the Mayor mentioned the Community Cost Share legislation currently before Council. We have been trying to get this area under funding by Regional Sewer District and we have been denied multiple times. The cost amounts have finally increased enough to allow us to get a pretty decent portion of the area completed to help minimize some of the flooding issues in this area. Once approved by Council the district will finalize the project and the city can move forward. A lot of residents in the area will be happy. This will not complete the project but it will definitely help. Mr. Stibich indicated that this area has been a problem ever since he came on Council. Mr. Borczuch replied yes.

Tom Jordan, Economic Development Consultant

Mr. Jordan indicated that the JEDD District had their annual meeting which he along with Council President Stibich attended. They raised a number of issues with the Trustees who will be following up on them. Essentially, they are required to have an annual meeting to keep the JEDD going and they have fulfilled that requirement.

He stated that with the capable help of the Clerk of Council draft of the forms needed for the CRA the City was approved for have been completed and forwarded to the outside counsel who helped set up the initial aspect of the CRA for review and approval before they are implemented by the building department. The CRA forms are the application for the homeowner to apply for residential tax abatement and for the building official to submit to the County Fiscal Officer in order for the abatement to be implemented. The application for commercial abatement is on a case by case basis and are standard forms that are used when we have a large commercial project. We will finish those up and make them available in the building department. We will also have to do some public awareness of the project. If you are adding an addition to your home or building a new home in the City of Olmsted Falls you would be eligible for this program and instructions on how you go about doing that.

The appraisal for the landbank parcel the City owns on Columbia Road has been finished and we are in the process of negotiating a possible sale agreement with the neighboring property owner for some level of development. The houses were taken down by the service department and hopefully we can recover those costs through the sale before the proceeds of the sale are distributed to the county.

The space availability is available online and thanks again to the Council Clerk for her assistance in getting that up and online, we hope to add more properties. Basically, if there is a commercial property available in the city whether for sale or lease of any significance, they will be available as well as vacant land for development. There is a large database but those typically are for sites that are over 10 acres and vacant.

The State Capital request that Council is authorizing this evening was prepared with the assistance of the service department. The Mayor met with the state rep and state senator in order to get an understanding of what they were looking for from the City. We are certainly aware of Council's

interest in having improvements to parks. An estimate was done for recreational equipment that would benefit the city. We did indicate in our report that we do not bar people from other city's from visiting the park and this would be a benefit for this area by the state investing in that park.

He is continuing to work with the law department regarding the Brookside property. We advertised that site for sale and will be looking in the future to listing the property with an outside broker and market that site now that the tenant is leaving.

The Mayor continues to work with retail owners and Grand Pacific Junction to attract them to the City. We are working with a couple of residential developers on some sites within the city for new home development.

He asked Council if there were any questions. There were none.

Matt Sheehan, Fire Chief – No Report

Councilwoman Yvonne Buchholz, Ward III

Ms. Buchholz would like to thank Chief Sheehan for his assistance regarding the fire on Redwood that took place on December 2nd, which she was not aware of until a resident there wanted to be assured that the property was secure. Chief Sheehan met her at the home and informed her that it was secure and she relayed that information to the resident. Since she has not heard back from them, she assumes that the information made them happy.

The next Park and Recreation Board meeting will take place on February 3rd at 7:00 p.m.

Councilman Brian Chitester, Ward IV – No Report

Councilwoman-at-Large, Jennifer Jansen – No Report

Council Pro-Tempore Lori Jones

Ms. Jones stated that the legislation committee met this past Saturday and reviewed several items. One of those was records retention and our policy and practices to try and see where that can be improved so that none of our records get lost or destroyed. We discussed vendor due diligence at length because of the hack and Bailey Communications. We discussed what kind of vendor due diligence was done to approve companies based on the services that they provided and the potential risk for harm to the City if something went wrong. We discussed the boards and commissions, specifically ABR and Planning and Zoning to give them maybe a little bit more authority in a couple of areas because they can't make certain decisions to help them to their job better and enforce it. We started reviewing the bylaws but did not get very far. We will continue working on these issues and keep you abreast on what we come up with. One of the other things we discussed as part of vendor due diligence was, based on what we were told and we know, that maybe the finance department has a list of contracts with all of the expiration dates. She asked if there was one list with all of our contracts and when they renew because as part of vendor due diligence you should monitor contracts. Mayor Graven asked if she was specifically worried about Bailey's contract. Ms. Jansen replied all vendors. Mayor Graven indicated that this is an administrative function. Ms. Jones replied it's a vendor due diligence administrative function. Mr. Chitester indicated that we discussed the situation when Bailey's contract came up but there was no real time to look up any sort of competitive group. Mayor Graven replied that he spoke with everyone in administration and they were happy with Bailey

especially Police Chief Rogers who has a lot of contact with them so there was no need to. Mr. Chitester stated that this is under the sense of making us aware of when the contracts began and when they needed to be negotiated or start being looked at so we don't have a situation where you have a contract that passes the period where it can be renegotiated. Ms. Jones stated that this has happened a couple of times and best practices as part of doing any vendor due diligence is monitoring your contracts and when they are due because the administration is not supposed to enter a contract without Council approval and Council wants to know, not the day of, but in advance. Mr. Bemer indicated that was an excellent discussion and did asked the Clerk of Council if she has any type of list and said she indicated that she use to but it needs to be updated. So, yes, that is something that should be designated either through the department heads because he is sure when the collective bargaining agreement expires for each department the department head knows. But that shouldn't be left to just the department head it should be something that the Clerk of Council as well as the Mayor's office should have so we all know, not just Council. Mr. Stibich replied that he believes that is what the committee is suggesting. Ms. Jones stated that the committee is looking at our procedures and ordinances and believe that list should be part of it. Mr. Stibich stated that there should be one central location. The clerk use to keep that list and this is a policy that they would like to see continued. They would also like to see the IT contract competitively bid the next time around. Ms. Jones replied yes and asked if the forensic report from Bailey was received. Mr. Stibich replied that he has not seen one. Ms. Jansen asked if the city needed to notify anyone who may have had a breach in security in regards to if their police or fire records were exposed because those do contain personal information like social security numbers. Ms. Jones replied that we know nobody's data was exposed. Mr. Stibich indicated that the Clerk just advised him that Bailey is coming in on February 25th for a work session at 7:00 p.m. Mayor Graven correct him and stated 6:30 p.m. Ms. Jansen stated that she was approached by a citizen who indicated that they would have liked to know about the legislation committee meeting but that it was not posted online. She asked if we could make sure all the little committees are posted online as well. The clerk replied yes.

Councilman Cornel Munteanu, Ward II – No Report

Council President Paul Stibich

Mr. Stibich indicated that the Ward I candidate interviews have been scheduled for tomorrow evening; Donna McCaffrey at 6:30 p.m.; Joseph Muni at 7:00 p.m.; and John (Jay) McFadden at 7:30 p.m. Council will interview the three candidates in executive session. He hopes that Council can make a decision by the end of this week.

Andrew D. Bemer, Law Director

Mr. Bemer stated that Council has before them Resolution 10-2020 on first reading. This resolution concerns a lease agreement that is being proposed with the Olmsted Athletic Commission for the 3.78 acres just to the north of the City Hall campus. A draft of the lease was finished yesterday and forwarded to the representatives of the OAC, two of the principals are here tonight, Jill Lukes, who you all know as chairman of our Parks and Recreation Board, and Rob Lara. He asked if either of them had any comments.

Mr. Lara stated that we have raised capital that has already been put aside along with the baseball recreation league. Ms. Lukes indicated that there are five contributing organizations. Mr. Lara stated that this capital will be used to improve all the playing fields. We have requested the land behind the library where we would also like to build two new baseball fields and in return, we discussed that we would be willing to build a playground for the community. The group is narrowing in on larger sums

of capital and feel that we will hit our target to turf the stadium for next season. We received a call back from the Cleveland Browns today, who have turfed almost every stadium in the area but ours, so there looks like there is an opportunity for us to do something. So, we are feeling pretty good about what our next steps are. We have raised between Vitamix contribution and what we have raised in the community so far probably north of a half a million dollars and that is only within a few months. We have not sold anything on the stadium yet and primarily that is because we are working through the relationship with the Harding Foundation who right now has the stadium naming rights. We hope that this is the first of many projects that he comes to the City and the Township with recreation youth athletics. We are called the Bulldog Field Initiative for a reason. If anyone has any questions you can visit our website if you are wondering what the difference is between The Bulldog Field Initiative and the Athletic Boosters, Rec League and the Olmsted Athletic Commission. We decided early on that we would ask the Stewarts, Jill being director of the youth rec baseball league, the director of the soccer association, travel baseball league, lacrosse league, football league and anyone using fields to join this athletic commission so we would have one body that can function and make decisions and discuss projects. We hope that Council is good with what we are proposing. We are not asking for capital from anybody as we raise it through the community. We have support from business owners who own construction, excavating, landscaping, concrete, electricians, plumbers, etc., that are all coming together to help us with in-kind contributions.

Mr. Bemer stated that Council does not have a copy of the lease at this point and will not be voting on the legislation this evening. In essence the initial proposed lease term is 20 years with an indeterminate amount of additional terms of five years; the rent is \$10.00 per annum; and the property would be used exclusively for athletic fields, parks and recreation purposes. The specifics of the lease were just presented to the OAC for their review and we anticipate hearing something back by the next Council meeting.

Old Business

Resolution 06-2020

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SENIOR TRANSPORTATION CONNECTION FOR 2020 FOR SENIOR TRANSPORTATION SERVICES AND DECLARING AN EMERGENCY **Second Reading**

New Business

Ordinance 07-2020

AN ORDINANCE APPOINTING NICHOLAS VITALONE AS FINANCE DIRECTOR AND TAX ADMINISTRATOR FOR THE CITY OF OLMSTED FALLS, ESTABLISHING COMPENSATION, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH **First Reading**

Mr. Munteanu moved to **amend** Section 1 to change the effective date from “January 27, 2020” to “January 29, 2020”; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**. Ms. Buchholz moved to **suspend**; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Ms.

Buchholz moved to **waive** the reading in its entirety; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **adopt as amended**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ordinance 08-2020

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF CUYAHOGA, OHIO AND THE CUYAHOGA COUNTY JUVENILE COURT TO CONTINUE A COMMUNITY DIVERSION PROGRAM FOR THE PERIOD OF MARCH 1, 2020, AND ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **suspend**; Mr. Chitester **seconded**. Ms. Jansen stated that in the contract the second paragraph states “status misdemeanor or felony” but in our resolution we do not include “felony” and asked if that should be added. Mr. Bemmer indicated that we do not handle felonies. The Clerk indicated that the County would need to make the change and will discuss with Officer Swope as he is the Diversion Officer. Mr. Chitester **withdrew** his second; Mr. Munteanu **withdrew** his motion. Mr. Stibich indicated that the motion has been withdrawn and we will find the answer to either amend the contract or the legislation.

Ordinance 09-2020

AN ORDINANCE AMENDING SECTION 220.01(a) “MEETINGS,” SECTION 220.02 “OPENING PROCEEDINGS,” AND SECTION 220.11(a) “PUBLIC HEARINGS” IN CHAPTER 220 ENTITLED “COUNCIL” AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **suspend**; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **waive** the reading in its entirety; Ms. Jones **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **adopt**; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Resolution 10-2020

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN LEASE AGREEMENT FOR 3.78 ACRES VACANT LAND ADJACENT TO CITY HALL CAMPUS, PERMANENT PARCEL# 281-15-006, WITH OLMSTED ATHLETIC COMMISSION FOR PARKS AND RECREATION USE **First Reading**

Ordinance 11-2020

AN ORDINANCE ADOPTING AND RATIFYING THE SUBMISSION OF A GRANT PROPOSAL TO THE COMMUNITY COST-SHARE ACCOUNT OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) IN THE SUM OF \$225,000.00 FOR THE METROPOLITAN-HOLTON DRAINAGE IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **suspend**; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **waive** the reading in its entirety; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Resolution 12-2020

A RESOLUTION RATIFYING THE SUBMISSION OF AN APPLICATION ON BEHALF OF THE CITY OF OLMSTED FALLS TO PARTICIPATE IN A CAPITAL BUDGET APPLICATION, FOR THE PURPOSE OF PURCHASING PLAYGROUND EQUIPMENT AND ACCEPTING SAID FUNDS IF AWARDED, AND DECLARING AN EMERGENCY

First Reading

Mr. Munteanu moved to **suspend**; Ms. Buchholz **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **waive** the reading in its entirety; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Resolution 13-2020

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FROM THE CITY OF OLMSTED FALLS FOR A RECYCLING PROGRAM GRANT TO THE CUYAHOGA COUNTY SOLID WASTE DISTRICT FOR 2020 AND IF AWARDED, ACCEPTING SUCH GRANT, AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **suspend**; Ms. Buchholz **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **waive** the reading in its entirety; Mr. Munteanu **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **adopt**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Miscellaneous New Business

Ms. Jones stated that included in the grant information are pictures of playgrounds with a vendor name but when we get the grant does administration plan on bidding to see who can give us the best prices. Mr. Bemer indicated that the information are just estimates. Mr. Borczuch replied that the vendor is on state bid so it's a set price for everyone in the state. Ms. Jones stated that this would be a major purchase. Mr. Borczuch replied that he understands and is just stating that these are state bid prices. Mr. Stibich replied that we will get competitive bids. Mayor Graven replied yes. Ms. Jones asked if the designs were just ideas or the actuals. Mr. Bemer asked Mr. Jordan to explain since he was the principal in the application. Mr. Jordan stated that the state capital request is a bi-annual process where they say how much money they will make available to communities for capital requests and then they solicit requests from cities. Historically, sometimes the requests are in the form of an email paragraph but they have developed a little bit more and State Senator Dolan's office actually has a form this year. In general, how much each city will get, if any, is some what arbitrary its not like a state ODNR program where there is \$50 million dollars; you could get anywhere from \$50,000 to \$500,000; he does not believe we would receive anything over \$500,000. We did what we felt was a limit based on conversations the Mayor had with the Representative and State Senator for an amount that we thought would be on the outer reach. The Service Director had looked into this on a number of occasions basically at Council and Mayor's request. He believes that the parks could use, at the minimum, \$200,000 for playground equipment but we asked for \$400,000. As you can notice from the diagrams you could build three less swings or two less slides between \$200,000 and \$400,000. If the city is lucky enough to get a grant we will consider how much playground equipment to buy and what method to buy with it. We hope a minimum of \$200,000. The budget will determine the amount of playground equipment purchased. Ms. Jones replied that she understands and then you could get bids and determine what equipment they might want. Mr. Jordan replied yes, and what Mr.

Borzuch is explaining is that the designs are actually made by Burke, which is a design company and a playground supply company that supplies to a lot of different vendors in Northeast Ohio. The actual Snider playground equipment prices are under state contract and we will follow the new finance director's guidelines, they offer state bid prices so you do not have to bid the project out because technically it has already been bid out under the state bidding process. We will see what our options are with the amount of money received. Ms. Jansen asked if they would be working together with the board of park and recreation. Mr. Jordan replied yes and take their advice. He believes the service director is in contact with them. Mr. Borzuch stated that once we receive information if we are getting anything or not then at that point, he will go to park and rec board. Right now, we have no idea it could be zero. Ms. Jones asked if we had a 50/50 chance. Mayor Graven stated that he is hoping for \$400,000.

Such other business that may come before Council

Ms. Reichle asked why when Council is looking for a ward Council person that is a representative of the residents is that in executive session. Mr. Stibich replied that it is a matter of personnel. Mr. Bemer replied that the Ohio Revised Code identifies the certain items that are and should be done in executive session and personnel deliberations is one of them. It is important to know that while you may deliberate on those excepted matters from open meeting the decision itself must be done in open meetings. Ms. Reichle stated that she has never heard this before. Mr. Stibich replied that is how this has always been done. Mr. Bemer stated that he recalls assisting Council with a legal memorandum in the last year or two on the need to be discreet in terms of discussing candidates, it is great to discuss the pros and cons and your particular selection as a Councilman but you must avoid head counts or anything that could be interpreted as actually taking the vote in executive session that must be avoided.

Mr. Munteanu moved to **adjourn**; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:21 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council