

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, May 12, 2020, at Olmsted Falls City Hall
26100 Bagley Road – 7:00 p.m.
Conducted as a Virtual Meeting through Webex

The Pledge of Allegiance was recited. Council President Paul Stibich called the meeting to order at 7:01 p.m. Roll call was conducted. Councilmen Lori Jones, Jennifer Jansen, Cornel Munteanu, Jay McFadden, Yvonne Buchholz, and Brian Chitester were present.

Also, in attendance: James Graven, Mayor, Andrew D. Bemer, Law Director, Nick Vitalone, Finance Director, Odis Rogers, Police Chief and Matt Sheehan, Fire Chief. Audience: 2.

Approval of Minutes

Mr. Munteanu moved to **approve** the minutes from the Regular Council Meeting of April 28, 2020 as amended by Ms. Jansen and emailed to Council; Mr. McFadden **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven stated that, as he stated two weeks ago, he has been lobbying with our legislators to get more money to Olmsted Falls. He has sent letters to Senator Dolan and Representative Patton, texted, and has had a couple of telephone discussions with them. He is happy to report that according to Senate Bill 310 our city should receive approximately \$133,000. This bill still must pass through the House of Representatives. So, while the bill is in the House he contacted representative Patton this morning and asked if there was any chance that our city could get some more money; he put on his lawyer hat and zealously advocating for our citizens. Representative Patton indicated that if they look at numbers, he would ask to get our city, and other cities in his district, more money, as this is based on population and other factors. He strongly feels that our city should get some more money and would like everyone to know that we are working on that. He would like to thank Senator Dolan for listening to him and others and trying to get our city money directly from the government so we don't have to put in for grants. These funds will be through the local government fund. He will keep Council updated on this issue and hopefully the House will pass the bill fairly soon and we can get additional funds into our general fund.

Some other good news, as you know today in the State of Ohio retail businesses are opening up and he would ask that all of our citizens get downtown and support all the local businesses in Olmsted Falls. He and the administration have been doing everything we can to help all of our local businesses to not only just re-open but to stay open for a long time. In fact, he had a meeting earlier today with three of our business owners and it was a very productive meeting. He would like to report to Council that the city will be assisting restaurant owners in getting a 90-day temporary event permit so that this summer they can stay open in a safe manner and also be economically successful. As we all know social distancing is very important and if restaurants want to be successful they need to look for ways to

think outside the box and get outside so we are going to help them get some tables outside either on a sidewalk area or part of a parking lot or grassy area. He stated that the city must do everything it can to help our restaurant owners stay open and succeed. He will keep Council updated; again, we want to support all of our local restaurants.

Also, as you know back on March 20th he set up a task force with Economic Development Consultant Tom Jordan and know that businesses have been affected by the economic fallout of the COVID-19 outbreak. The city is aware that businesses have been feeling the impact of the coronavirus since early March and the administration will do everything it can to help all of our businesses be prosperous. Yesterday on our website we posted additional emergency funding options for all of our local businesses and he will continue to look at both immediate and long-term economic recovery strategies that will focus on supporting the success of our local businesses. He stated that he and the administration are developing and reviewing ideas for economic support recovery and we will continue to do that throughout the year. The additional funding options listed on the website are Paycheck Protection Program, SBA disaster assistance loans, Cuyahoga County Small Business Stabilization Fund that offers loans and grants up to \$5,000, and Federal Reserve Loans for larger businesses and lastly, working capital loans.

He would also like to discuss the city's finances and Finance Director Vitalone will give Council more specific information in his report. As you received in your packet, our general fund has an unencumbered balance of approximately \$294,000, also income tax collections for March to April was \$267,000; last year at this time collections were \$249,000 so that was good news it was up approximately \$18,000. Although at the end of April and early May the city received \$250,000 but at the same time last year collections were \$466,000 so that is \$216,000 less. If you remember at the meeting two weeks ago we indicated that RITA projected \$280,000 less in income tax collections and unfortunately we may be on track of those actual results. Hopefully this is more of a delay rather than reduced income, but as we said two weeks ago, it will be a combination of delayed tax receipts since instead of April 15th deadline people had until July 15th. Also, when less people are working obviously, we will receive less income tax.

Also, our CRA, the Community Reinvestment Area Program, is up and running. As you might remember he started this last year and will give a 50% tax abatement for 10 years for both home improvements and new construction and will bring some much-needed tax relief to some of our citizens and have put the information on our website. Again, residents that want to build a new home or make improvements on their existing home will receive some tax abatement.

Lastly, he wants to commend all of our citizens as they continue to do a good job with social distancing and flattening the curve. He stated that Chief Sheehan will give more specifics but does believe that the City of Olmsted Falls residents are doing a wonderful job and doing everything they can to stay home, stay safe, and practice social distancing.

Communications from Residents - None

Approval of Bills:

Mr. Chitester to **approve** Pay Ordinance 2020-08; Mr. Munteanu **seconded**. During polling Ms. Jones stated that with regard to Morton's Landscape Company, last year it came to our attention that Morton's was related to one of the employees and asked if this was put out to bid or is one that does

not have to be bid. She wants to make sure that we are not doing anything wrong. Mr. Stibich asked if Mr. Vitalone knew if this was a purchase order that Council approved. Mr. Vitalone stated that he would have to check into that payment. Mr. Bemmer stated that he does not recall and would have to consult with the Service Director. Ms. Jones stated that she wants to make sure that everything is on the up and up because of that. Mr. Stibich indicated that he would ask that the Finance Director confirm this payment through an email to all of Council. Mr. Vitalone replied that he would. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Odin Rogers, Police Chief – No Report

Matt Sheehan, Fire Chief

Chief Sheehan stated that with regard to COVID-19 we have yet to transport a COVID positive patient within our fire department, but this may be different for the Township. He stated that every week the county comes out with a report and our zip code is somewhere between four and 10 positive patients, but as he just stated we have not transported any. He gets a daily report from Southwest Dispatch which covers six cities including Berea, Brookpark, North Royalton, Olmsted Township, Strongsville and Olmsted Falls, this report gives the number of patients that have been transported and how many of those patients meet criteria that could be COVID positive, this report averages about 30% each day. With that being said, meeting criteria means if the patient has a complaint of fever, chills, shortness of breath, cough, headache, fatigue, nausea, vomiting, diarrhea or has been in contact with anyone that has been close to COVID. As he stated in the meeting two weeks ago we treat every patient as if we are COVID positive and the patient is COVID positive so personal protective equipment is worn for every transport. As far as personal protective equipment, we are fortunate that we have more than enough and are probably better off than a lot of cities around us and he hopes it stays that way.

Ms. Jones asked if Chief Sheehan noticed that when the county puts their numbers up on Friday the legend keeps changing. Chief Sheehan replied that it first started when began putting out numbers especially since we share a zip code. Ms. Jones replied that it was two to 10 and now its 10-28 but the color didn't change only the range changed. Chief Sheehan replied that he thinks they would have to change too many colors if they had to do. The county does not have to share addresses with us of the patients that are positive under HIPPA regulations, and he is sure that as time goes on those numbers will still go up as they are doing testing. When they do the testing if the patient shows that they have the antibodies they are going to carry that patient as being COVID positive, so as time goes on and more testing is being done, he is sure you will see an increase in those numbers. Ms. Jones stated that she saw on the news yesterday that Ohio is in the lowest five for testing and asked if the Mayor knew of any plans for them to increase testing so all of us can feel safe going to work or coming out. Mayor Graven stated that as the Fire Chief stated two weeks ago not all of the first responders have been able to be tested so he does not believe it's going to be possible to have everyone tested. Ms. Jones stated that she is sorry to hear that. She knows they said that they weren't going to be able to comply with the nursing home testing either. Chief Sheehan stated that he believes that today the government passed another company for testing kits and University Hospitals is getting very aggressive and will now go out into the public and start testing people. In fact, they are going to start randomly sending packets to individuals in Northeast Ohio to be tested and he sees that in the future they will be more aggressive with the testing as more kits are available. Before he

forgets, he would like to give credit to the three nursing homes in our city, all three do not have any COVID positive patients. They started a week before the State of Ohio with isolating their patients and stopping visitors from coming in.

Councilman Jay McFadden, Ward I – No Report

Councilwoman Yvonne Buchholz, Ward III

Ms. Buchholz indicated that she spoke with the Mayor and there will be no concerts during the months of June and July. The Park and Recreation Board have not planned any 4th of July festivities and are working on a virtual meeting for June 1st. She has informed Ms. Lukes who will be contacting the rest of the board to see how they would like to handle the meeting.

Mr. Stibich asked if any other events were cancelled. Ms. Buchholz replied that August is still up in the air and she has not heard anything regarding Heritage Days. Mayor Graven replied that they are 95% sure that Heritage Days will be cancelled. Ms. Buchholz stated that is what she assumed as they rely on sponsorships and donations and no one has money for that. Mr. Stibich stated that we also cannot have large groups meet, so June and July are off the schedule and probably August. Ms. Buchholz replied that the county fair board has not made any comments regarding the county fair either.

Councilman Brian Chitester, Ward IV

Mr. Chitester stated that Chief Sheehan has been very helpful with the gas situation he spoke about during the last Council meeting and thanked him for his help.

He stated that he had a resident call regarding the finalization of Lindbergh due to the gas company project. He spoke with Director Borczuch who informed him that sub-contractors are working on the restoration; he was talked to the clerk today to see if we can find a way to contact either the gas company or the subcontractor to see what their schedule is because a couple of residents would like to know at least a general guideline of when they might be completing the project because they don't want to feel forgotten. He knows that with the culvert work they have basically no traffic and they feel like they are not getting any progress on their treelawn/gully area in the front of their property. Mr. Stibich replied that Mr. Chitester can coordinate this with Mr. Borczuch. Ms. Jones replied that Mr. Borczuch indicated that it would 60-90 days but is hoping that they could do it more in the 60 day area. She stated that the culvert and the road are all dug up. Mr. Chitester replied that he was not referring to the culvert but the gas company work. There is a resident close to the power lines area that is hoping to get the work done as soon as possible but no one knows a timeline. He spoke with Mr. Borczuch a couple of days ago with the culvert work the resident feels like there is not much getting done but he couldn't give details so he will check on that.

Ms. Jones asked if anyone has complained about the Columbia Road railroad tracks. Mr. Chitester stated that he drove over the tracks and they are rough. Mr. Stibich stated he was going to bring this up during his report; he spoke with Director Borczuch this morning and all the Norfolk Southern tracks, on the north side of town, through Ward II, are getting new tracks. Mayor Graven stated that he sent a letter to Norfolk Southern asking them if they could repair these intersections quicker; they have a big project going on that could take a year but he has asked them to hurry up. Ms. Jones replied a year before they fix the road. Mr. Stibich stated that he was out of the county and crossing these Norfolk Southern tracks and these line replacements are all the way out there. He does not know how big of a project this is but it seems huge and we are just one little part. There are some

pretty good ruts in the dug-up parts of the railroad crossing. Mayor Graven stated that he also has phone calls in to the railroads. Mr. Stibich stated that in keeping in line he also asked about the CSX tracks which cross West Road close to Lindbergh and Mr. Borczuch indicated that he has been in communication with CSX since last year on getting them repaired. He sent them an email back in April which shows him asking for a timeline of when they will be repaired, he received a response that an inspector was going out to look at them; he sent another email this morning to them and they responded that they are still looking at it, so very slow to respond. Ms. Jones stated that maybe we could ask that the railroad send a representative to a Council meeting to answer questions and provide us information and asked if that would help and if they would come. Mayor Graven replied that they could be asked but he highly doubts they would show up. They have one government representative for the whole state. Mr. Stibich replied that we have talked to our state representatives, Patton and Dolan, about it and both of them have told us that the railroads are governed by the feds and even state legislature doesn't have much control over them so it is really hard to get them to move. Ms. Jones asked what about our Congressman. Mr. Stibich replied that we can try.

Mr. Chitester stated that he did talk to a gentleman interested in something in Mr. Munteanu's ward and would suggest that he, Council President Stibich, and Councilman Munteanu discuss the questions so that we can figure out the next path for the gentleman who reached out to both him and Mr. Munteanu. Ms. Jones asked what the issue was. Mr. Chitester indicated that he would let Mr. Munteanu discuss it because it is part of his ward.

Councilwoman-at-Large, Jennifer Jansen

Ms. Jansen stated that she apologizes in advance as she does have a lot to cover and questions to ask. First, in regard to the Mayor's report that was just given she asked if he could give Council the names of the three businesses that he met with. Mayor Graven replied not at this time. Ms. Jansen replied that he cannot give us the name of the businesses he met with. Mr. Stibich stated that he was at City Hall this morning to sign checks and while he was there, he knows that the Mayor was on the phone with Scott Williams and a couple of restaurant owners, he is not sure which ones, so if Ms. Jansen is doubting whether the Mayor is doing it or not he can state that he is in contact with the business and restaurant owners. Ms. Jones indicated that she thinks Ms. Jansen's concern is because of the task force that we had mentioned, a business task force, and the Mayor had said that he had one and its on the city website that he has one, but it doesn't say whose on it or what they are doing. Mayor Graven replied that he and Tom Jordan handled it in March and April and now it is just him. He has called many business owners and reached out to them, obviously he could not show up at the businesses as they were closed. He is not at liberty to list every single person he spoke with. Ms. Jones asked who was on his task force. Mayor Graven replied again, that it was him and Tom Jordan in March and April and now it is just him. Ms. Jones asked if he would like her to help. Mayor Graven replied that he did not need help.

Ms. Jansen stated that whenever there was more than just him as a member, how often did they meet and are there meeting minutes available. Mayor Graven replied that there are no minutes available. Ms. Jansen stated that when we brought this up at our last Council meeting why didn't the Mayor tell us about it then in detail; she did not find out about it until she read the Facebook post. Mayor Graven asked what detail. Ms. Jansen replied that there was an economic task force. Mayor Graven apologized, we have had the information on our Facebook page and city website for many weeks. Ms. Jansen replied that she saw information posted but never saw anything about an economic task force. Mayor Graven replied it is semantics, you can call it task force or him and Mr. Jordan reaching

out. He can assure her that ever since COVID hit in March as the economic development director he has been reaching out to businesses.

Ms. Jansen asked if the Mayor could go into more detail regarding the 90-day temporary permit for restaurants. Mayor Graven stated that he spoke with the Law Director who can give more specifics but as he said in his report, he is going to do everything he can to assist our business owners, including restaurants, to be successful. While on this matter, he asked Ms. Jansen if she could tell him why she wanted to review Mr. Gibbs permits, and why she seems to be impeding the success of Gibbs Butcher Block. Ms. Jansen stated that this was her next topic. When she saw what was going on and heard from other people or whenever someone tells her about something or she hears something, the first thing she wants to do is gather information so she can review it herself to find out what is going on. That is why she emailed the building secretary, Aimee, and asked for the documentation and she was really surprised that Aimee wasn't able just to give her that information but instead it had to be given to her by the law director she asked why. Mayor Graven replied that the law director can answer that question. He stated that anytime Ms. Jansen wants she can call him on his cell phone or come into his office to talk about this as he not going to get into a back and forth with her now during a meeting. He stated again, feel free call him anytime or stop into his office at any time he would be more than happy to discuss it with her but he is not going to get into back and forth. Ms. Jansen stated she is sorry he feels that this is a back and forth. Mayor Graven replied that he is sorry she doesn't feel comfortable to call him anytime or stop in. Mr. Stibich replied that his suggestion would be to go to the Mayor first. Ms. Jansen stated that she prefers to be on the record for the public to see she's very much into transparency and likes to do stuff out in the open as much as possible that is why she prefers things in writing or like right now and has made that known before. Also, when she did review the attachments that were sent to her by the Law Director she was really surprised to see how many things on the building permit application were blank and asked if that was normal. Mayor Graven indicated that he is not an expert in the building department, she would have to ask the Law Director, Director Borczuch or Ms. Stone. Ms. Jansen replied okay, and stated that some of the other things she noticed was for instance, under property owner the property owner had some different names and then signatures for property owner were done by the tenants. She saw a lot of things that she thought just looked like they were not filled out correctly or not filled out at all and does not know if that is just normal and those things are optional, but it doesn't say optional. Mayor Graven stated that he does not review those as it is not part of his job and she would have to ask the law director.

Mr. Bemer indicated that he would like to back up a little bit. There is a certain protocol that should be utilized anytime you are requesting information. He communicates with George Smerigan, who is our city planner, and Mr. Smerigan communicates with him so when we have issues that concern land use there is that dialogue. Ms. Stone is a clerk so she isn't going to be able to answer the questions for Ms. Jansen regarding the whys are wherefores, so her request was sent to him and he responded accordingly so he can properly look at the documents without asking why she would need the documents. It is quite unusual that a councilman would make inquiry about a particular application so that is strange in itself and you were asked why she wanted this information by the Mayor just now and she said that she is into transparency but you won't tell us why you want the information. Ms. Jansen stated that since planning and zoning are not meeting right now and the ABR board is not meeting it was really surprising to see something put up so quickly and to get it zoned, especially since everything that just happened with the Dollar General. She was surprised that she never even heard anything about this and boom it just went up. Mr. Bemer stated that Mr. Smerigan made a judgment call and said it did not need to be sent to Planning Commission as it is a 90-day temporary

permit and there was ancillary documentation. When he reviewed the application he did state that the applicant should have said that he is requesting a temporary use permit and that is about the only thing that needed to be on there but the ancillary documents identified what he wanted to do. In many instances Planning Commission will not review normal permits, when its not a commercial venture, a new development, or a residential matter that does not involve a variance. This is how the process works here. The other thing that he finds troubling, Ms. Jansen you need to come to him as this is what you call a “gotcha” exercise; this is asking administration about information when they don’t have the documents in front of them and he does not have the documents in front of him as this was completed last week. He stated that if she has an inquiry extend the courtesy please, to let him know what her concerns are ahead of time so that he can be prepared to respond. Frankly this is not information that we should be spending councilmanic time on and if it is simply an inquiry by her, just pick up the phone. He does understand that Ms. Jansen does not like to call and talk on the phone and she has never spoken to him even though he has given her many opportunities, be that as it may, if she has these kinds of issues he asked that she please not wait until City Council meetings when we are not prepared to discuss them or what the merits are ask us ahead of time and we would be more than happy to respond. With regard to these restaurants we had discussions and there is clearly a ground swell of support on how does the northeast Ohio area support restaurants getting back on their feet. One of the obvious situations is outdoor seating which is usually limited and is there a way to expand. He knows there an article that Medina was expanding or he thinks waiving their permit process in order to facilitate these outdoor seating’s, the City of Cleveland is doing something in the same vain. When we talked about it with it the Mayor because he picked up on the article, he said yes a number of the restaurants the closest type of seating would be in parking lots for tenants. This is something certainly beyond his involvement as well as Ms. Jansen’s to ask who is the restaurant and who is his property owner and what’s going on; that is none of his business and that is none of Ms. Jansen’s business. This is something between us attempting to facilitate and basically bring the restaurateur and the property owner together to give them the forum for saying “do you think you guys can do this without incurring additional cost or expense.” In that process our codified ordinances for land use call for conditional use permits and that is a Planning Commission process but given the nature of the situation of trying to get people up and running we looked at what Gibbs requested and said that is a brilliant way of not waiting for two months for approval in order to allow someone to open their doors and get people back to work. A couple of the businesses already have their conditional use permits which is great, Moosehead is on board, and the Wine Cellar. The Wine Cellar might need more space so we are attempting to bring the restaurateur and tenants together with their landlord or whoever owns the parking lot in order to get things moving. Now, is that really news worthy or something to talk about he does not believe as it is after the fact. Before they are able to arrange an agreement we should not be interring with their business relationship. Mayor Graven stated that as Mayor/Safety Director and Economic Development Director his first duty is to keep our citizens safe and after keeping everyone safe he also has the duty to help all of our businesses to succeed economically; so Ms. Jansen I am working very hard to intertwine how he can both keep our residents safe and let our restaurants be successful and how do we do that, we look and think outside of the box to find a way for them to increase seating outside so we are being successful in two ways one keeping our citizens safe and also letting the restaurants thrive and reopen, stay open and be successful. He is doing his job to both keep us safe and let our businesses be successful and is talking to a lot of businesses to try and help everyone and he does not appreciate that Ms. Jansen is trying to make it look like he is doing something nefarious, which he is not, he is talking to everyone and trying to help everyone. He is doing everything he can to keep us safe and be successful economically and thinks he is doing a good job. You have heard the Fire Chief when he said we are doing a great

job in social distancing our people as we don't have the problems that some other communities have with the coronavirus and we are also working to get our economic businesses back on track.

Ms. Jones stated that with all due respect to the Mayor and Mr. Bemer, when she called Mr. Bemer a week ago with a similar type question and left a message on his voicemail, it wasn't a text it was a voicemail, she had had six calls, not all from downtown businesses, who were saying that they had to get the color of their paint approved on their house and couldn't do anything like this or get a window approved but they can put up a carport and they said a carport isn't an ABR or Planning and Zoning or whatever and all that they had to go through for things and asked how they got the carport up so fast. She did not know what was going on so maybe some better communication so we can say that this is due to the coronavirus and that we are trying to help our businesses stay in business. She had two complaints about how they took the two handicapped spots away and now there are no handicapped parking spots. Mr. Stibich stated that when Ms. Jones gets these types of complaints Ms. Jones should itemize them send an email to the Mayor and indicate that a resident told her this was a problem and ask what we can do about it so they don't build up. Mayor Graven replied that Ms. Jones never told him. Ms. Jones replied no, she called Mr. Bemer. Mr. Bemer replied that he did communicate with her and apologized as they were texting each other back and forth and he saw one text that said never mind or its okay but that could have been on a different topic. Ms. Jones replied it was a different topic. She stated that she believes if the task force tell us this is the plan or agenda then when people complain we can indicated that this is a temporary situation so that their business can survive during the pandemic, it's not complicated, but when we get called and we don't know. Mr. Bemer replied that maybe saying it's a task force was a label not needed because it really isn't as you would think it is. It is certainly an arm of economic development because of the closures and the stay at home orders there is special effort taken by the Mayor and Tom Jordan to do what they could to assist the businesses to expand or to identify if they have needs or something thinking out of the box as a way of generating their business interests. So, when you say a task force, obviously there is a need to extent a hand to see if city government can in some way facilitate a better economic climate. Ms. Jones replied that if she would have known what was going on, she would have known what to say when somebody called, and asked if Mr. Bemer understand. Mr. Bemer replied that Ms. Jones can basically state that she will get the information and get back to them. He has been doing this for a long time an email works very very effectively because then we can communicate directly as he did with Ms. Jansen, she had an inquiry, wanted to know what it was, he was able to get the documents and forwarded them to her. Ms. Jones replied okay. Another thing she would suggest to the Mayor, when he has the task force and come up with ideas maybe somebody from ABR or Planning to get everybody in and you get a lot of ideas and he can lead.

Ms. Jansen stated that she did take notes and the temporary tent that was required by the health department for the grill is not just for the grill or is it also for seating for the restaurant, she just wants to make sure she understands what was said. Mr. Bemer indicated that he would have to review the documents again. Mayor Graven replied that as far as he knows no seating just the grill. Mr. Bemer replied the Department of Health handles any cooking outside that is not within the city purview at all. Ms. Jansen stated the special permit that is being worked on so there can be outdoor seating for other restaurants will there be or are you working on some type of standard application that would be available for all businesses to use and will they be able to have access to that at the same time. Mr. Bemer replied yes, we will extent the same process and tell them that one of the businesses already succeeded with this and ask that they send a letter and a site plan, fill out an application, pay the permit fee so they can have a temporary permit and we probably extend it an additional 60 days to get them through the warm weather. Mr. Stibich stated that the we just invented the wheel on the 90-day

permit for the warm weather for this year. Mr. Bemer replied that this first came up last night and we talked about it this morning. Mayor Graven stated that he would love it if every restaurant in Olmsted Falls would take advantage of this and have some sort of outdoor seating because that will help keep our citizens safe and help keep them economically successful.

Ms. Jones replied that she has no problem with what the Mayor wants to do, in theory, but she is just saying does it require any approval from Planning or Zoning or does he need anything from Council. Mayor Graven replied no. Mr. Bemer stated this goes back to the Gibbs application, Mr. Smerigan reviewed it and stated that he did not think it need to go to planning and he agreed with Mr. Smerigan. This is a temporary event permit and again, given the unique situation that every business is attempting to start up again, in easy times would this be referred to Planning Commission, he does not know, maybe 90 days would have been to long maybe 30 days but given the situation right now at hand my goodness. Mayor Graven replied that the restaurants could be out of business in 90 days. Mr. Bemer stated that the city is going to bend over backwards to accommodate the businesses. Ms. Jansen asked if something similar could be done for Unbroken Athletic. Mayor Graven replied that they are on a month to month lease. Mr. Bemer replied that the city did forgive their rent. Mayor Graven indicated that we forgave their rent and they are on a month to month lease as they already have a new building. Mr. Bemer replied they already indicated that they are not staying in their location. Ms. Jansen replied she meant in regards to helping them be able to have clients. Mr. Bemer replied that she could call the governor's office and as soon as he indicates that gym and athletics will reopen, we will certainly extent the same hand to all the businesses. Mayor Graven replied that we just found out today that next week gyms can open. Again, they are on a month to month and they can stay until the building is sold.

Ms. Jansen stated that next thing she wants to talk about is the resolution that was passed declaring a local emergency. She believes that has expired actually a while ago correct. Mr. Stibich replied he believes it was temporary. Ms. Jansen stated that it would have expired on the 24th of April so her question is were we able to do these pay reductions that were signed on May 7th without first having that voted on by Council because that authority didn't fall under the authority of the local emergency because as it was expired. Mayor Graven replied that the reductions had nothing to do with the local emergency, even if one wasn't signed, the administration can do that. Mr. Bemer replied that the Mayor's office has authority over their non-union employees but his recollection is that there was also documentation to consent by all those employees that are not covered by collective bargaining agreements. Mr. Stibich replied if the employee consents, we do not need Council approval. Mr. Bemer replied correct. Again, he would never encourage councilmanic action on something that is of a temporary nature and believes there was a period of time beginning mid-May through the end of November. This is something that the finance director is in the best position to identify what the issues are regarding revenue as he takes his qui from RITA because 88% of our revenue comes from income taxes. Income taxes are all over the place now because there has been a three month stay in filing taxes so we are looking forward to July but are not sure what is going to happen. For a temporary basis this is not something where Council should or needs to be involved. Ms. Jansen stated that along those same lines whenever the lays off happened for the economic consultant, senior center administrator, and the community officer, was that something that Council needed to vote on as she does not know what dates those happened. Mayor Graven replied that Council does not vote on layoffs as far as he is aware and asked Mr. Bemer if that was correct. Mr. Bemer replied that was correct. Ms. Jones replied that Council does vote on the approval of an Economic Development Director. Mayor Graven replied correct. Ms. Jansen replied and board appointments. Mayor Graven replied correct. Ms. Jones asked if that was because they were laid him off and not removed. Mayor

Graven replied correct. Ms. Jones asked if Council should we have voted on the Council salary reduction; she has no problem with the 10% but Council never voted. Mr. Stibich indicated that everyone was given a consent request and if you consent to it Council does not need to vote. Mayor Graven stated to Ms. Jones, for the record, he never asked Council to take any reductions. Ms. Jones replied that she is not stating he did and has no problem helping out any way she can she is just stating procedurally she didn't know. Ms. Jansen replied procedurally following the charter. Mr. Stibich asked Mr. Bemer if the consent that Council signed was sufficient to reduce our salaries. Mr. Bemer replied yes it would be. Again, these are highly unique times. He does not believe Council can increase or decrease a elected officials salary during the term in office, but given the nature of this unique situation if you are asked would you take a pay cut or are you willing to have your salary reduced he does not know of any kind of action or concern about that. We are not going to get into the fair labor standards act of an elected official with something like that. Mr. Stibich stated that in our case Council consented to it and it was a request that each individual reduce their pay by 10%. Mr. Bemer stated that given the unique situation and this goes back to everything the city has been doing and get into the venture of not realizing how serious or bad the financial climate would be we started looking at where the revenue stream is going to be a year and a half ago and we spoke to Mr. Borczuch about land around that is unused and suggested we sell it because we would need the cash as we were not going to be able to handle the current budget without getting some kind of additional revenue stream. This hit us absolutely like a frying pan right in the face with the reduced income. We are also seriously looking at something that would generate some big dollars. Mayor Graven replied that we can also sell the garage so we are looking at all different ideas. Mr. Bemer stated that he also spoke with Mr. Vitalone a couple of times about a way to look for cash advances from some of the reserve funds in order to sub plant the general fund because we need money in the general fund to pay basic bills and asked if there was a way of doing that. The has way to many reserve funds that are dedicated for reasons that no longer exist and asked Mr. Vitalone if there was a way to do a cash advance and pay those funds back because now we would be invading one fund in order to help another and that is certainly a councilmanic decision. If there are any other ways of looking to increase the revenue stream that is what we need to do. Like he previously stated there are a couple of avenues available and if they come in we will be flush by the end of the year but you have to start taking remedial measures, at least in the short term, and then see how things work out.

Ms. Jansen stated that her last question might be for the Clerk, the calendar that was sent shows that ABR and Planning and Zoning are meeting this week and next week in Council Chambers and asked if that was a typo. Ms. Mancini indicated that ABR will meet in Chambers as they have a five member board and all the applicants, which she believes there are three on their agenda, and the applicants will come into the room one at a time with the others waiting in the hallway six feet apart. Mr. Stibich indicated that he was going to discuss this in his report. There will be an ABR meeting, a planning meeting, and Mayor's Court is scheduled in May with protocols set up for ABR and Mayor's Court but he is unsure if there are protocols for planning as of yet and asked if those had been worked out. Ms. Mancini indicated that a trial run will be done with Webex with planning hopefully by the end of this week or beginning of next as she is still waiting to hear back from two members of the board but we are planning on a Webex meeting. Mr. Stibich stated that seems to be possible, but for ABR and Mayor's Court that is almost impossible to do because of protocols. Ms. Mancini replied that ABR has a much smaller board so it's a little easier for them to maneuver; planning has a larger board plus those that attend plus applicants gets us way beyond 10 and Mayor's Court is up to the Mayor but that will be done very small as well. Ms. Jansen asked if we had any idea when Council would get in chambers for meetings. Mr. Stibich stated that he was also going to talk about that in his report, Council does need to start having some committee meetings and perhaps

the video conferencing is good for now. As far as the finance committee is concerned Council gets reports each month and if Mr. Vitalone figures out his microphone situation he could tell us that the outlook for revenues for May will fall way short as the Mayor pointed out in his report but they may just be delayed based on the new deadline for filing city tax returns which is in July and those receipts we would see from RITA in August, so we really won't know how things are going other than looking at the month to month reports until August and then we may have to make some serious decisions about more cut backs. There are a lot of variables and does not know if it's necessary for finance to meet at this point other than our discussions in Council meetings.

Mr. Vitalone stated that he has determined the issues with his microphone. Mr. Stibich asked if this answered Ms. Jansen's questions and stated that he will not call a finance meeting in May but in the coming months, June or July, we might consider other committee meetings. He has talked to the Mayor about holding a safety committee meeting and the Council meetings are enough to take care of the basics right now. We will just take it day by day and see how it goes, but for the month of May he thinks the regular Council meetings will be it for us.

Nick Vitalone, Finance Director

Mr. Vitalone indicated that the clerk texted him and indicated that his cell phone may be to close to the computer and it looks like that worked.

He stated that Council has the April statements and will see we look pretty good, our income tax was up 24% through four physical months compared to last year; expenses were flatter which looks great. In May we got a remittance from RITA and he is now estimating that at the end of May we probably will be down about \$100,000 but that is an estimate. Mr. Stibich asked if that was year to date not just for the month. Mr. Vitalone replied yes year to date. Now we are going the other direction quick, but not bad. When he looks at the numbers it still doesn't even look like we would be down 5% or 6% on income tax but of course he is playing this day by day. Looking forward there are only a couple of things we can do, we can't make the revenue magically appear, there are sources the Mayor mentioned like the distribution of the local government funds and the \$133,000 that will be coming. Mr. Stibich replied the so-called Dolan bill. Mr. Vitalone replied yes. He believes those monies will have to be spent on COVID related expenditures and he is unsure if will change but hopes it will and the Mayor can correct him if he is wrong. Mr. Stibich stated that he and the Mayor put a bug in Senator Patton's ear this morning that it would be nice if it was based on reduced revenues due to the COVID virus rather than additional expenses due to the COVID virus because our expenses are going to be less and we are cutting back on part time and overtime everywhere we can. Mayor Graven replied that we will also need legislation for a separate finance fund to receive the COVID money and spoke to Mr. Vitalone about it. Mr. Vitalone stated that any of the COVID related funds we get are subject to specific expenditures, PPE, cleaning solutions and things like that. What we are hoping is that those things are loosened up and somebody comes up with some common sense. It is just not us but all over the country expenses are going up and you can see the lay offs and the cost cutting measures throughout the entire state, the county and cities. There are millions of dollars going out for COVID related expenses that he is sure the feds don't want back but nobody is incurring these expenses so hopefully they come to their senses and say we can spend this based on revenue lose and if that happens he feels good about our chances going forward and thinks it will change. He does not believe this will be giving cities money and then the cities decide to return it to the fed because that do not have any expenditures. The other side of the coin is any other revenue sources we can get we are looking to get right away if we can and the Mayor is all over this every day, he hears from him every day on various cost cutting measures and revenue enhancements that we might get but the other

side is controlling expenses and we have been doing that through the four months. He believes we will be good through May so this is going to be treading water through the summer taking our losses, hopefully not too bad in our city, and catching up with the delayed income tax in the July/August timeframe. Also, the real estate taxes are being delayed on some of the settlements and advances so those are pushed back a little into the Fall so we have that to deal with. If we can get ourselves through this summer by keeping lean and hopefully getting a few incentives with money coming in through the state we should be okay. As he stated we are monitoring this every day and he does not have much to say about April. Mr. Stibich asked if our expenses were in line with the budget. Mr. Vitalone replied yes, we are going to try and stay on top of this and find anyway that we can to either access outside funds or as Mr. Bemer mentioned possibly tapping into some of the funds that we have. There are a couple of funds within the city that maybe we could borrow and pay back later and is another option we are looking into. Mr. Stibich stated that we have to get the auditor's opinion. Mr. Vitalone replied yes. Mr. Stibich stated that the cash in the general fund is \$294,000 almost \$300,000 but we are going to lose \$100,000 and that is unencumbered. Mr. Vitalone replied yes. Mr. Stibich reiterated that we are going to lose \$100,00 in May and he does not know how encumbrances will change hopefully they will stay the same. Mr. Vitalone stated that another thing we can do is try to stretch our payables out, not to the point of paying late fees, but slow pay. Mr. Stibich stated that if the June and July revenues are half way decent, especially the tax revenues, and are close to budget well will be alright come August so we will see what happens with the receipts from the RITA tax filing deadline on July 15th. Mr. Vitalone replied that is what we are hoping. The income tax numbers don't look too bad as far as the actual withholders through the first part of May we are running even with last year as far as their deposits so that's good, if our businesses are where we were last year that's great at this point. The individuals is down a little bit but were expecting that and hopefully will pick up a couple months down the road. He stated that Council passed the renewal notes and those should be priced in a week or so he spoke with our note underwriters and they plan on pricing them next week or towards the end of May and should settle on them June 10th and then we will pay off our notes that are outstanding from last year.

He stated that it has been a collaborative effort with the Mayor and all the department heads, police chief, fire chief, and service director who are doing what they can to keep things under control and keeping their budgets tight. Mr. Stibich stated that he knows we have an immediate problem right now with cash but it was very nice to see that the three tax renewal levies passed by an overwhelming majority. It makes him think that the voters really support the administration and what is being done in the city and he was very glad to see that. The school levy passed but not nearly by the majority that we got in our renewals. Our worry that the voters might not be inclined to renew them was really unfounded, the people of Olmsted Falls really came through to support the administration and that speaks well for the Mayor.

Ms. Jones asked Mr. Vitalone what his email was. Mr. Vitalone replied nvitalone@olmstedfalls.org. Ms. Jones indicated that she had a couple of questions that she would send him.

Council Pro-Tempore, Lori Jones

Ms. Jones replied that she already asked her questions during everyone else's report. There have been no committee meetings and nothing else has really happened with the cemetery board. She would like to have committee meetings soon. If there are only three members on a committee could we come to City Hall or would we have to hold a virtual meeting. Mr. Stibich asked if she was referring to a legislation meeting. Ms. Jones replied legislation or utilities. Ms. Mancini stated that as long as everyone is spaced six feet apart and there are more than 10, she could use city hall. Mr.

Stibich stated that even though there is a lot of potential that a lot of people could come to the meeting we know that a lot of these committees have very few people come to, if any, so it will be alright for them to have an actual meeting. Ms. Mancini replied she does not see a problem. Mayor Graven replied yes. Mr. Stibich stated that we know that other municipalities and the township have been holding their meetings but limiting attendance to 10 people. The township has held their trustee meetings so and suggested that Ms. Jones speak with Ms. Mancini regarding scheduling. Ms. Jones stated that she can see Council meetings because there is more than 10 of us between the administrative, directors, and council. Mr. Stibich indicated that the finance committee is the same way its just pushing the limit.

Councilman Cornel Munteanu, Ward II

Mr. Munteanu indicated that the landscaping began on Lindbergh this morning by the high-tension lines heading south and will begin restoring from all the gas lines that they put in.

He has had a couple of inquiries about the railroad tracks and does have information and will email those residents.

The is a gentleman who is looking at the 28 acres on Lewis Road and contacted him and Mr. Chitester. This gentleman will be contacting Mr. Smerigan regarding some of his questions.

Andrew Bemer, Law Director – No Report

Council President Paul Stibich

Mr. Stibich indicated that he already stated what he would report during other's reports.

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

Remained on Table

Resolution 23-2020 (AMENDED)

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

Tabled on Third Reading (Referred to Planning and Zoning Commission on 03/10/2020)

Remained on Table

Ms. Jones stated that first time this property was put up for sale as she understands it did not include the parking lot and asked if the parking lot would be included this time. Mayor Graven replied yes. Ms. Jones asked when the property was appraised did the appraisal include the parking. Mayor Graven replied that he believes so as it was the whole property.

New Business - *None*

Miscellaneous New Business - *None*

Such other business that may come before Council

Mr. Chitester stated that he will inform Council, via email, how the ABR meeting runs on Thursday based on social distancing practices and CDC guidelines so people know if this is something we should venture down to meeting in person or if it is something that we should continue doing digitally. He will email Council Friday afternoon or evening.

Mr. Chitester moved to **adjourn**; Ms. Buchholz **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:23 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council