

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, June 9, 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 7:00 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: 3.

Approval of Minutes

Ms. Buchholz moved to **approve** the minutes from the Regular Council Meeting of May 26, 2020; Mr. Chitester **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Graven stated that he would like to thank all the peaceful protestors that attended the Justice protest last Saturday that was held in front of City Hall, it stayed peaceful and there were no problems. He is also relieved that there were no outside agitators that showed up to either harass the peaceful protestors or cause destruction of property. He would like to thank Chief Rogers and the whole police department for their excellent work. He stated that Chief Rogers only had approximately a day to prepare for this and he cannot express how proud we are of him; he did a great job and we are thankful for his service. He is also aware of some criticism regarding the way he handled the protest security, a few people thought he had to large a number of officer's present. He knew about some of the serious destruction that had just occurred about a week before in the Cleveland community; we also read how the City of Cleveland, their administration and police department were frankly unprepared for the protest. They even had officers state to the paper that they were woefully unprepared. He is also aware that Chagrin Falls was also criticized for "over securing the businesses" and for also providing law enforcement security for the protest that they had a few days before ours. Be that as it may, many Cleveland businesses had significant destruction because of the lack of preparedness and Chagrin Falls had no destruction. Myself and Chief Rogers, not knowing what to expect, the Mayor choose to provide the best security for our businesses and all of our citizens. He believes that he has the right to provide what he thinks is the best safety for everyone the protestors, bystanders, citizens and business owners. Again, he is very grateful that we had no violence on Saturday afternoon. But he is also thankful that the police department, Chief Rogers, and all the other law enforcement agencies that helped the Chief were prepared for anything that may have come as a result of people wanting to cause destruction coming into our city. We were prepared either way and he is glad that there was no violence or problems. This is the same decision that he would make every day of the week because he owes it to our community to keep them safe.

He stated that the finance director will get into more specifics later on but he just wanted to let everyone know that as of June 8th our RITA tax collections are down approximately \$175,000 compared to this time last year. Also, as you know when we reported to you at the last meeting RITA projects that we will receive approximately \$280,000 less in income tax revenue throughout the whole year. Again, a lot of people are still out of work but hopefully most of our residents will be returning to work soon.

The Governor announced that playgrounds will be allowed to open tomorrow. We are going to open our playgrounds on Monday, June 15th as Service Director Borczuch indicated that he would like time to clean the equipment and prepare. He has not made a decision about the splash pad. He has placed a call to Terry Allen the Cuyahoga County Health Director as he wants to get some of his expertise before he decides on whether or not its safe to open. Again, he bases his decisions on the safety of all of our residents on advice.

He stated that there has been some interest in our Brookside property and hopefully at the next meeting in two weeks he will be able to give more specific details.

Communications from Residents

Genevieve Bures, 24175 Briarpatch Drive, stated that the reason for her attending the virtual meeting tonight is to discuss a problem that has developed on Briarpatch. We have a gentleman who's name is Rivera Carpio and he moved in, she believes two years ago, last year he had a garage sale every weekend for eight or ten weeks until finally one of the neighbor's called City Hall and someone came down and told him he can't have a garage sale every weekend. Now, he is selling directly out of the house. She spoke with two Council people about this and she heard back that the law director said he needed evidence, which she found interesting, she would imagine that when a resident has a problem you do not expect the resident to handle it but apparently the law director thought we should get evidence, so she did get some pictures of people carrying furniture out. This gentleman has a huge website on Facebook Marketplace. Now, he has a new endeavor and that is the reason for her calling tonight. One business run out of this house has the neighbor's up in arms but now he is running a landscaping company and has a big red dump truck parked in his driveway. The lady next door is beside herself but she is an older person and she actually was afraid to come and talk to Council. He has a gentleman employee, she guesses, that comes in early in the morning and they get their tools and stuff out of a shed in the back, load up the dump truck and take off. She is speaking for five of the neighbor's and herself. If necessary, they have all said that they would be happy to come to a Council meeting or fill out a complaint form. We have a dozen kids on the street and the increase in traffic is just tremendous. We had no idea that he was doing all this selling until we saw all these cars coming down, all hours of the day and night, and going in and carrying furniture and all kinds of stuff out of the house. I guess one of the neighbor's did speak to him and he kind of told him where to go and how to get there. He would like the law director to do his job she guesses. Mr. Stibich indicated that this is more of an administrative function, the law director is the guiding light but the enforcement is really within the administration.

Mr. Bemer thanked Mrs. Bures and indicated that they have never spoken to each other. His request was to take some photo's. He never indicated to anybody that she needed to provide evidence. The only way we can assist our residents is by the residents assisting us in doing our jobs. He understood that there were yard sales and he did hear from Councilwoman Jones. Someone provided information

that he was getting equipment or some type of materials and selling them online and he was having these big sales, so he asked for a photo so that could be passed along to the building inspector so he could go out and see for himself when these events are taking place. That is what was presented. He has a copy of the building department's notice of violations with a corrective order which was prepared on the 4th of June, with two code violations, one is outdoor sales violation and the other is home occupation without a proper business permit. This was prepared by Braden Thomas who is our building official. As he understands it, the notice was sent by certified and regular mail to Mr. Rivera. He also understands that there is a woman involved whose last name is Carpio and that is how the deed is held. He would like to thank Mrs. Bures and ask that she let her neighbor's know that the best way the city can police these kinds of activities to maintain the quietude that she is entitled to is by the neighbor's speaking up and letting us know what the issues are. If by the time an official gets there and the matter is closed down, we do not have anything to say other than someone told us what was going on which is why we need photo's, as they are critical and thanked Mrs. Bures for the photos. He stated that this ends up being a potential police matter as well, so if its something that is happening during the business day, he encouraged Mrs. Bures to call the building department. He stated that Gary Kopchak is our on-duty inspector and was informed of this situation as well as Braden Thomas who is the building official and Joe Borczuch is the Service Director. This is something that we will get our personnel involved in whenever we know there is a neighborhood and he would call this a disturbance. Again, he would like to thank Mrs. Bures. We have taken these measures and now it seems that Mrs. Bures has additional information. Mrs. Bures stated that she would like to apologize. Mr. Bemer indicated that he does not need an apology and understands that this is something that she has not done before and appreciates that she came forward. Mrs. Bures indicated that she did sent photos and asked if he received them. Mr. Bemer replied that he did receive them and forwarded them to the building department so that they would have them and that resulted in the corrective action. This does not mean that Rivera is going to court, he is given an opportunity to cease and desist. That is why we need to know if he is doing these yard sales and again encouraged Mrs. Bures to call the building department immediately and ask for Mr. Kopchak and state that he is doing it again and ask him to come out. Having neighborhood watches and having neighbor's talk to each other is the best way of addressing these kinds of issues. He thanked Mrs. Bures for stepping up and being a good resident and good neighbor. The online sales is a different situation as we cannot prevent him from marketing his wares online but if he is operating a home occupation without a proper use permit, and that means if he is having deliveries or having customers coming and going that is a violation of our zoning laws so anytime she sees that please let us know. If she sees an Amazon Prime or UPS truck in front of his house, yea if she can take a photo of that it would be great. He encourages Mrs. Bures to continue what she has been doing and thanked her for being such a good citizen. Mrs. Bures asked about the dump truck. Mr. Bemer replied that he would pass that information onto Mr. Kopchak because now we are getting into another issue. Obviously, he is changing his strips but he still has a home occupation and in his understanding that constitutes a violation of the cease and desist order. Mrs. Bures stated that the neighbors will appreciate this and she will get back to him if there are more problems. Mr. Stibich thanked Mrs. Bures and ask that she tell her neighbor's that they should have no worries about calling City Hall. If you call the main city hall number you will get a staff person and a lot of times it will be Ms. Mancini answering the phone and we are all there to help. He asked that she tell her neighbor's not to be afraid to call City Hall. Ms. Jones asked Mr. Bemer what happens with the violations does the resident respond. Mr. Bemer replied that if he does not honor the cease and desist then we can prosecute him. But it does sound like we have another issue as he is just changing his stripes. Ms. Jones stated that the other issue is after he brings in his collection of junk and sorts what he is going to sell, every trash day which she sent pictures of, he puts it out on the lawn piece by piece, literally cups on shelves and she has to

bundle her branches. One of the issues that was brought up is that he is using our Republic Waste for business deposal. Mr. Bemer asked the Clerk to get ahold of Mr. Kopchak in the morning and let him know what to look for on Thursday.

Approval of Bills:

Mr. McFadden moved to **approve** Pay Ordinance 2020-10; Mr. Chitester **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Odis Rogers, Police Chief

Chief Rogers stated that he is not going to reiterate everything the Mayor spoke about regarding what occurred on Saturday other than to say that all the credit goes to the officers and mutual aid officers who came to help. Thankfully it was very peaceful and we had no issues but, we were prepared. In the day prior to the event he spoke to a couple of Chief's who had similar events in their city and they told him some of their plans and why. He stated that if anyone has any questions as to why we did what we did and they want answers from him, from the police side, he would be more than happy to discuss that with anyone at any time. As the Mayor stated, how we handled this is exactly how he would handle it if it happens again. He wants to thank all of his officers and the support from the city; it was a very good day.

Matt Sheehan, Fire Chief - No Report

Nick Vitalone, Finance Director

Mr. Vitalone stated that notes were issued and did sell. He stated that the good news is compared to last year's one year issue with the same principal amount of \$7.1 million, this year we issued those notes at a 1% coupon which is great and the yield was actually .44%; as opposed to last year's notes which were issued at 3%. Interest costs last year were a lot higher than this year. Basically, we were lucky to be in the market at the right time and the market possibly hitting bottom. Interest costs this year will be \$213,000 but next year they will be \$71,000 so we have a net gain of \$142,000 on interest on those notes. Everything should settle tomorrow and our debt is due on Thursday. Mr. Stibich asked if that changes every year when the notes are re-issued. Mr. Vitalone stated that they could change monthly, daily it goes up and down with the economy. Obviously, everything went into the tank and we just so happened to be issuing note. Luckily we have the Ohio market access program where we are able to sell our notes and we had a good market it there were easy to sell, we had several buyers, and its basically just luck of the draw your ready and if you happen to be in a good situation as far as the market goes.

The CARES act monies resolution is on first reading tonight. We are slated to receive around \$133,000 from the CARES Act funds. He believes that so far to date we have spent around \$5,000 in various monies as far as masks and cleaning supplies. He is excited about getting this money and hopes that guidance comes out from the U.S. Treasury or State of Ohio indicating that we can use the monies for the first responders because that would be big for us. We need to be able to spend these funds on other things not just on supplies so he is not sure how this will work. He stated that it is nice that the city is receiving the funds and hopefully we can spend that money on whatever the city needs operationally.

He stated that we are at June 9th and if you look at the May report we will always pay attention to the income tax and as the Mayor stated RITA has us losing possibly \$280,000, the May report shows that we are only at a 5% decline but as we go into June we know already that we are down \$175,000 so we are well on our way to that \$280,000 mark. We have talked about June and July being rough for us, we are treading water and keeping our expenses in line which is good. May revenues believe it or not are down overall with all the sources, property tax, Mayor's Court took a hard hit but ambulance fees seem to be holding their own. He stated that revenues are down but expenditures are also down some of that is timing but a lot is the department directors tightening their belts and adjusted their operations and utilizing personnel in different ways to save some money. We are doing okay and that is what we have to do kind of tighten things up on the expenditure side. He will work with all the department directors and see what else we can do going forward just to keep us above water and in July and August we will be in a better spot. Like he has previously stated we will have to monitor this every month and has really been reviewing every week to see what we can do as far as expenditures and revenues. He does not have a lot of information on all the different sources and what is going to happen so we will rely on RITA but they are supposed to come out within the next week or so with revised numbers as far as what they see happening within the next couple of months. There are some problems and obviously everything is on the table as far as what we will need to do going forward which includes basically everything personnel, operating expenses and any capital we can do. He knows we do not have a big capital program so there is not a lot we can cut to help out the general fund in our operations but what we can monitor the situation and keep Council apprised and ask for any guidance.

He stated that he will be coming forward with a tax budget for 2021 which should be presented to Council at the next meeting for consideration. Mr. Stibich stated that will be the first look at 2021 which is submitted to the county. Mr. Vitalone replied yes. The alternative tax budget is obviously an estimate and we express our need to collect the tax dollars from our levies. We show our estimated balances at the beginning with revenues and expenses and that's basically all it will do; it sets up the city for a starting point for 2021. Mr. Stibich asked if Council could possibly review it at the finance meeting next week. Mr. Vitalone replied that he will attempt to obtain it for the finance meeting. Mr. Stibich stated that if you compare RITA income tax revenue for May of last year to May of this year there is a \$200,000 difference and that is because the filing deadline was moved and we won't really know what the real effect of that is until the July revenue receipts are in which won't be until August; so by August we will be able to take a look and see if there is any big damage. Ms. Jones stated that there are three accounts with negative unencumbered fund balances. Mr. Stibich stated that there will be a finance meeting next week and asked if it would be better to address her questions then. Ms. Jones replied yes.

Mr. Munteanu stated that Chief Sheehan submitted a grant for a mister to spray and clean the squad and asked if the city doesn't receive the grant could we possibly purchase this equipment with the COVID virus relief distribution. Mr. Vitalone replied that he believes that may qualify and would have to check. He asked Chief Sheehan if he had any information. Chief Sheehan indicated that it probably would qualify. The department is in good shape as far as our PPE so this would be something to look into if we don't get the grant.

Ms. Jansen stated that with the unexpected \$142,000 in interest savings when does Mr. Vitalone foresee a decision about when the employees pay can go back to normal; she asked if he thinking about re-evaluating in July or August. Mr. Vitalone stated that as far as the interest savings goes that interest won't be paid until next year, this year we are paying the higher amount. We issued notes in

2019 and this year we pay \$200,000 in interest so that savings will not have any impact in 2020, it will be in 2021. Mr. Stibich stated that we will look at our cash position at the end of the summer and know if we can reinstate the 10% reductions that were put into effect. Mayor Graven stated that he planned on looking at it in early September because in late summer we will have a better grasp of the numbers in order to make a decision.

Councilman Jay McFadden, Ward I

Mr. McFadden stated that he believes Saturday went well but you cannot underestimate. One of his neighbor's said it was a little bit of overkill, but you don't really know what to expect or what not to expect so to be on the safe side and over prepare was a good idea. Therefore, we are not in the news and no one suffered any damage. You just don't know what to expect and he thinks it was a good move and maybe we will have something to gauge it by this weekend since he has heard there will be a protest in Strongsville and we will see how they handle theirs and how everything goes. He believes it was handled well here.

Councilwoman Yvonne Buchholz, Ward III – No Report

Councilman Brian Chitester, Ward IV

Mr. Chitester thanked Chief Rogers and Mayor Graven and stated that they are rock stars. When he heard about everything that was going on to see how everything turned out he is so proud to see how much work Chief Rogers put in and how well they both handled everything. He is happy that they are at the top of the administration because who knows where we would be without them. Once Again, he thinks that Chief Rogers and Mayor Graven are rock stars, thank you.

Councilwoman-at-Large, Jennifer Jansen

Ms. Jansen stated that she would like to acknowledge and thank Ashley Clark, Jamie Bridle, Savannah Wright, Pastor Steven Gower and Michael W. Howard along with many others who spoke out in our community against racism over the weekend. She also wants to thank Chief Rogers, of course, for being there and for speaking to the organizers beforehand. Both events held in our community over this past weekend were beautiful representations of empathy, compassion, and inspiration. During both events she was moved to tears. On the front lawn of City Hall as over 100 silent people knelt on knee in tribute one man arose, a man whose skin was much darker than those surrounding him, he wanted to take a moment during the stillness and silence to thank everyone who had came to say that it meant so much to him and to say that he loved us all. On the steps of the Olmsted Community Church a dark-skinned man stood before a crowd of over 100 onlookers who had gathered in the lawn and assembled across the street. Olmsted Falls had been his home for 30 years and his son an Olmsted Falls graduate and even such this father told us the words of warning he had to remind his son before he ventured out with friends, this community looks different at night, you look different at night, those words and the tone that he used when he said those to us have stuck with her since he said them on Sunday. Son, he said the community looks different at night, and you look different at night. She hopes that phrase sticks in your minds as well. She would encourage us to strive to be the city that is the light on the hill.

She asked if the application permit was ready to be distributed to the rest of the businesses. Mayor Graven indicated that he would check and get back to her.

Council Pro-Tempore, Lori Jones

Ms. Jones stated that she would like to recognize Ashley Clark and Jamie Bridle for exercising their civil right and responsibility in organizing a peaceful demonstration that occurred on Saturday, June 6th to call attention to racism and police brutality that caused several unarmed innocent African Americans their lives in these United States of America. She would also like to recognize the Pastor of Olmsted Community Church for his vigil on Sunday, June 7th who stated that he and the church were not going to be the good silent people. She attended both peaceful events and between the turnout and comments on the Olmsted Falls Municipal Website it appears that the majority of the residents see the problem with racism and agree that all of us are equal as declared in the Constitution of the United States. She was proud of our Olmsted Falls residents, at both events there were a lot of families that came out to protest together. She stated that racism is based in fear and only love and acceptance can overcome fear. She was a little upset when she read a remark on the city's website that Ms. Bridle posted that they were very dramatic and threatened us with a bill of over \$5,000 if she lived in the Falls. It is not the protestors fault that our city is in financial trouble and it is untruth that protestors have to pay for security for gathering in front of City Hall to express their distain with police man who think nothing of killing minorities. Free speech is a First Amendment right, she wholeheartedly supported the protest and believe all lives matter.

She stated that she also had a lot of time over the weekend to think about a lot of things that have happened and a lot of things that have been said and she just wants Council to understand their duties and responsibilities, so she will be sending everyone, through the Clerk a packet, which she meant to do today. This packet is regarding council duties and responsibilities as presented by Cleveland State Maxine Levin College of Urban Affairs to newly elected officials. Unfortunately, they have not had this class for a few years. This particular presentation was written and presented by Lisa Thomas, a visiting assistant professor of Levin College of Urban Affairs. Our responsibilities include budget and appropriations, representing the interests of your constituents, develop public policy, appointments to boards, commissions and other public committees, build relationships within the community and within the larger region, educate yourself on best practices, evaluate the performance of the executive branch, department and agencies, act as a check on executive power, follow the rules and get along with one another. Within this packet are examples of each of the responsibilities what questions to ask and what to do. She also has a finance packet which she will send out to so everyone about city resources and uses of funds and how to look at a budget for our next finance committee meeting next week. She asked the Clerk if she would be sending out a packet for the finance meeting. The Clerk responded that the agenda was sent in Council packets along with the May financials. Mr. Stibich indicated that the information could also be emailed. The Clerk offered to scan and email the information to all of Council. Ms. Jones replied that would be great. She stated that she really likes the finance packet because it discusses sources and uses for the different types of funds and how you look at them. She thinks this would be beneficial to all of us.

She stated that she lives on Briarpatch and took pictures of the trash that was put out and sent those in as requested by her friends and neighbors.

She stated that a week ago she received a call from people on Bayfair about calling for police assistance that never came which turned out to be a dispatch problem after it was researched by the Mayor and Chief Rogers who went out to find out what happened. She is just concerned, if this happened this time does it happen a lot and how do we know. Mayor Graven stated that he does not think this happens a lot. Ms. Jones stated that she was just concerned and knows that this was not an emergency life or death situation. Mayor Graven reiterated that he does not think this happens a lot

and from what it sounded like since it was not a high priority call like a burglary call, he thinks the dispatchers may have made a mistake and put it 4th on the list and forgot, he does not believe it is a big problem with Southwest Dispatch and he has not heard of any other problems from either the police or fire departments.

Ms. Jansen stated that she believes we had that issue a few months ago with a complaint about loud noise at the oil rig; they ended up finding the recording and which was shared with her. There are two incidents that we know of and who knows how many more we don't know about. Mr. Stibich stated that he would hope that if someone called the police and there was no response, they would call back somehow to someone either dispatch or the administration, like these two individuals did. Ms. Jansen stated that the issue is that dispatch should just log the call either way. If they receive a call from one of our citizens it should be logged and if they don't dispatch police then it should state no police dispatched. There should be a log of anytime our residents call Southwest Dispatch. Mr. Stibich replied absolutely.

Councilman Cornel Munteanu, Ward II – No Report

Council President Paul Stibich

Mr. Stibich wanted to remind everyone of the finance committee meeting scheduled for next week.

Andrew Bemer, Law Director – No Report

Old Business - None

New Business

Resolution 33-2020

A RESOLUTION AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE CUYAHOGA COUNTY ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS TO PARTICIPATE IN THE COUNTYWIDE PREVENTIVE MAINTENANCE PROGRAM FOR MAINTENANCE AND REHABILITATION OF COUNTY ROADS IN THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **First Reading**

Mr. Chitester moved to **suspend**; Mr. Munteanu **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Munteanu moved to **waive** the reading in its entirety; Mr. Chitester **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **adopt**; Mr. McFadden **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Resolution 34-2020

A RESOLUTION REQUESTING FUNDS FROM THE CUYAHOGA COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND FOR THE CITY OF OLMSTED FALLS TO BE EXPENDED TO COVER COSTS RELATED WITH THE CORONAVIRUS PANDEMIC AND DECLARING AN EMERGENCY **First Reading**

Mr. Chitester moved to **suspend**; Ms. Buchholz **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **waive** the reading in its entirety; Mr. McFadden **seconded**. Voice

Vote: 7 ayes; 0 nays. **Motion carried.** Mr. Chitester moved to **adopt**; Mr. Munteanu **seconded**.
Poll: 7 ayes; 0 nays. **Motion carried.**

Miscellaneous New Business

Ms. Jones stated that with the opening of the playgrounds she saw a couple of cities that opened their playgrounds put warnings out that they would not sanitize the playgrounds every hour and that you should play at their own risk; she asked if this was something we needed to do or will we be sanitizing them every hour. Mayor Graven replied that we would put up a sign similar. Mr. Borczuch will be cleaning everything this week but obviously we do not have the personnel to sanitize every hour.

Such other business that may come before Council - *None*

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

The meeting adjourned at 7:49 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council