

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, March 10, 2020, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:00 p.m.

The Pledge of Allegiance was recited. Council President Paul Stibich called the meeting to order at 7:10 p.m. Roll call was conducted. Councilmen Lori Jones, Jennifer Jansen, Cornel Munteanu, Jay McFadden, and Yvonne Buchholz were present. Councilman Brian Chitester was excused.

Also, in attendance: James Graven, Mayor, Andrew D. Bemer, Law Director, Nick Vitalone, Finance Director, Tricia Novak, Assistant Finance Director, and Joe Borczuch, Service Director. Audience: 1.

Approval of Minutes

Mr. Munteanu moved to **approve** the minutes from the Council Work Session of February 24, 2020; Ms. Jones **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Buchholz). **Motion carried**.

Mr. Chitester moved to **approve** the minutes from the Council Work Session of February 24, 2020; Ms. Jansen **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Buchholz). **Motion carried**.

Mr. Munteanu moved to **approve** the minutes from the Regular Council Meeting of February 25, 2020; Ms. Jansen **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Buchholz). **Motion carried**.

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven stated that he would like to read what has been posted on the City website and Facebook page regarding the Coronavirus “the health, safety and welfare of our citizens remains the top priority of our city administration. The City of Olmsted Falls has been monitoring the Coronavirus situation. Presently there are three confirmed cases in Ohio and all are in Cuyahoga County. We have had meetings with fire, police and other management. The City has already taken the following actions, we are cleaning frequently all handles, door knobs in all city buildings. The City also sent an email to all churches yesterday strongly suggesting that they suspend the shaking of hands during the sign of peace and drinking wine from the same chalice. Also, all of our first responders will go through controlling the spread of infectious disease training. Our firefighters also have all of their safety gear such as face shields that the need. Our police department has restocked inventory of gloves and masks. All of our citizens should adhere to universal methods of protection including washing hands frequently, using alcohol-based sanitizer, avoid touching your face, cover your cough or sneeze with tissue. We also recommend that you stay at home if you are sick at least for 24 hours unmedicated and fever free. Our fire department is staying in frequent contact with county and state officials.” He indicated that starting today March 11th, Cuyahoga County Emergency Operations Center will be partially activated from 7AM to 7PM. The City has distributed flyers from the CDC COVID-19 Stop the Spread of germs helpful information and posted throughout the administration building. If anyone would like extra copies, please contact Ms. Mancini and she will be able to make

as many as needed. The State of Ohio has a website Coronavirus.ohio.gov with more information as well as an 800 line.

He stated that all Council members received a copy of the ethics report that was sent to the City last week. He is sure everyone reviewed it over the weekend. As you know, there was an Ohio Ethics investigation of Bess Vrettos, the former Special Projects Manager under the former Mayor Ann Donegan. When he ran for Mayor a lot of voters informed him that they had concerns over the Ann Donegan administrations questionable practices. Unfortunately, we now know that it appears that many of those concerns turned out to be correct. When we took office, our staff found paperwork that raised many red flags, and there seemed to be multiple conflicts of interest. Briefly, for example, we found that Drew Ferguson, who worked for PHASTAR, signed grant documents on behalf of the City, obviously that is a conflict of interest, as the person who runs the company who would be receiving grant money signed documents on behalf of the City to get that grant money. We also found that Donegan and Vrettos were on the PHASTAR website as far as being on their board in 2018. It is very troubling that PHASTAR made over \$68,000 from the City of Olmsted Falls from our grant money, this behavior was unethical. The summary of the report states: "The Commission opened an investigation into potential ethics violations by Bess Vrettos former part time hourly special projects manager for the City of Olmsted Falls. Specifically, it was alleged that Vrettos used her part time hourly public position to steer work to a non-profit corporation where she served in a volunteer leadership position." It looks like while Ms. Vrettos was working under former Mayor Donegan she was steering work to a corporation where she served in a leadership position, and again this was unethical. The summary continues to state: "Vrettos worked for the City in the Mayor's office from 2014 through December 31, 2017, after leaving her part time hourly position with the City of Olmsted Falls on December 31, 2017, Vrettos became a paid employee of PHASTAR one day later on January 1, 2018. Vrettos employment with PHASTAR ended on May 24, 2019." This is what they call a revolving door violation. Again, the question is was there a quid pro quo, did Ferguson say Vrettos you get me a contract with the City of Olmsted Falls and if Donegan loses I will get you a job with PHASTAR, again unethical behavior on the part of a former city employee. The law director will address some of the legal issues involved in this case. After the ethics report stated that Ms. Vrettos became a paid employee of PHASTAR on January 1, 2018 he was reviewing the minutes of a Council Work Session held on February 6, 2018, he would like to read excerpts from Page 17, keep in mind this was approximately 37 days after Ms. Vrettos had been a paid employee of PHASTAR, the minutes state: "Mayor Graven asked Ms. Vrettos what her position was the PHASTAR, Ms. Vrettos replied that she does not have a position with PHASTAR she volunteers for PHASTAR, but she does not have a paid position. She knows that there has been an assumption that is really not correct. Ms. Jones indicated that Ms. Vrettos was never on the board and is not now." Unfortunately, this is evidence that Ms. Vrettos lied to this body in February, 2018 as she was specifically asked if she was a paid employee with PHASTAR and she answered no; the Ohio Ethics Commission found that in fact she was a paid employee. Again, that's part of the revolving door violation, you cannot be a former employee of the City of Olmsted Falls and within a year, and frankly it was only a month and a half later, she came before this body as a paid employee for PHASTAR lobbying on their behalf. Again, a violation and it is very unfortunate that she lied to this body. Ms. Jones replied that she came here because she and Jim Haviland asked her to. Mayor Graven replied that the minutes do not lie and he read them verbatim from the Council Work Session of February 6, 2018. Ms. Jones replied that Jim Haviland asked the law director if she could speak and he said yes.

Mayor Graven stated regardless of who asked Ms. Vrettos to appear the fact of the matter is she lied to this body when she was asked if she was a paid employee for PHASTAR she answered no. The law

director will address the subject later and if Council has questions, he would be happy to answer them at that time.

Mayor Graven stated that the city has five-year renewals on the ballot for next Tuesday's election, please remember that the renewals do not raise taxes. Two of the renewals are 1.3 mills and the other one is 0.65 mills. He believes that the voters appreciate the fact that his administration is fiscally responsible and has been watching their tax dollars wisely. We have already reduced costs since he took office, we are spending less on outside lawyers, we have eliminated the Acting Assistant Safety Director position, the Assistant Chief of Police position, and our employees received no raises during his first year in office. As you all know, we live in a community with no industry to offset the taxes that pay for police, fire, roads, and all of our other services and is why our citizens continue to support our renewals. He would like the citizens to know that we appreciate the fact that they give us their support. He believes they also appreciate living in the safest city in Ohio.

Lastly, we received a grant for the Sprague Road resurfacing for \$45,000 and received the letter from the county on February 24th.

Today he had a lunch with a developer who is very interested in both commercial and residential projects in our city. After the lunch, he and Tom Jordan drove around the city with this individual who was very impressed with what he saw and what we have to offer. He is impressed with the tax abatement and other things we are doing in the city. Hopefully later in the year we will get some specifics which we will share with Council.

Ms. Jones asked if Council approved tax abatements because we do not have the CRA up and running. Mr. Bemer replied that it was approved on October 24, 2019. Ms. Jones asked if Council approved any tax abatements as it would have to go through the schools. Mr. Bemer replied that when Council approved the Community Reinvestment Area its capped at 50%, we did inform the school of what was occurring and the initiative with Council. Anything above 50% must be approved by the school district.

Communications from Residents - None

Approval of Bills:

Mr. Munteanu moved to **approve** Pay Ordinance 2020-05; Ms. Buchholz **seconded**. Ms. Jones asked what has a question regarding Charles Braman & Company for \$2,200 property appraisal for 9664 Columbia Road. Mr. Borczuch replied that this is the property that the city received through land bank. The City has to have a certain type of appraisal in order to be able to market the property. Ms. Jones asked if this was part of the Peterson property. Mr. Borczuch replied no. These are the homes that were demolished. Once the city receives the final appraisal we can market the property. Ms. Jones asked if the properties could be sold individually or together. Mr. Borczuch replied that they could be sold as one parcel. The City should receive reimbursement from the sale for the appraisal and demolition. Ms. Jones asked if the Peterson was the land behind the fire station. Mr. Borczuch replied that the fire station was the Peterson property and some was sold off years ago and there is a resident who lives on the property. Ms. Jones asked if Mr. Borczuch heard anything about the property being sold, the Peterson property. Mr. Borczuch replied maybe 15 years ago. Ms. Jones replied recently. Mr. Borczuch replied that he has not heard but does know that the property north of it is for sale, there is 4.96 acres with houses on it and next to the old Peterson house that is for sale.

Ms. Jones asked if the city owned it. Mr. Borczuch replied that where the service department driveway is located the brick house to the right was the old Peterson home, and as far as he knows there is still a tenant in the property. The property just north of that is for sale and has two houses on it with greenhouses, this was not property owned by the Petersons. Ms. Jones asked if it was currently for sale. Mr. Borczuch replied it has been for sale for at least a year or more. Ms. Jones replied that she heard an offer was received from a development company in Westlake and they want to build row houses.

Ms. Jansen asked if another column could be added to the pay ordinance indicating what fund would be utilized as she believes this would answer questions that Council has. She stated that check #104536 in the amount of \$200.00 for transporting to the museum and asked if this was for the senior center and if this was paid for with a grant that was specific for this type of activity. She stated that Council has decided that we will not pay for medical transportation but we will pay for trips to the museum. Mr. Stibich replied that senior's sign up for trips and pay for the transportation. Ms. Jansen also asked about check #104544 to Cintas in the amount of \$740.10 for uniforms and carpets and asked if the city pays this monthly. Mr. Borczuch replied that each week they come in to gather uniforms. Ms. Jansen asked if he knew how often the city pays \$740.10. Ms. Jones asked what carpets were involved. Mr. Borczuch replied that all the carpets in the administration building. Ms. Jansen asked if he knew how much the city paid Cintas yearly. Mr. Borczuch replied that the uniform cleanings are mandated by collective bargaining agreements and the amount is under his department's blanket. Ms. Jansen replied that she feels she has to look at everything more closely now since we just eliminated senior transportation and was very hard for Council to do. Now, when she sees big numbers and it's for cleaning carpets. Mr. Stibich indicated that if Ms. Jansen likes the administration can give an analysis of last year's information indicating how much was for carpets and uniforms. Mayor Graven indicated that the administration needs to keep the building clean with the coronavirus epidemic. Mr. Stibich stated that in his experience with cleaning companies it includes mop heads for cleaning. Mr. Borczuch replied that uniforms are picked up weekly and the carpets in his building are changed weekly and, in the administration building it is every two weeks, except in the winter time. Mr. Stibich asked if the finance department could provide an analysis of last year's activity indicating a breakdown of what was for carpets and uniforms and what buildings the carpets are for. Mr. Vitalone replied that the uniform company is a standard charge that every city has for cleaning uniforms so, whether that is high or not he does know, but they do a good job and he will provide a breakdown of costs. Ms. Jansen replied that if this is a monthly charge what that adds up for the year, we could have kept senior transportation. Mayor Graven replied that the uniforms are part of collective bargaining agreements. Mr. Stibich replied that he does not believe we can do without the service.

Ms. Jansen stated that check #104570 to Software Solutions in the amount of \$10,520.00 and indicates financial software for 2020. Mr. Vitalone replied that this is the annual maintenance cost for the city's finance system, this includes support and any updates needed. Ms. Jones replied that she believed the amount was \$3,000 and asked if this was for RITA. Mr. Vitalone indicated that the city does not have a RITA software package, we utilize Software Solutions. Ms. Jones asked if the city received a new software package. Mr. Vitalone replied no, this has been here for several years. Ms. Novak replied that RITA stopped supporting software so the city now pays Software Solutions for support. Ms. Jones asked if it was the same software but now, they are providing support. Ms. Novak replied yes. Mr. Vitalone replied that Software Solutions is not the same as RITA. Mr. Stibich asked if they were supporting the same software the city used with RITA. Mr. Vitalone replied that RITA is a separate software package. Ms. Jansen asked if the city had multiple software

packages. Mr. Vitalone replied no. He stated that there is no RITA software package anymore, there is only software called SSI, and this is the maintenance that we have to pay for to receive updates and any other support needed throughout the year. Ms. Jones asked if this was where Report 52 and all reports came from. Mr. Vitalone replied no. Ms. Jones asked where her reports came from. Mr. Vitalone stated that these reports are spreadsheets utilizing Excel. Mr. Stibich stated that this is the software that records the bills. Mr. Vitalone replied yes, this is where the purchase orders are entered, the budget, payroll, etc. Mr. Stibich stated that from that spreadsheets are generated to create Report 52. Mr. Vitalone stated he is not sure if Mr. Nogalo instituted Report 52 or if it was instituted prior to him, but these reports are what Mr. Nogalo selected to present to Council. Ms. Jones stated that the software pulls up the activity for the year. Mr. Vitalone replied no. Mr. Stibich replied it is a general ledger accounting function package. Mr. Vitalone replied it is a financial management package. In this area there are only a few financial software packages out there one is Software Solutions, another one is New World, these encumbrance packages for governments. This is the maintenance fee that we have to pay. Ms. Jansen stated that the reason she is asking is because when we spoke before about the program we use Mr. Vitalone stated that it is from the 1980's and we discussed the price difference and it was a couple thousand dollars somewhere around \$3,000, so when she saw this one for \$10,000 she thought the city got a new one. Ms. Jones replied that Mr. Vitalone previously indicated that it was no better or worse than the state one. Mr. Vitalone replied that we are discussing a bunch of different areas. For this same software package Middleburg pays \$20,000 for annual maintenance. Ms. Jansen stated that she is learning that the city has multiple softwares that we use to track finance stuff. Mr. Vitalone replied no, the finance system of the city is Software Solutions. What Council gets as Report 52 are reports that he is assuming the prior finance director wanted to use to give Council which shows more detail because certain Council members requested that and this was done on spreadsheets using Excel which every business and government has, so there are not multiple finance packages, we just have one and then we have Excel. As far as the state software goes that was created for Township's, UAN, Uniform Accounting Network, and he is not sure but he believes Mr. Nogalo likes that package because a lot of his work was in townships and villages. Mr. Stibich indicated that another software package is certainly something Council can look at in the future and if there is something that costs less in maintenance, but this is what it will cost the city to maintain its software for the year. Mr. Vitalone replied yes. It is an old package but it still works. There is a new version but he does not know those costs, but this serves with what is needed to do the city finances and if at another point in time Council wants to look into other packages we can. Ms. Jones indicated that we are trying to contain expenses. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch stated that the building on Chandler's Lane is completely under roof, the electrical and mechanical system rough-in's are well under way, drywall on the third floor has started, tentatively the project will be completed at the end of August. Mr. Stibich asked if the residents would be permitted to move back in at the end of August. Mr. Borczuch replied that he is not sure as it does depend on how their insurance works. If you will remember each individual place was owned by that individual and they are responsible for all the internal work. He does not know how much of the shell the maintenance company will be responsible for, but he will look into this issue more. Ms. Jones asked if there was an issue requiring 100% occupancy or 100% something else before they could move back in. Mr. Borczuch replied that issue is being discussed, he is just updating Council

on the rebuilding and has not heard anything about occupancy and when he knows more, he will update Council again.

Mr. Borczuch replied that he and the City Engineer submitted a grant to the County for Lindbergh and Sprague, which is completed every year, Lindbergh was again denied but the city received \$45,000 for Sprague. This is a reimbursement grant for materials only, the city has to absorb the costs of labor and equipment. These funds do help make the roads a little smoother, which he calls big band-aids. Each road is a million dollars plus to fully rehab which will not happen anytime soon.

Mr. Munteanu asked if Mr. Borczuch would explain the work the County will be doing on Lindbergh with regard to the culverts. Mr. Borczuch replied that is the culvert by Wyleswood and was rescheduled for replacement in 2018 and 2019 and was moved. They do finally have the work scheduled and he will find out more information once he attends the pre-construction meeting and does not want to say anything more until he knows the dates and times for the start of the project. This will be a full replacement of the culvert.

Mr. Borczuch asked Council to approve a requisition to Kokosing Materials for asphalt materials for the 2020 season. He is asking Council to approve \$155,000 which includes the \$45,000 the city will be reimbursed by the County. This is a yearly approval for road repair materials.

Mr. Munteanu moved to **approve** a requisition to Kokosing Materials for asphalt for the 2020 road repair season in an amount not to exceed \$155,000; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch replied that the next road repair requisition is to Westview Concrete for the 2020 season. Ms. Jones asked what “see bid tabs” means. Mr. Borczuch replied that the last page of the paperwork stapled together is a bid tabulation sheet indicating all the bids received. He stated that the Clerk puts the bid tabulation sheet together once all the bids are open.

Mr. Munteanu moved to **approve** a requisition to Westview Concrete for concrete for the 2020 road repair season in an amount not to exceed \$45,000; Mr. McFadden **seconded**. Ms. Jones stated that on other requisitions Mr. Borczuch listed his reasons for accepting higher bids, but on this requisition he did not. Mr. Borczuch replied that Westview Concrete was the lowest bid. Ms. Jones replied that she was looking at Kokosing Materials. Mr. Borczuch replied that was for asphalt, this requisition is for concrete and the bid information is located at the bottom of the bid tabulation sheet. Ms. Jansen replied that the sheet is hard to read. Mr. Borczuch replied that it works for all the bids and information needed. Ms. Jansen asked if 402 asphalt/concrete column related to this requisition. Mr. Borczuch replied no, that is for asphalt. The next section is stone and the bottom section is the concrete vendors. Mr. Borczuch replied that she will get accustomed to the spreadsheet. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Jones stated that three bids were received for stone. Mr. Borczuch replied yes, Shelly Materials, Crossroads and Westview. He stated that he would ask for approval of a requisition to Shelly Materials for the aggregate for the 2020 road repair season.

Mr. Munteanu moved to **approve** a requisition to Shelly Materials for stone for the 2020 road repair season in an amount not to exceed \$20,000; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch requested a motion to approve Crossroads Asphalt and Recycling to supply the 407 tack for the 2020 season, this is the glue that is put down prior to the asphalt.

Mr. Munteanu moved to **approve** a requisition to Crossroads Asphalt and Recycling for the 407 tack for the 2020 road repair season in an amount not to exceed \$10,000; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Borczuch requested a motion to approve Southwest Sweeping for the 2020 street sweeping. The city sweeps the streets approximately three to four times a year and is only for curbed streets.

Mr. Munteanu moved to **approve** a requisition to Southwest Sweeping for the 2020 street sweeping in an amount not to exceed \$10,000; Mr. Buchholz **seconded**. Ms. Jones stated that she does not have a copy of this requisition. Mr. Borczuch replied that the street sweeping is located in another packet of information. Mr. Munteanu indicated that these are separate requisitions. Ms. Jones asked how we know this was the cheapest. Mr. Borczuch replied that these bids and requisitions are completed each year and were approved by Council last year. Ms. Jones replied that there is no comparison of bids there is just one. Mr. Borczuch replied that this was the only bid received. Ms. Jones asked if the city bid. Mr. Borczuch replied yes, and this is the only company that submitted a bid. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Borczuch replied that the next requisition is for the miscellaneous pavement markings for the 2020 season to Pat Flowers. He indicated that stapled to the copy of the requisition is the bid tabulation sheet.

Mr. Munteanu moved to **approve** a requisition to Pat Flowers for the 2020 miscellaneous pavement markings in an amount not to exceed \$16,587.45; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that Council stated so that this requisition is not confused with another one that will be coming forward, this was for miscellaneous markings which includes arrows, stop bars, crosswalks, etc., the next bid the city will receive will be edgeline/centerlines.

Nick Vitalone, Finance Director

Mr. Vitalone stated that the February 2020 financials were distributed to Council. The General Fund revenues are outpacing expenditures and income tax has increased about 21%. He is not sure if this is a timing issue or if tax payers paid early. Mr. Stibich indicated that is hard to predict. Mr. Vitalone replied yes, but it is nice to have the increase.

Councilman Jay McFadden, Ward I – No Report

Councilwoman Yvonne Buchholz, Ward III

Ms. Buchholz would like to thank Mr. Stibich for attending the park and recreation meeting in her absence.

Councilwoman-at-Large, Jennifer Jansen – No Report

Council Pro-Tempore Lori Jones

Ms. Jones stated that regarding the ethics summary it basically states that Ms. Vrettos got into trouble for attending the meeting and answering questions. Will we ever get past Donegan and work together for the city or will it always go back to something like this. Mayor Graven replied that he believes this is a lot more serious than just showing up at the meeting. Mr. Bemer indicated that we can that is the whole idea of putting this behind us. Ms. Jones stated that when the Mayor was reading the summary, he got loud like he was yelling. Mayor Graven apologized but he does have a loud voice after 30 years of fire sirens in his ears. He does find it very disturbing when there are unethical practices and it was a lot more serious. Mr. Stibich replied that he does as well as Council was lied to during a work session that was held to discuss whether the city should move ahead with the paramedicine program. Ms. Jones replied that is not what the conclusion states and she is not sure that a City Council meeting is the forum for a vendetta. Mr. Stibich replied that that is not a vendetta it is a statement of fact. Mr. Bemer replied this is public information.

Councilman Cornel Munteanu, Ward II

Mr. Munteanu replied that Planning and Zoning Commission will meet on Wednesday, March 18th and will be discussing Ordinance 18-2020. Mr. Stibich indicated that the Clerk has just pointed out that Resolution 23-2020 will also need to be referred to the Planning and Zoning Commission. He asked if this would be on the Commission's agenda as well. The Clerk replied yes.

Council President Paul Stibich

Mr. Stibich indicated that a finance committee meeting has been scheduled for Wednesday, March 18th at 6:45 p.m. to review the 2020 budget.

He stated that Council received a requisition for Bailey Communications. When Mr. Oswald appeared before Council to discuss the ransomware attack last year, we were presented with a quote for various safety firewalls and anti-virus protection. We have not discussed if these protections are necessary but it has come to our attention that Mr. Oswald has resigned from Bailey Communications last week. Ms. Jones stated that she thought he was the owner and asked why. Mr. Stibich replied he did not know but knowing this information the administration has contacted Bailey Communications and asked what their plan was to continue servicing the city since Mr. Oswald was the city's primary contact and until that question is answered he does not believe that the city should approve any quotes at this point in time. Ms. Jones stated that she has also heard in the past that they have a lot of turn over at their company. Mr. Stibich replied that Mr. Oswald was with Bailey Communication for 13 years and the city was very pleased with his performance and service. Ms. Jones stated that she did her homework after this meeting and Mr. Oswald was wrong when he stated that only financial institutions have to request SOCKS, its industry standard for everybody to do their due diligence. She contacted the government accounting office and asked if they had any guidance for governments and they do have vendor due diligence guidance that she asked them to send that all governments should follow.

Andrew D. Bemer, Law Director

Mr. Bemer stated that the city will continue to be diligent because as you know our contract with Bailey Communications is a renewal and has a 30-day termination clause. There were proposals made by Mr. Oswald which he believes Council does need to consider, but also be very cautious because from what we hear from Bailey Communications they are in a state of in-flux. In speaking with Chief Rogers, who needs the backup for his entire operations, he will be quite diligent in staying on top of the situation and making sure our contract provisions are being maintained. Once we get

closer to the fall, we can review the situation. Ms. Jones stated that when she asked Mr. Oswald about the different licenses the city has and when they were coming due he stated that Bailey tracks them and when she asked if the city could receive a copy of them he replied no, but we should obtain a copy of all our licenses that we purchased through Bailey Communications. Mr. Stibich indicated that we should have some sort of file on the licenses when the city purchases them. Ms. Jones replied that for the city's due diligence we should have copies.

Mr. Bemer stated that regarding the consent settlement from the Ethics Commission, and the meeting on February 7, 2018 where Ms. Vrettos appeared with Drew Ferguson to advocate on behalf of PHASTAR was not the initiating issue that the city was looking at. He stated that when Mayor Graven came into office and he came on board to represent the city, there was a lot of discussion and quite frankly controversy over the ethnicity of the PHASTAR program and the paramedicine program. This was not just initiated from the Mayor's office it was also the fire department who had questions. There was upwards of \$100,000 of grant money to service no more than five seniors and there was something incongruent about that. The communication with PHASTAR and the fire department was also not very good. Ms. Jones stated that she is not defending Drew in any way. Mr. Bemer asked Ms. Jones not to interrupt. That was the genesis of cancelling the paramedicine program. About this time two years ago a file was located and was presented to him which he reviewed and noticed an application to the state for \$50,0000 for this pilot program and it was identified that the money would go to PHASTAR and listed the project manager as Drew Ferguson from PHASTAR, who then signed on behalf of the city. The red flags went up; how can you have your vendor who is benefitting from a city contract be your vendor and your applicant that was so foreign in the ethical world in public government. We reviewed other documents and noted that Bess Vrettos was the publicist for PHASTAR and lo and behold she was on the PHASTAR website as being part of the leadership team with the side business she ran. There are two basic things in ethics, one is conflict of interest and that is obvious if you are getting a financial or remuneration from steering contracts, the other is an appearance of impropriety, something is wrong about this, and your gut reaction tells you it is wrong. After looking at the documents, and there were other collateral documents that were in draft form that identified Vrettos as being on the Board of Directors of PHASTAR, so with this information he called the Ethics Commission and indicated that there was something troubling and asked if they saw it too, they replied certainly and asked that we send them what we had. Over the next year and a half we had an investigator come to the city twice and interviewed at least one former City Council member and a number of people at City Hall and he was the lead. Since this was a confidential investigation so he cannot go into the whole investigation that did not result in a finding of evidence but trust him this was a pervasive issue in the former administration. There is one other thing he can share and that is did you know that former Mayor Donegan also appeared on the PHASTAR website as a leader beginning in 2018? Our approach was hands off as this was not our investigation but it was quite serious and it is fortunate that these people are no longer operating here at City Hall and the cavalier way they conducted city business. It was his allegation that somebody here named Bess Vrettos is steering business to a business person that she has dealings with and that jumps out at you. She was not prosecuted because they took the path of least resistance since she is not working for the city anymore, they would cut her that slack if she signs a consent settlement agreement. The important thing is if she attempts to dispute anything in this report or anything that is said she will be prosecuted, so this was quite serious.

Mayor Graven asked the Law Director to explain the fact that this investigation started out as a criminal investigation as well as the fact that if the city did not agree to this consent settlement this may have gone to the prosecutor. He begs to differ with Ms. Jones that there is no vendetta, if he had

a vendetta, he would not have agreed to the consent settlement. Mr. Bemer stated that he was contacted and informed that we had an opportunity for a consent settlement and asked if we would agree to it in lieu of prosecution and we decided to end this and consent. Mr. Stibich stated so rather than a criminal prosecution it ended up with a reprimand. Mr. Bemer indicated that the city did not insist on pursuing the criminal investigation but we were asked. Mayor Graven would like to state for the record that obviously he has no vendetta, if he did he never would have agreed to this consent agreement and it would have gone to the prosecutor to decide if he wanted to pursue charges or not. Ms. Jansen stated that she is not familiar with the people involved and asked if we knew approximately how much they benefited financially. Mayor Graven replied \$68,000. Ms. Jones replied that was PHASTAR not Ms. Vrettos. Mr. Bemer stated that \$68,000 was steered to PHASTAR for five individuals in a program that he does not believe went on for six months. Mr. Stibich stated that Council was then debating at the time about the program as the administration was not in favor of renewing the program for another year. Ms. Jones stated that she does not believe it was renewed, it was just temporary, and didn't it just end. Mayor Graven replied that he ended the program. Mr. Stibich responded that there was another year left. Ms. Jones replied that she believes a lot of that was equipment leases. Mr. Bemer stated that he believes the equipment was \$3,000 per individual and then there were grumblings in the fire department because Ferguson was the contact and you had to call his cell phone, or the apparatus would trigger a call to his cell phone and then he had to call the EMS and it didn't seem to make sense. Mayor Graven stated that there was \$100,000 in grant money, \$50,000 from the county and \$50,000 from the state and PHASTAR received \$68,000 and they were upset when he ended the program because they wanted the other \$32,000. Ms. Jansen asked if this program was still in existence in other cities. Mayor Graven replied no. Ms. Jones replied yes, in other cities. Mayor Graven replied that he does not know of any other suburb in Cuyahoga County that has paramedicine going on. Ms. Jones replied Richmond Heights. Mr. Bemer stated that this is a program that would work really well for as a senior program and maybe the Township would have enough seniors for it to be effective as they have senior's living in their own homes who would benefit from this kind of an ill-conceived idea.

Ms. Jones stated that she has a question regarding the sale of the old service garage. Mr. Bemer asked if she could wait as this is the topic of executive session. Ms. Jones asked why since it is not a personnel issue. Mr. Bemer replied it is the sale of real estate. Ms. Jones stated that she just has a question about the appraisal. Mr. Bemer replied that Ms. Jones can ask her question. Ms. Jones stated that it is about the appraisal but would wait until executive session. Mr. Bemer indicated that it was a new real estate company that the administration was looking at to provide the listing. Ms. Jones stated that the stated price was twice as much which is why she wanted to ask but she will wait and ask her questions later.

Old Business

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 **Second Reading (Referred to Planning and Zoning Commission on 02/25/2020)**

New Business

Resolution 20-2020

A RESOLUTION RATIFYING THE SUBMISSION OF AN APPLICATION ON BEHALF OF THE CITY OF OLMSTED FALLS TO PARTICIPATE IN A GRANT THROUGH THE OHIO DEPARTMENT OF COMMERCE, STATE FIRE MARSHAL DIVISION, FOR THE PURPOSE OF PURCHASING FIRE EQUIPMENT AND ACCEPTING SAID FUNDS IF AWARDED, AND DECLARING AN EMERGENCY **First Reading**

Mr. Munteanu moved to **suspend**; Ms. Jones **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **waive** the reading in its entirety; Ms. Jones **seconded**. Ms. Jansen indicated that the application Page 2 of 5, where it states “was the eligible recipients fire department in a jurisdiction where the Governor declared a national disaster” was answered yes, is this accurate or a typo. Ms. Jones asked if this mattered. Mr. Munteanu indicated that he believes the only disaster the city had was when Sandy came through because we received a lot of federal dollars. Mr. Stibich stated that the question is is this answer correct and the ancillary question is does it matter. Mr. Bemer indicated that the jurisdiction is the entire State of Ohio and asked if there was a natural disaster. Ms. Jansen stated that she is sure that we can reach out to the State Fire Marshal. Mr. Bemer indicated that if we find out this was a mistake; we could repeal the resolution. Ms. Jansen stated that if this one mistake makes it so we do not receive the grant that would be unfortunate as it is almost \$15,000. Mr. Munteanu indicated that he believes this could be populated by prior grants. Ms. Jansen asked what Council would like to do. Mr. Bemer indicated that Council will have to trust the director that is not present. Mr. Stibich replied that if it is correct, we are fine; if not we will have to repeal at the next meeting. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **adopt**; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Resolution 21-2020

A RESOLUTION RATIFYING THE SUBMISSION OF AN APPLICATION ON BEHALF OF THE CITY OF OLMSTED FALLS TO PARTICIPATE IN AN EMS GRANT, THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY, FOR THE PURPOSE OF EMS SUPPLIES AND ACCEPTING SAID FUNDS IF AWARDED, AND DECLARING AN EMERGENCY **First Reading**

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

Ordinance 22-2020

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OLMSTED FALLS, OHIO, FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich stated that Council will meet next Wednesday for a finance committee meeting to discuss this ordinance.

Resolution 23-2020

A RESOLUTION AUTHORIZING THE CITY TO DECLARE SAID PROPERTY LOCATED AT 8051 BROOKSIDE TO BE NO LONGER NECESSARY FOR PUBLIC USE, AND AUTHORIZING THE CITY TO ENTER INTO A LISTING AGREEMENT TO SELL SAID PROPERTY, AND FURTHER AUTHORIZING A CONTRACT WHICH ACCEPTS A FAIR MARKET PRICE TO PURCHASE SAID PROPERTY AND DECLARING AN EMERGENCY

First Reading

Ms. Jones stated that last time the City put this building up for sale it was listed for best use. Mr. Bemer replied that the last time it was listed was for qualifications for use that was consistent with our directive for MUTND and other qualifies but the City did not receive any action. This will be to sell the property out right for market value and according to charter this must be referred to Planning and Zoning Commission for recommendations. Mr. Stibich indicated that he will refer to the Planning and Zoning Commission for recommendations.

Miscellaneous New Business

Mr. Borczuch indicated that at tonight's Shade Tree Commission meeting they made a motion to reschedule their meetings to begin at 6:00 p.m. to accommodate the new start time for Council meetings.

Such other business that may come before Council - None

Mr. Munteanu moved to **adjourn into executive session** pursuant to ORC 121.22(G)(8) to discuss matters of economic development; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:24 p.m.

Ms. Buchholz moved to **adjourn into regular session**; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ms. Buchholz moved to **adjourn**; Ms. Jones **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:44 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council