

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, February 25, 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 7:30 p.m. Roll call was conducted. Councilmen Lori Jones, Jennifer Jansen, Cornel Munteanu, Jay McFadden, and Brian Chitester were present. Councilwoman Yvonne Buchholz was excused.

Also, in attendance: James Graven, Mayor, Andrew D. Bemmer, Law Director, Odis Rogers, Police Chief, Matt Sheehan, Fire Chief, and Nick Vitalone, Finance Director. Audience: 3.

Approval of Minutes

Mr. Munteanu moved to **approve** the minutes from the Finance Committee Meeting of February 11, 2020; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Chitester moved to **approve** the minutes from the Regular Council Meeting of February 11, 2020; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Munteanu moved to **approve** the minutes from the Council Work Session of February 17, 2020; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven stated that he received an email from the owner of the Moosehead Hoof and Ladder with an article from a publication called Only in Your State. The article lists 10 of the coolest most unusual places to dine in Cleveland. The article states "Olmsted Falls is a scenic community that is overflowing with history. You will be immersed in it as you stroll through its charming streets." Moosehead Hoof and Ladder was number one listed in the coolest most unusual places to dine in Cleveland. He would like to recognize one of our local restaurants for earning this last year.

He is happy to report that the St. Jude Home building built in Olmsted Falls raised over \$2 million dollars in less than one hour last Thursday. They raised \$1 million dollars in the first 10 minutes of ticket sales. This is a great amount of fundraising for the fight against childhood cancer and we look forward to seeing the home completed. He believes that the home is due to be completed in May. Obviously, this has been great PR for our City and a lot of people watched Fox 8 on Thursday during tickets sales. They had nothing but nice things to say about Olmsted Falls. He would like to thank Cleveland Custom Homes for all the great things they said about our City.

He stated that part of economic development is having good roads. Last week he met with County Councilman Gallagher and County Public Works Director Ed Deavor to work on getting some road money grants from the County. Over the next few months he will keep Council apprised.

He stated that the Rift Shop will hold their grand opening on March 9th at 10:00 a.m. The shop is located next door to Ameriprint in the Drug Mart Plaza. Everyone is invited to the event. This store will have artists and others selling their craft wares.

He stated that he would urge Council to support Resolution 10-2020. This will allow the city to lease 3.78 acres next to the City Hall campus and library to Olmsted Athletic Commission. He indicated that Mr. Lara is present this evening. He stated that yesterday he walked the property with Mr. Lara and Ms. Lukes who indicated where they wanted to build the playground which would be adjacent to the library and parking lot as where the two baseball fields would be located. This is a win-win for the city and OAC, this will provide more recreation for our residents at no cost to the city and will not affect our General Fund which is tight. Any way we can increase recreational opportunities for our residents without spending money out of the General Fund is something the city should consider. The OAC also indicated that they will attempt to make small improvements each year. This is something that will not just help a handful of residents, when you look at children, parents, and grandchildren he knows that hundreds or at least 1,000 of our residents over the next few years will be able to use this area and get enjoyment. He knows that when Council reviews issues, they need to weigh cost benefit, if this moves forward a lot of our residents will get use out of the area. He supports this issue 100%.

Mr. Stibich stated that the OAC plans for the area north of library and Ms. Lukes had the plan written on a napkin and a lot of great things started on a cocktail napkin. He stated that he knows there are some concrete areas that Mr. Borczuch needs to be consulted about.

Communications from Residents - None

Approval of Bills:

Mr. Munteanu moved to **approve** Pay Ordinance 2020-04; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Odis Rogers, Police Chief

Chief Rogers stated that the 2020 Tahoe for the K9 unit was delivered on Wednesday and is a beautiful vehicle. He would again like to thank Council for the approval of its purchase. The different K9 equipment and lights and sirens have also been received and should be completing the build the week of March 9th. Within a couple of weeks, we will have a K9 vehicle to show everyone.

He stated that a civil service test was completed a few weeks ago and have received a certified eligibility list from the Commission. The list was provided to him and he will be starting background checks on the top ten applicants.

Matt Sheehan, Fire Chief

Chief Sheehan thanked Councilwoman Jansen for putting together the Dodge Ball Team at the Olmsted Falls High School to assist in the college tuition fund. He had a question about the people she put together as most have our AARP cards and we had to play the high school seniors so needless to say he believes Custard did better at Little Big Horn than we did. It was a very short match.

He stated that there are two resolutions before Council and would ask Council to adopt. Resolution 17-2020 is to submit a grant to the Bureau of Workers Compensation which was brought to his attention by Terry Veloski. Available equipment lists extractor washers and dryers for turnout gear. The current washer and dryer are 14 years old and are now in need of repairs. This is a 10% match grant with fund 106 being utilized. Resolution 19-2020 which is an Assist Firefighter's Grant. He would like to use this grant to replace some of the higher cost SCBA's. He believes that there are six SCBA's as well as a Lifepac 15 listed. He spoke with Councilman Munteanu and ours go back to 2010. After speaking with a representative from Stryker, formally Physio Control, they do not have a timeline on replacements but FEMA placed a life expectancy of eight years. This is a 5% grant match with the funds coming out of the 106-equipment fund and will not affect the General Fund.

Mr. Stibich stated that the extractor is a heavy-duty washer and dryer. Chief Sheehan replied it is used for firefighting gear as they are supposed to be washed after every fire due to the carcinogens that get onto the clothing. Mr. Stibich asked if the station had a normal washer and dryer. Chief Sheehan replied not at this time. He did previously mention to Council that he was going to purchase a normal washer and dryer to take the wear and tear off what we have. If he does purchase newer ones, he would still purchase a normal washer and dryer just to take the wear and tear off of them due to their price. Mayor Graven asked if he could purchase all four with the grant. Chief Sheehan replied yes.

Ms. Jansen asked if there was anything that would clean the uniforms, like a uniform clean shop for example Cintas. Chief Sheehan replied that they could be sent to Shamrock but the problem we would have is turnaround time because as of right now all firefighters only have one set of gear. He is planning, several years down the road, to purchase a second set of gear for at least the full timers.

Nick Vitalone, Finance Director

Mr. Vitalone stated that he has been working with the finance department personnel and various department heads on the full budget for 2020. Council passed a temporary budget in December. A copy of the budget will be distributed for the next meeting.

Councilman Jay McFadden, Ward I

Mr. McFadden stated that he attended his first Civil Service Commission meeting and would like to complement them as they do a very thorough job and he was very impressed. Mr. Stibich indicated that Chairman Smith has been with the City for quite some time.

Councilman Brian Chitester, Ward IV

Mr. Chitester stated that Grace Church, formerly Hope Church, appeared before the ABR requesting a new sign that they would like to install and would be electronic based. He does not want to describe the sign as it may be used in their arguments at the Planning and Zoning Commission. Basically, this sign would be illuminated and look like a sign a current business owns. The ABR did not approve a Certificate of Appropriateness. Basically, it sounds like Grace Church has filed an appeal and will appear before the Planning and Zoning Commission. Mr. Stibich replied that Grace Church had two requests, the design of the sign was approved. Mr. Chitester indicated that ABR did like the aesthetics and look but did not like the digital aspect of the sign. Mr. Stibich stated that ABR could not issue the Certificate of Appropriateness because of the digital aspect. In discussing the issue, he believes the proper path for Grace Church and the Clerk of Council did research this issue today, and they should be requesting a variance from the sign ordinance from the Planning and Zoning Commission, if that variance is not granted, they can appeal to City Council. He stated that

questions did come up and it was suggested that the city review its sign rules and consider allowing digital signs as you do see more and more of them but he is unsure of the affect of the image of the city.

Mayor Graven stated that the administration has also looked into digital signs for the number one reason of safety. For example, if there is an incident or fire, we can place information on the sign indicating street closures or if there is an AMBER alert, we can get information out to the public. It is the year 2020 and he believes that the city should seriously look into moving forward. We will have to balance it with the historical nature of downtown, but if it can save one life it is something we should seriously look into allowing. Mr. Stibich replied that he does not know where the starting place is for this review but it is something we should discuss. Mr. Chitester stated that he wanted to bring the ABR issue to Council so that they are aware that an appeal could be coming forward.

Mr. Chitester stated that week of March 9th through March 13th, he will be out of town and will miss the Council meeting on March 10th as well as the ABR meeting. He would like to thank the Graven's for agreeing to keep an eye on his dog. Mr. Stibich indicated that he would attend the ABR for Mr. Chitester.

Councilwoman-at-Large, Jennifer Jansen

Ms. Jansen stated that she received two emails regarding the drilling on Cranage Road. She has also been asked a lot of questions in the public and at the schools. She knows that they go to the fire stations, as her husband informed her that they came to the township, and had training for them so you could be more informed of what is going on and what is expected and not expected. Mr. Munteanu replied that when Mr. Boyer approached them, he was the Fire Chief at the time and he walked the property. At that time, they were looking at the sites where they were going to drill and how they would access the property which was off of Fitch Road. They do provide video and internet training on fire safety and response to those sites. Mayor Graven stated that a letter will be going out tomorrow to all the residents on Cranage explaining the fact that state law trumps our local ordinances and hopefully that will answer a lot of questions the residents have. He does not blame them and understands why they have so many questions. Ms. Jones stated that there were drilling questions before but that drilling is done and asked if another one was started. Ms. Jansen replied that another one is going to be started. Ms. Jones stated that she remembers all the complaints and they were saying it had to be so many feet from homes and they used access from the township so they could avoid the city. Ms. Jansen replied that the rules are the same in the township because it is all state law so they are not avoiding anything. Mr. Bemer stated that there is supposed to be a 500-foot radius away from any residential structure. We received an inquiry from a resident on Cranage and he provided an email response after looking at the case law that vicarates the home rule authority and pre-empts any local regulations regarding drilling for gas and oil. ODNR has exclusive jurisdiction and there is maybe a very small window of opportunity to address issues but it can be very expensive. Council will receive a copy of the letter that goes out to the Cranage residents. The law case dealt with the City of Munroe Falls, which is in the Akron/Canton area, they had a licensing provisions regarding drilling; the vote was close, 4 to 3 by the Ohio Supreme Court, that upheld the state law preempting the local law. One of the judges that formed the majority said maybe this doesn't necessarily preempt zoning of the compatibility based on the health, safety, and welfare, but none of the other judges bought into that the point and that was the small window of opportunity. Basically you need to get the different organizations and consortiums, maybe through the Ohio Municipal League, which would probably be the best, to address the issue in these urban residential areas and join the forces in terms of the cost. As a footnote, Munroe Falls not only lost but they were then

obligated to pay \$45,000 to the energy company for their attorney fees, so clearly the State of Ohio is nobody's friend in oil and gas drilling. You have always heard the fact that there was 87 counties in the State of Ohio and that's pretty much how Columbus is going to view this issue, you have five major metropolitan areas with a lot of open area that use to be farmland or still is farmland and you have the Marcellinus and Utica shales that consumes the entire eastern section of Ohio going into Pennsylvania and that is an industry; so Columbus General Assembly is not going to be a friend of anybody who opposes the drilling rights. With that being said, the consortiums or different groups is the way to go in order to at least allow for municipalities to control their own residential areas.

Ms. Jansen asked if this letter could be sent to the residents on Cook Road also in order to maybe stop their questions before they begin. Mr. Bemer replied yes. Ms. Jones suggested everyone within a certain radius. Ms. Jansen indicated that the next drilling location is Cook Road. Mr. Bemer suggested anyone who backs up to the 45 acres, anyone that will be impacted as the drilling will be perceived as being in their back yards and no one will be happy about this. Ms. Jones stated that they do not have to abide by noise controls rules. Ms. Jansen replied no. Ms. Jones stated that they can drill in the middle of the night. Mayor Graven replied that they can drill for six nights in a row. Ms. Jansen stated that while the drill is drilling the well it will take place 24/7 until completed, after that the hours are 7AM to 7PM. Ms. Jones replied that she knows there were noise complaints about the first drilling. Mr. Bemer stated that this particular property owner approached City Hall and informed us that he had a deal and it the proposition was to include this drilling to go under the railroad tracks and to the sub-surface of the potential park of the Olmsted Athletic Commission, and did not receive a very favorable response from City Hall which ended that proposal.

Council Pro-Tempore Lori Jones – No Report

Councilman Cornel Munteanu, Ward II – No Report

Council President Paul Stibich

Mr. Stibich indicated that he received a couple of invoices, one from NOISE and the other from NOCCA, Northern Ohio City Council Association, for annual dues. He will forward copies to all members of Council. He has spoken with Council members Chitester, Jansen and Munteanu and the question is does Council want to renew annual memberships with these organizations. His only question is what benefit does the City receive from them. The annual fees are \$400 and \$385. He would ask Council to review and let him know their thoughts and if this is worthwhile to pay. Mr. Bemer indicated that there is a consortium of communities that are contiguous or affected by the flight patterns into Hopkins who hold regular meetings to assure that the airlines follow the pattern of the Metroparks Valley to minimize the affect of going over residential areas. He will forward the name of this organization to Council. Mr. Stibich replied that this organization is local but the organization that sent an invoice is national, which he does not believe would give us the attention that we deserve.

He stated that included in packets was a memo and lease from Blue Technologies to obtain a new copier lease. The copier pricing is through state bid pricing so no bids are required.

Mr. Munteanu moved to **approve** a 60-month lease with Blue Technologies in an amount not to exceed \$240.12 per month, with pricing of copies at .0068 for black and white and .049 for color; Mr. Chitester **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Andrew D. Bemer, Law Director – No Report

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 **Tabled on Third Reading (02/11/2020)**

Mr. Munteanu moved to **remove from table**; Mr. Chitester **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **adopt**; Mr. Chitester **seconded**. Mr. Stibich indicated that Council held a work session regarding this issue and at that time it did not seem like a wise contract to renew. The City does have a plan to notify the residents affected by this decision. Ms. Jones stated that the motion is to adopt. Mr. Stibich replied yes, so if Ms. Jones does not want to renew the vote would be no; but if you do want to renew you would vote yes. Ms. Jones asked if there was a list of other options to send to residents. The Clerk replied yes. Ms. Jones asked if Ms. O'Malley would help the residents apply for other transportation. Mayor Graven indicated that Ms. O'Malley does not know these individuals as they do not attend our senior center. Ms. Jones asked if they asked for help would she help. The Clerk replied yes. Poll: 0 ayes; 6 nays. **Motion failed**.

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 **Third Reading**

Mr. Munteanu moved to **adopt**; Mr. Chitester **seconded**. Ms. Jones asked if this build was for sure or a maybe if there are funds leftover. Mr. Lara replied that it is for sure and funds have already been appropriated for the baseball fields. Ms. Jones stated that the lease does not make any statements to the effect that if nothing is done in five years, etc. Mr. Lara replied that his organization has raised approximately \$175,000 and we have approximately \$400,000 more in contracts we are working with for sponsorships. Our first project that we have approved funds for is the improvement of every baseball and softball field within the township and city that kids play on. We have already completed the investment in the high school fields. Mr. McFadden asked if parking was included. Mr. Lara replied that there was a lot of discussion regarding parking and one of the reasons we are interested in this parcel. There is a lot of parking at Falls Lenox for their fields and we understand that we can use some of the library parking as well as OCC lot and City Hall. Mr. McFadden asked if OAC asked permission from the county to use the library and OCC. Mayor Graven indicated that the library and City Hall parking is shared. Ms. Jansen stated that we use the Falls Lenox parking lot for Fall-O-Ween and we have to request the date and time before we can use it for parking so hopefully it will not be an obstacle. Mr. Lara replied that OAC already uses it since we have fields behind the school and do not have to request it. He stated that his organization is the fund-raising aspect; the fields are owned by the schools, with the exception of Flair, this parcel will be the first two fields not owned by the school. Currently, the school owns every field that children play on, so we already have permission from the school to park at Falls Lenox and in between, the Middle school, all the land is owned by the schools. The schools expressed interest a while ago as they want to get out of the

recreation business and that is where his organization began. Ms. Jansen stated that the field that is across from ECC behind the church, will we be upgrading that field, the Township maintained the field. Mr. Lara stated that he is unsure if that field is still utilized. Mr. Chitester replied that generally it is a community field, when he did OTB and Emerald Necklace field maintenance that was a community field. OTB and Emerald Necklace do not use ECC or the field at the church. Mr. Lara replied that Ms. Lukes is the Director of the rec league and Ryan Messenger is the Director of the travel league, along with another individual who is the Director of the Softball league, Joe Singleton is the Director of the football and lacrosse league and are all part of the OAC, and that would be a question for Ms. Lukes. Mr. Bemmer asked what the park would be named. Mr. Lara stated that we see this as an opportunity to do a lot with this land outside of just baseball fields and will be working on a corporate sponsor, for example like an Evergreen Packaging or Sprenger Healthcare, who have done similar investments in other communities. Sprenger built a multi-million dollar baseball field in Avon and we have spoken to them multiple times about doing something at the stadium, so this is one opportunity. We believe that Evergreen Packaging might consider this as well. He asked if everyone was familiar with the Urban Foundation, Mr. Urban was our baseball coach for years and his son is now our baseball coach, they have a small fund that they also make investments with and they have made investments in the baseball fields for the last 10 or 20 years and we are favoring calling the baseball fields "Urban Field" and could be "Urban Field at Evergreen Park or Sprenger Park." We will start with two baseball diamonds and install a playground. We are not looking at just installing a swing set and jungle gym, we want to see a nice park, Ms. Lukes already has quotes and plans from vendors that she was hoping to use city money for. This is something that we hope every year there will be a new project as it is quite a large parcel and a lot, we are planning to develop for recreation use. We also hope this isn't the first thing we do as we hope to come back with more plans in the future as we continue to raise money. Ms. Jansen thanked Mr. Lara for all of his hard work. Poll: 6 ayes; 0 nays. **Motion carried.**

New Business

Resolution 17-2020

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SUBMIT AN APPLICATION TO THE OHIO BUREAU OF WORKER'S COMPENSATION FOR A SAFETY INTERVENTION GRANT FOR 2020, AND IF AWARDED, ACCEPTING SUCH GRANT, AND DECLARING AN EMERGENCY **First Reading**

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

Ordinance 18-2020

AN ORDINANCE REPEALING ORDINANCE 85-2019 AND READOPTING AMENDMENTS TO SECTION 1240.09(a)(3)(A) OF THE OLMSTED FALLS CODIFIED ORDINANCES ENTITLED "ACCESSORY USE REGULATIONS" AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **refer** to Planning and Zoning Commission for comment; Mr. Chitester **seconded**. Mr. Bemer indicated that in December an ordinance was adopted prior to referring to Planning & Zoning for review and comment. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Resolution 19-2020

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SUBMIT AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR AN ASSISTANCE TO FIREFIGHTER'S GRANT FOR 2020, AND IF AWARDED, ACCEPTING SUCH GRANT, AND DECLARING AN EMERGENCY **First Reading**

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

Miscellaneous New Business

Mr. Chitester stated that he would like to thank Mr. Munteanu, Mr. Stibich and the administration for completing due diligence to determine what was happening on the former golf course on Sprague Road in Columbia Township. We determined that they are removing brush and trees to build some model homes. He hopes that if any of the residents contact City Hall that the administration will give them this information. He did have some residents ask him what was going on. Ms. Jones asked if the property was sold to Ryan Homes. Mr. Chitester replied no, the current investors purchased the property years ago. Mr. Stibich stated that there was some concern by the residents because gravel was poured onto the former golf course off of Sprague that a development and street were being built, but, as it turns out it is just an access road for some tree removal for a development which will be built off of Redfern. There is not going to be a street onto Sprague Road. However, we did find out that the contractor was supposed to apply for a permit through the city so we made them do that.

Ms. Jones stated that a long time ago the owner of that property wanted to build town homes and wanted to be in Olmsted falls. Mayor Graven indicated that this property is not in our city. Mr. Stibich replied that what goes on Sprague Road does affect us. Ms. Jones stated that she knows that if this individual could not build town homes, he said he would build a bunch of single-family houses there. Mr. Chitester stated that he does not what they are doing he just wanted the record to show what was happening with that drive. Mr. Stibich replied that is not what is going on there currently.

Such other business that may come before Council - None

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