

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, June 23, 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 7:05 p.m. Roll call was conducted. Councilmen Lori Jones (arrived at 7:09 p.m.), 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, Joe Borczuch, Service Director, and Matt Sheehan, Fire Chief. Audience: 1.

Approval of Minutes

Mr. Chitester moved to **approve** the minutes from the Regular Council Meeting of June 9, 2020; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Consideration of Amendment to the Agenda

Mr. Chitester moved to **amend** the agenda to add Resolution 37-2020 under New Business; Ms. Buchholz **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mayor's Report and Appointments

Mayor Graven would like to encourage all of City Council to please support Resolution 37-2020. Our city is committed to promoting racial justice and unity among all of our citizens. This resolution reaffirms our city's commitment, inclusion and justice. Olmsted Falls and its Police Department fosters a police culture vested in community engagement, trust and accountability. We all share the commitment to create an equitable inclusive community where all of our citizens feel safe, supported and valued. We appreciate Chief Rogers leadership and he has done a great job with our community contacts program that we instituted back on April 1, 2018. The Chief makes sure that all of our officers are engaged in the community and that our officers are talking to citizens every day, and he would like to commend him for this. He would like to thank Chief Rogers again for the great job he did and our department during our peaceful protest. He would like to point that as we all know Cleveland had a protest start out peaceful but turned into rioting. He noticed that there was an article that stated the Cleveland Council Safety Committee said that Cleveland's preparation for their protest on that Saturday and Cleveland's handling of the subsequent riot warned a grade of C+ or B-. If he had to grade our chief and our department's performance, he would give an A+.

Mayor Graven indicated that the city received multiple offers on the Brookside property as well as some other inquiries. We will keep Council informed and hope to have a recommendation to Council in approximately two weeks. He will keep the Council President informed.

He stated that all the playgrounds are open and he is happy to report that the splash pad was opened on June 15th and knows that a lot of our children have been enjoying that. The splash pad and parks were packed last Thursday and Friday.

He stated that the city is scheduled to receive approximately \$131,675.00 from the COVID-19 Relief Local Government Fund in approximately a week to 10 days. He received an email from Cuyahoga County which in part states “COVID-19 has devastated the foundation of our economy, with county unemployment currently exceeding 28%, this current condition created by the impact of COVID-19 mandated the shut downs of many businesses and created unemployment.” As we all know we are trying to get through this economic downturn and hopefully we will be turning the corner by the end of the summer now that a lot more businesses are open. As you all know, the finance director issued a report showing that income tax for the month of May was down 4.87%; but as of this date in June we are already down 9.25% in income tax for approximately \$165,000. The first half of real estate taxes came in as expected but the second half collections will be delayed and there is a possible decline. Also charges for services overall declined, municipal courts had a significant decline in moving violations through May because of COVID. Currently we are running about half of where we should be and again this is related to the COVID-19 pandemic. Hopefully there will be a recovery later in the year. He is happy to report that expenditures are down. His administration has been doing a good job at cutting expenditures and compared to May of last year we are down about \$182,000. Again, we did not replace a full-time economic development director which saved money, he, Council, Chief’s and Directors have all taken a 10% pay cut. Also, because of a change in days off our police department has saved some money. The city administration and everyone are trying as hard as we can to cut expenditures while the income taxes are down.

Communications from Residents

Ann Reichle, stated that she would like to talk for a minute about the building department application she received in the mail last week. It says at the top it’s a temporary special permit for outdoor seating and she applauds the administration for trying to help restaurants through this terrible time everybody is going through, she really appreciates the brain storming they have been doing. But she has an issue about this, the cover letter stated this was for temporary outdoor seating for 90 days but the permit does not ask for dates for seating and its strictly just a building permit. She understands the need to apply for a permit if you are putting a structure up but doesn’t understand why you need a building permit to put tables on a sidewalk or back yard. Nobody understands the plight of restaurants more than her in all honesty, she was an 18-year member of the Ohio Restaurant Association Board and was extremely involved and is still an extremely active member with trends all over the country that are just hurting in this horribleness. She has been seriously watching what has been going on over at Gibbs for the past week and is assuming that he filed some kind of permit. First a metal canopy went up and it disturbed her that it went over top of the only paved part of the parking lot in the back which was handicapped spaces and was anchored into the concrete. No additional handicap spaces were designated and it has to be a smooth surface because she has sat in Planning Commission meetings and heard that. The health department does require outdoor cooking to be under a roof which was probably what this was for from what she saw because there was a grill out there under the roof. But what accommodations were made for handicap spaces that were lost she knows they are required by ADA and knows that is part of the building inspection; does this permit not allow for that or provide for that in some manner for somebody to look at. Next, there were tables in the parking lot about a week after that and there was still some parking for guests in the back

but no handicap; then a concrete pad was poured next to the handicap parking, she does not know what for and asked if the building department approved this because concrete isn't temporary. Roughly four weeks ago he had a nut vendor across the entire entrance to the driveway closing it off to all parking and the gentlemen was literally blaring music out into the street was there a permit pulled for this affair because this wasn't Gibbs it was somebody else. Over the last month more and more cooking equipment has come outside including a smoker and refrigeration equipment but now the grill isn't any longer under the canopy as required by the County Board of Health it now sits in the gravel and currently picnic tables with umbrellas are scattered over the entire lot displacing all these cars into other parking lots. Again, what about to the handicap folks, we are all required by ADA to provide those types of spaces. Currently most guests dining at Gibbs park in our Mill River lot, this isn't public parking, each tenant is assigned a portion of the repair, lighting and maintenance of the lot; last year the owners spent \$18,691.00 to maintain the lot and her share was \$1775.00. She does not like that the fact that the city is not only allowing but promoting for businesses to remove parking spaces displacing their customers into other lots when there is no remuneration to the owners of those lots for that parking. The tenants in Mill River chose those spots because there was ample parking near their businesses. A solution maybe to call Mill River and see if the city could share in part of the maintenance of the lot it could be blacktopped or striped or something to help pay for the costs or maybe Mr. Dixon would like to help pay for that. If the city is going to promote this type of outdoor dining expansion by other restaurants at the very least, the city should be providing additional parking lot signage at the entrance of our lot denoting not to park there and where additional parking is for the other restaurants but again, we still have the handicap folk problem. Last week was literally the last straw for her and is why she is speaking tonight. She watched a car with two older folks pull slowly into Gibbs driveway to the back corner of the building and when they saw there wasn't any parking they sat for a minute until a staff member came up to the window and he apparently told them to leave the car there as she saw him pointing to the ground at the spot that they were in. An elderly gentleman turned off the car and got out unloaded a wheelchair and got his female passenger into it, he then pushed her through the gravel into the restaurant parking the car in that very spot. Then a minute later a large food delivery vehicle pulled in behind them and parked. Gibbs building is all wood as is the Junction, what would happen if there was a fire, there is no access to the back lot with all of this open flame cooking equipment; is the Fire Chief required to sign off on this permit and what about the safety of guests and other adjoining businesses things are packed pretty close over there; does this permit require a safety review. She stated that she has a number of questions and does not anticipate Council being able to answer all them right now. She would be happy to send them to everyone. She would just like to understand this permit; what specific code applies to the type of structure that was put up over there in our cherished historic district without input from Planning Commission or ABR; what specific code gives the administration the ability to allow or solicit this type of permit without Council approval. She is not quite sure she understands what would trigger an approval or rejection of a temporary use permit; who or what department specifically approves or disapproves these; and due to the timing on the mailing she realizes that Council is going on summer hiatus and what happens while Council is on summer recess as to the approaching deadlines for businesses who may want to take advantage of our short summer season there isn't anybody to contact. She appreciates the effort in the administration to try and find creative solutions to this horrible time we are in but maybe a more logical safer and mutually beneficial arrangement for everyone would have been to do as other cities have done and close off Mill Street, on the city property, and erect a tent to do additional dining for all businesses in the neighborhood as it has been done for many events prior to now. She stated that there is a band staged over top of the new concrete pad at Gibbs. She can't imagine, if this permit was pulled, that it had all of these things listed on it so have there been additional temporary permits put into place; is a business allowed to

alter or request additional permits for additional items after the first request; is anyone from the city following up to be certain that the permit description is being followed; and what are the penalties for not following the approved request on the permit. She is concerned that this hastily put together program will not only set a precedent for future situations but also create an anything goes attitude in our lovely historic downtown. She again appreciates the administrations out of the box thinking to help our community. She feels all restaurants should have the same opportunity to survive equally as we have already lost one restaurant, let's work together to keep the remaining businesses profitable. She really appreciates Council's time.

Mayor Graven stated that as Ms. Reichle pointed out and is something that we all know; we are in unchartered territory. This COVID-19 is the worse epidemic in over 100 years, since 1918, so the city is trying to think outside of the box and we are trying to help all of our restaurants be creative so that they will stay in business. Again, our bottom line is safety; we would rather have people dining outside because it is safer and there is less of a chance to get COVID-19. We do not want anyone to die which is why we are doing everything we can to think outside the box, be flexible, and help all of our restaurants create outside dining. Again, we are in unchartered territory; we are doing the best we can; we are not perfect and he is sure there may have been a few minor mistakes but his number one priority is the safety of our residents and our second priority is the success of all of our businesses including our restaurants.

Mr. Bemer stated that as he recalls when Gibbs presented a request for the canopy we put our heads together and came up with a solution that this could be considered a special event permit. We would give a maximum of 90 days, with potential extensions to get them through the summer and fall months. When there is a request for a permit of this type it does not go before the Planning Commission, the Building Commissioner has discretion to authorize that type of a permit. Then was also some discussion regarding informing all the other restaurants in town. He stated that everybody recognizes the restaurants are the businesses that have been hit the hardest during the COVID-19 crisis. We wanted to let the restaurants know that they would have to work with their particular landlords in terms of the extension of their outdoor seating in order to maximize the seating in order to get back on their feet and he understands that the Mayor spoke to a few restaurants. There was a conservative effort to include everybody, all the restaurants that have inside seating, to encourage them to go outside. The only troubling thing that Ms. Reichle mentioned was the covering of the handicapped spots and Mr. Borczuch is online and he is sure that he will look into that tomorrow with his inspector and make sure they are in compliance with the ADA regulations.

Mr. Stibich asked if Mr. Bemer would be back in touch with Ms. Reichle regarding getting answers to her questions. Mr. Bemer replied he would.

Ms. Jansen stated that she would like to hear from the Fire Chief regarding Ms. Reichle's questions about the fire safety and getting a response to Gibbs and if he looked at the area where the outdoor grill is. Chief Sheehan stated that Jonathon Lewis, our chief inspector, did inspect Gibbs and did go through the temporary structure and with the grill being 10 feet away from the main structure it fell within the lines of what is permitted. Ms. Jansen asked if he had any issues with the tables and umbrellas blocking a response. Chief Sheehan stated that he and Mr. Lewis will go down on Thursday to check that out. It really shouldn't affect the response from us from pulling in the front or even from behind off of the street by the wedding area, we would have to park on the street and lay a line out through there. As he recalls correctly, we have a straight line to the access the rear of the

building and inside the building. Mayor Graven stated that there is access both from Columbia and also from the rear from Orchard to stretch an attack line.

Approval of Bills:

Mr. Munteanu moved to **approve** Pay Ordinance 2020-11; Mr. Chitester **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch requested a motion from Council to renew the city's contract with Cargill Salt for the 2020/2021 winter season. The cost per ton is \$60.15 and is lower than the surrounding cities which average between \$63.00 to \$77.00 per ton.

Ms. Buchholz moved to **renew** an option year with Cargill Salt for the 2020/2021 winter season at a cost of \$60.15 per ton; Mr. Chitester **seconded**.

Ms. Jones asked if the city received bids as she cannot find any information. Mr. Borczuch indicated that the city went to bid several years ago this would be an option year for that bid submittal. Ms. Jones stated that this is the option year and asked if he got additional bids for next year. Mr. Borczuch replied no. This contract was bid out a few years ago and included option years, these are the option years that go along with that bid, it is how the five-year contract works. Mr. Stibich stated that Council would vote to exercise the option and renew the contract at a lower rate than what surrounding communities are paying. Mr. Borczuch stated that to get the best dollar amount on the tonnage we go for a five-year bid process, one year would be locked in with four option years. The city has done the process over the last several years, nothing has changed. He calls to find out what other cities are paying and if our option year is less, he recommends that Council choose the option year. Ms. Jones replied but when he goes out to see what everybody else is paying and are assuring that ours is less why did he not give Council supporting documentation so we know. Mr. Stibich stated that what Ms. Jones is asking is what were the prices for the other cities. Mr. Borczuch replied, as he previously stated they range from \$63.41, which is Berea up to \$77.63 in North Olmsted. North Ridgeville is at \$71.00 and Brook Park is at \$64.00. This is what Council voted on last year. Mr. Stibich stated that Council has the right to exercise the option or not. Ms. Jones replied that Mr. Borczuch is asking her on blind faith with no supporting; tell us that he called out to other cities and see what other cities are paying. Mr. Stibich stated that he believes Ms. Jones is asking what our alternatives are if we choose not to exercise the option. Mr. Borczuch replied we can go out to bid again but the chances of the city paying higher costs are great. Mr. Stibich stated that we do not know what the other companies would charge if we went out to bid. Mr. Borczuch replied if we go out to bid they would send in new quotes and who knows how high those would be considering what the other cities around us are already paying. Ms. Jones stated that Mr. Borczuch should relax, she is just asking we are exercising an option and he went to get comparable's to see what other cities are paying and asked if they are paying the same company we use. Mr. Borczuch stated they would use whomever those choose. Mr. Stibich asked if some of these other cities are purchasing their salt from someone other than Cargill. Mr. Borczuch stated that when we went out to bid in 2018 there were three different companies that submitted bids so most of the surrounding communities would use one of those three vendors. Mr. Stibich asked what the city previously paid. Mr. Borczuch replied \$58.15. Mr. Stibich stated that currently the city pays \$60.15 so we have a \$2.00 increase. Ms. Jones

stated that she is not saying it's a bad deal; she is just saying that when you bring something to Council you need to bring the other bids to see what other cities are paying. Mr. Borczuch replied that this would just be a motion and is how we have done it each prior year and has never been an issue. Ms. Jones stated that Mr. Borczuch is saying that we are exercising an option; but she is saying that's great but you still have to give Council information to vote to exercise the option. Mr. Borczuch replied that he would make a note but just last year we voted and no one had an issue with it then or the last 10 years prior. We have always just done a motion for the option years. Ms. Jones replied that she is sorry she didn't ask for information last year and the year before. Mr. Borczuch replied since there was no issue, he continued to follow the same process. Mr. Stibich asked when we have to exercise the option. Mr. Borczuch replied that Cargill is already calling. Mr. Stibich asked if there was a deadline. Mr. Borczuch stated that if Council wants to go out for bids he will we will not get pricing for a few months and most of the cities are already putting quantities into their stock piles. Mr. Stibich replied that we would risk not getting our stock piles built up. Mr. Borczuch stated that we can pay this amount or we could possibly be at \$70.00 per ton when the quotes come in. Ms. Jones stated to Mr. Borczuch in the future he needs to bring Council the motion with the information before its absolutely necessary that we do it right now. Mr. Borczuch replied he can and stated that we have done this for over 10 years and it has never been an issue which is why he continued the process. Mr. Stibich stated that it would have been nice to have a little bit of information in our packets. Mr. Borczuch replied that the original bid was in 2018. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch stated that today the city received bids for the grant we received from the Northeast Regional Sewer District for the Metropolitan/Holton area. We received seven bids but he did not receive the information from Mr. Sheehy until late today. Once he completed the tabulations Fabrizi was the low bidder at \$239,575.00. Mr. Stibich asked if this is the one he is recommending. Mr. Borczuch replied yes. He stated that the bids ranged from \$239,575.00 to the highest bidder who was at \$404,378.25. Mr. Stibich stated that the sooner this gets approved the sooner the project gets started. Mr. Borczuch replied that the earliest Fabrizi can start is July 5th. Mr. Stibich asked if he was recommending that Council approve this tonight. Mr. Borczuch stated that he would recommend approval. He indicated that Mr. Sheehy would then send this to Northeast Regional Sewer District to inform them that the city has approved the project and then the city can set up a pre-construction meeting with the contractor to begin this project which should alleviate some of the flooding that we have had for a lot of years. Mr. Stibich replied since he has been on Council. Mr. Borczuch replied that he believes it's been 30 years. This will be a big help but won't solve all the issues but we will keep chipping away as we are able to get these funds from the sewer district.

Mr. Chitester asked for his curiosity, what was the reason he choose Fabrizi; what stood out. Mr. Borczuch stated that we choose the lowest and the best and Fabrizi happens to be both. They are able to get started the quickest and have a 60-day completion plan. There was a bidder who was able to have a 45-day completion plan but their bid was \$300,000 plus and 15 days is not worth that much money. Mayor Graven stated that Mr. Borczuch has worked with Fabrizi on the Phase V project. Mr. Borczuch replied Phases V and IV sewer projects, plus multiple concrete repair programs and he does not have issues with them. Everything also checks out for the City Engineer so there is no reason not to go with them. Ms. Jones stated that she just wishes again that she had something to look at in writing when he is asking her to approve this kind of money. Mr. Borczuch replied again, Ms. Jones he received the information late. Mr. Stibich stated that the bids were just opened today at noon and stated that if Ms. Jones would like Mr. Borczuch can send her the information. Mr. Borczuch stated that he can email the tabulations but can't print from home. Ms. Jones stated that if he opens bids at

noon on the same day as Council then send the information right out from his office. Mr. Borczuch replied that he understands but Mr. Sheehy did not complete the bid tabulations until after he left his office. Ms. Jones asked if approval had to be today. Mr. Stibich replied that this did not have to be approved today. Mr. Borzuch replied that Council could approve it at the end of July. Mr. Stibich replied that Council could hold a special meeting. It is Council's pleasure, but if someone wants to make a motion this evening we can vote yes or no, if we vote no then we will have to hold a special meeting and approve it after we review the bids. Ms. Jones replied that we are doing our due diligence which is part of our job as Council people. Mr. Stibich stated that Mr. Borczuch is giving Council the facts verbally that this is the lowest bid and that he believes it is the best. Mr. Borczuch replied so does our engineer. Mr. Stibich stated that Mr. Borczuch gave Council the numbers verbally on the other bids and some of them are astronomical. But, if its Council's pleasure to see more information or for Mr. Borczuch to put it in a written form with a recommendation and showing the competitive bids then he can. Ms. Jones replied yes, then we have the information to do our job and have it in front of us and it's the proper way. Mr. McFadden stated that Fabrizi is a very reputable contractor. He has heard of them many times in his line of work and if they are the lowest and are a reputable contractor, he does not see any reason to delay getting the project started. Ms. Jones stated that no one is saying anything against Fabrizi and no one is saying she wouldn't vote for it she is just saying that when you come to Council your supposed to give us something and it's our job to review things. Mr. Stibich replied that he believes Ms. Jones is right and it would have been nice if we could have had a memo and a recommendation on Friday when we got our packets and if you want that information, we will just have to schedule another meeting to vote on it. Ms. Jones stated that no one wants to do that because she knows most people don't care too much but Mr. Borczuch needs to understand that he can't keep telling us verbally things with pieces of paper in front of him without giving us the proper information even if he had to send it out this afternoon. Mr. Borczuch stated that he has given Council all the information ahead of time but can't control things that he can't get ahead of time other than putting a requisition in there that sometimes she doesn't review. Mr. Stibich stated that in all of his years on Council Mr. Borczuch has always had his "ducks in a row" and always gives a written requisition with comparisons sometimes with the bids attached; he is giving Council the information verbally today because of the time constraints and is the second thing he has given us today without written support; but, his feeling is the same as Mr. McFadden's that it sounds reasonable and he believes that Mr. Borczuch is telling us the truth. If we had a written piece of paper that said the same thing would it make a difference. Ms. Jones stated that she would have documentation. Mr. Chitester asked if Council was able to have 24 or 48 hours to review. He has the fullest trust in Service Director Borczuch because he just saw him working on Sprague Road and does good work so he has a full trust in him; but he wouldn't be against seeing why Mr. Borczuch choose this bid over everything else just for knowledge. If it is the same for other Council people and if we are able to meet within the next 48 hours he would love to get this project started rather than sitting on it and waiting until July or later; he would rather approve it sooner than later. Mr. Stibich asked the Clerk if she could set up a meeting on Thursday at 7. The Clerk replied yes. Mr. Stibich stated that it would be for the specific purpose of voting on the approval of the bids for the Metropolitan/Holton Roads project. The Clerk replied that the project would be the only matter placed on the agenda. Mr. Stibich stated that if no one is interested in making a motion tonight or we don't have a second we won't vote on it and we will meet on Thursday night.

Mr. McFadden moved to **approve** a requisition to Fabrizi Trucking for the Metropolitan/Holton sewer improvement project in an amount not to exceed \$239,575.00; Ms. Buchholz **seconded**.

Ms. Jones stated to Councilman McFadden that she has a lot of questions for him about the budget to see if he knows what he is approving and if he is doing any due diligence. Mr. Stibich replied that this project is being paid for by a grant from the Northeast Ohio Regional Sewer District. Ms. Jones replied right but she is just saying that you have to respect Council and have to provide proper documentation. Mr. Stibich replied that he agrees and this is a unique case and is short notice; the bid process ended at noon today, Mr. Borczuch wasn't able to get us the paper work that he normally does so he gave us the information verbally. Poll: 5 ayes; 2 nays (Jansen, Jones). **Motion carried.**

Mr. Borczuch thanked Council and apologized for not getting them the information but Mr. Sheehy did have to complete his due diligence. He will email the bid tabulations to Council tomorrow at 6:35 a.m. for everyone to review. Ms. Jones thanked Mr. Borczuch.

Mr. Borczuch stated that the Phase V pump stations are being installed and are about 50% to 75% built. We will be bidding out the road repair portion of Phase V and will receive those bids the 2nd week of July. At the tentative meeting scheduled on July 28th he will have those dollar amounts and will bring that information to Council as Mr. Sheehy will have plenty of time to review the bids and bonds.

His department took care of several issues that we found after the storms. He stated that Mr. Chitester mentioned the one on Sprague Road. We ended up replacing close to 80 feet worth of 12" storm in one day alongside an 8" gas main. There were a few other spots by Mapleway and Bagley and in one area we found a 4" gas main that was plugged right through our storm line and Columbia Gas came right out to repair the line. This should help out in the few areas where we had issues.

We will begin our road surfacing projects and concrete program in July. He believes that the Mayor mentioned that everything will be opening up in the parks. We sprayed disinfectant on all of the pieces of playground equipment and the splash pad before we opened. Mr. Stibich asked if that would be done weekly. Mr. Borczuch replied that his department will spray as much as he but it may be bi-weekly as we do not have the staffing to do it weekly.

Odin Rogers, Police Chief

Chief Rogers indicated that he would request approval of a requisition to Duman Lock and Safe for the new doors on the front of the building. This is being paid for by an energy efficiency grant through NOPEC and no money coming from the General Fund.

Mr. Buchholz moved to **approve** a requisition to Duman Lock and Safe for three (3) new security doors for the administration and police department entrances in an amount not to exceed \$23,975.56; Mr. Chitester **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Chief Rogers indicated that he has been asked to give a bit of a review regarding the protest that occurred in our city on June 6th, but before he does that, he would like to say a couple of things. First, any decision that is made is going to be criticized by someone. Look at the situation all around the country, particularly today in Seattle Washington and officials are being criticized for waiting to long to end that occupation, all the while being criticized that entire time for even thinking about ending it. He understands this and accepts it, he also knows that the administration accepts it as well, there will always be critics and whether they are informed or not pretty much any decision you made will be criticized by someone. Secondly, there is a large amount of misinformation out regarding what we knew about the protest, when we knew it, how we disseminated that information, who we

disseminated it to, who was there, who was not, etc. First, we did not have a SWAT team on scene. They were staged out of sight and blocks away as a precaution if things turned violent or dangerous. Officers never surrounded anyone, for the majority of the time there were not more than eight officers at the protest scene, the exemption to this would be when officers rotated out of posts, which he will talk about later, this took minutes at most. There was no K-9 unit on scene. The K-9 officer was staged with cruisers and other vehicles behind the community center and out of sight of the protestors. He brings up these kinds of things to illustrate a point, not any one thing that is talked about, written about, posted on social media, etc. in and of itself is necessarily all that dangerous or used for nefarious means against the police department or the city. However, it is the accumulation of these types of things that incorrectly paints a picture, it presents a false narrative of what actually occurred and this is what he has a problem with. So, it is his intention to give Council a fair review of what occurred on June 6, 2020 at the Olmsted Falls Police Department and what led up to it. We have a duty to the members of the department, the community we serve and the elected officials of the community to evaluate these types of events, explain what we did, what we could do better, to communicate these findings in an open transparent forum. Our goal in these matters is always to increase public trust and confidence. So again, it is my intention to let you know what happened that day.

He stated that this event presented a very dynamic rapidly involving challenge for our department. During his time here, almost 20 years, and to his knowledge, never have we had a protest in this city. We have no local manual on how to do it and we had just been inundated in the media about how some other cities and agencies had gotten in wrong and were unprepared, we vowed that this not be said about Olmsted Falls. So, what did we learn and what did we actually accomplish? Well, planning is the key in these types of operations and we only had about 24 hours to truly prepare for this event. It would have been preferred to have more time and he would have loved that, but we dealt with the situation that presented itself. He will talk in a minute about how we use the ICS system but he would like to read Council the objectives and he will provide this information to anyone that wants it. The ICS form 202, the incident objectives, was filled out by him and given to his boss, the Safety Director, for review prior to the event. These were the objectives: Chief Rogers and Safety Director Graven will oversee the incident from the command center; police personnel will maintain a uniformed but passive presence throughout the area of operations unless criminal and/or violent acts occur; police personnel will be mobile with any group movement to provide pedestrian safety and traffic control; police personnel will respond to any unlawful acts and prevent property destruction; uniform personnel will monitor the activities of congregating groups; police personnel will monitor the activities of individuals practicing open carry firearms; units will be held in reserve and staging to assist and relief deployed officers. These are the objectives that we had for specific reasons.

He stated moving on with the lessons we learned and accomplished that day. We assured the public safety while maintaining protestors and possible anti-protestors rights were accomplished. Our coordination with other agencies went very smoothly; the deployment of officers from this agency, a couple of surrounding agencies as well as the Southwest Enforcement Bureau and Cuyahoga County Sheriff's Department was very successful; we were able to rotate officers to ensure proper health and safety guidelines; EMS units were on scene, thank you Chief Sheehan, in the event of any medical emergencies or injuries; the safety of peaceful protestors as well as officers was achieved. We had no injuries and no medical emergencies. Command and Control a key theme that strengthens the response to a large incident is organized and established command and control we maintained that control through the utilization of a command center. We established a unified command center

through the use of the ICS (Incident Command System) and we used staging areas for SEB and the K9 unit, that he previously spoke about. So, what led up to the decisions that were made on how we would handle the incident, we gathered information on social media to access any threats and received some credible information and some serious threats to protestors. We had to prepare and indeed did prepare for a worst-case scenario. He would like to give a very quick comparison with Bethel, Ohio and he knows that some of Council may be familiar with this. He stated that eight days after our protest, roughly, in Bethel, Ohio with a population of 2700 a protest was held with similar circumstances to Olmsted Falls. He would like to Council a couple of things to compare and contrast because he has been told that Olmsted Falls is small town and we had nothing to worry about. Bethel has a population of 2700 people and we have 8900, the Bethel Police Department said the event was manageable, and that was said prior to the event, it would be manageable for its force of six officers, we deployed almost all of our officers plus other agencies plus 35 other officers, in Bethel after counter-protestors began to move towards the protestors there were 10 incidents resulting in five or six arrests, our heavy police presence at the scene of the protest may have prevented counter-protestors from showing up, we had 0 incidents. He understands that a lot of that had to do with the protestors themselves and he appreciates that. In Bethel protestors were sucker punched by counter-protestors, shoved, signs stolen out of their hands, there were motorcycle gangs there, and other armed groups that crashed that protest; here in Olmsted Falls, we had no violence. It was initially estimated that 20 to 25 people would be in Bethel but they had 800 show up; our research and the work we did through social media we thought there would be about 150 to 200 people; we had about 180 to 200, so we were pretty good on that. Again, Bethel had other groups that showed up like back the blue and second amendment groups, we had information that some of those may show up at ours and that is why we were prepared. He wanted to give Council that comparison.

To summarize, he believes that your police department did an outstanding job with very little time or resources to plan. We were prepared for anything that might occur including counter-protestors, second amendment protestors, medical emergencies, traffic emergencies, just to name a few. The safety of the protestors, the residents, the business owners and of course our officers was always our first priority. We had a detailed plan for a worst-case scenario, we had a mutual aid plan should that have been needed, SEB and K9 units were not there to intimate anyone, they weren't even on scene and were staged away and out of sight of the protest. Lastly, only one week before, 18 miles away in Cleveland, there was rioting, looting, violence and destruction of property we have never seen here. The Cuyahoga County Sheriff himself publicly stated that they were unprepared and we could not risk allowing that to happen here. Again, as he said at the last Council meeting, if anyone wishes to discuss this or any other topic pertaining to the police department, its officers, our training, anything at all he is always available to discuss it.

Mr. Stibich thanked Chief Rogers for keeping the protestors and citizens safe during the protest.

Matt Sheehan, Fire Chief

Chief Sheehan indicated that he distributed a requisition for the maintenance and repairs of Engine 1. The memo he attached explains this request and Fund 106 will be utilized to pay for these repairs.

Mr. Munteanu moved to **approve** a requisition to Fallsway for the maintenance and repair to Engine in an amount not to exceed \$10,000; Ms. Jones **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Nick Vitalone, Finance Director

Mr. Vitalone stated that during the finance committee meeting Council reviewed the city's finances through May. He stated at the end of May the city's revenues were down \$108,000 and expenditures were down \$182,000 so luckily with those one-time revenue items and benefits we received from various governmental agencies we were able to stem the tide. Looking forward we know our income tax is down \$165,000 and that is through June. We expect and RITA estimates that we will lose about \$282,000 this year, so where we will end, he is unsure. So, what we will do with the administration, mayor and all the department heads is work together and to keep our expenditures under control and take advantage of any revenues we might be able to obtain through the CARES Act. The Coronavirus Funds expected are about \$131,000 and should hopefully be received within a week. As long as we can use these funds for first responders and other coronavirus items that would be great. In addition, there may be more funds available, hopefully through the state, he believes there is another \$850 million to be disbursed so it is possible that we would get another disbursement later.

As he has previously said we expect probably another rough month or two and then a come back in the fall. If that happens, we should be able to weather the storm. We will monitor the situation and try to keep our expenditures under control and take advantage of any revenue we can get for the city.

In addition, there are two resolutions on the agenda tonight for Council's consideration. Resolution 35-2020 establishes the Coronavirus Relief Fund where we will account for all of the expenditures pertaining to the Coronavirus Pandemic and any revenues that would come in. The second Resolution is 36-2020 which is the annual alternative tax budget for 2021. This has to be approved and submitted to the County Budget Commission by July 15th. This shows the the city's need for the property taxes that are levied. We have several levies out there and inside millage and this will say that yes, we need those funds. We will submit this showing the beginning balances for 2021, revenue and expenditure estimates and then a listing of some of our general obligation bonds. This will then come back from the County Budget Commission with rates that will need to be approved by Council before October 15th.

Mr. Stibich asked if he would email the financial statements for June when Ms. Veloski has them ready. Mr. Vitalone replied yes, sometime in July. Mr. Stibich stated that if there is a need to meet we could hold a finance committee meeting but he does not anticipate anything new until we see July's results.

Councilman Jay McFadden, Ward I

Mr. McFadden **moved** that Council recess for the months of July and August and authorize the Finance Director to pay bills during that recess; Mr. Chitester **seconded**.

Ms. Jones stated that Council will meet at least once to approve any large purchases like we have done in the past. Mr. Stibich replied that he would request that Council keep the 4th Tuesday of July and August open in case a special meeting is needed. Of course, something else could come up where a special meeting would be needed other than the 4th Tuesday. Ms. Jones replied that since Council tentatively meets once in July and August if she wanted the legislative committee to meet to introduce ordinances and we get them to the Clerk on time could they be addressed. Mr. Stibich replied absolutely, any Council person can introduce legislation. Ms. Jones replied rather than wait three months so it would not have to start in September. Mr. Stibich replied that she would not have to wait three months if it was something urgent or needed to be addressed then we could call a special meeting. He stated that Ms. Jones' committee can meet anytime as the chairman can set a date for a

committee meeting, in the past he has been on committees that have met during summer recess. Ms. Jones asked if we could also have a work session during the summer. Mr. Stibich replied that it would depend on what the need would be but he would rather not. He indicated that if there was something that needed to be discussed to contact him and he could schedule a work session. Ms. Jones indicated that a gentleman sent an email, that Council was copied on, sent to the Mayor by an Olmsted Falls resident with like 10,000 questions so she thought we could have a work session with the police department to get the answers quickly. Mayor Graven asked if she was referring to the email from Dr. Makari. Ms. Jones replied yes. Mayor Graven replied that those are being addressed by him, Chief Rogers and the Law Director. Mr. Stibich suggesting waiting to see what the response is and what Mr. Makari would like of Council to do. Ms. Jones stated that she was just curious. Another thing, she knows that the officers get diversity training periodically but when was the last time they had cultural diversity sensitivity training. Mr. Stibich replied that we are currently voting on having a summer recess and that she could bring this issue up during her report. Ms. Jones replied okay and that she just wanted to ask him that question. Poll: 7 ayes; 0 nays. **Motion carried.**

Councilwoman Yvonne Buchholz, Ward III

Ms. Buchholz would like to thank the officers that came to her neighborhood last week for a fireworks complaint that could have resulted in a lot of violence. The officer handles the incident with poise and patience. She does not believe that she could have handled the situation they way the officer did. She would also like to thank Mayor Graven and Officer Ralph for visiting her neighbors and reassuring them that the police would be patrolling the area on a regular basis. She stated that one of her neighbor's told her that her husband thought he was a rock star because the Mayor took the time to speak to him and thanked the Mayor for making her neighbor feel important. Mr. Stibich indicated that he heard some of the details of the police incident and the abuse that the individual gave the officer was unbelievable and considered verbal abuse. The officer handled the situation very professionally. It is amazing the patience and professionalism that our police have. Ms. Buchholz replied that it was great to see.

Councilman Brian Chitester, Ward IV

Mr. Chitester thanked Director Borczuch for his work on Sprague Road. He will check in with a couple of the residents to see today was with the rain. He knows that it was not as torrential as in the last few weeks but he will double check with them.

He asked if Chief Rogers had any updates regarding the issue on Grist Mill. He had been working with the clerk and doesn't know if there are any new developments. The situation on Grist Mill is with the gentleman and a truck being parked on the street. He also wanted to thank the Chief for all his work with the demonstration, and like always he is a rock star in this town.

He stated that he was on his way to an ABR meeting and there was a woman at Speedway who had locked her keys in the car; he called the non-emergency line for her because she also left her phone in the car and he would like to thank whichever officer who responded to that call and helped her a couple of weeks ago.

Councilwoman-at-Large, Jennifer Jansen

Ms. Jansen asked Ms. Reichle, if she was still online, to copy her on the emails regarding her questions as she would like to have those answers as well.

Council Pro-Tempore, Lori Jones

Ms. Jones also asked Ms. Reichle to copy her as well. She also suggesting copying the chairman of Planning and Zoning because maybe the city and planning and zoning could work together to come up with some program so everyone is on the same page and then we won't get all these questions because the issues will have been resolved.

She stated that she would like to hold a legislative committee and asked Councilman Chitester and Councilwoman Jansen to let her know their schedules.

Councilman Cornel Munteanu, Ward II

Mr. Munteanu stated that during last week's Planning and Zoning Commission meeting everything was approved for the developments off of Columbia for the East and West side, so that project will be moving forward. Ms. Jones asked if they will be going forward as they are just getting under their year. Mr. Munteanu replied that they are moving forward. Ms. Jones asked if he knew when they would start. Mr. Chitester replied that all the homes have to be approved through ABR and the developers were at the last meeting and the homes look beautiful but they still have to go through the ABR process.

Council President Paul Stibich – No Report

Andrew Bemer, Law Director

Mr. Bemer indicated that he would like to give Council an update regarding the city's litigation schedule. On June 10th there was an oral argument in the 8th District Court of Appeals regarding our successful Motion to Dismiss on the William Traine litigation. The issue at hand was that the complaint was deficient in addressing his allegations of a wrongful termination. Hopefully, we will have an appellant decision within the next two or three months. We have another piece of litigation known as Gilles/Battaglia that is now in federal court and there is a mediation on that litigation scheduled for July 16th. We have some other pieces of litigation that continue to pend; the Solarz and Donegan matters. Motions have been filed that had some depository aspects and we are awaiting rulings on those.

Ms. Jones stated that she forgot to ask Chief Rogers a question during her report. She asked when was the last time our police force received cultural diversity sensitivity training or whatever it is called. Chief Rogers replied that the officers have state mandated training going back to 2015, he cannot give the exact dates that we had the cultural sensitivity or cultural diversity but does know it has been several years. He stated that since Ms. Jones brought up the issue he can say that in 2015, 2016, and 2017 every officer on the department completed the continuing professional training mandated by the state that included, and some of these topics are germane to what she is talking about, trauma informed policing; tactical application of force; procedural justice and police legitimacy, which includes implicit bias; legal updates; community police relations; crisis de-escalation with a focus on mental illness; constitutional use of force; human trafficking; domestic violence; all of these things are classes that all of our officers have been to; and twice in the last three years we have completed sexual harassment training in this department. He brings all this up because he knows that there is going to be a focus on training moving forward and he would urge Council to look at the police budget, he originally had budgeted \$12,500 for training it is now at \$7,000 and he did not cut the amount, Council approved it. He understands that Council wants to make sure that we are hitting these hot topic trainings right now but someone has to pay for that. Ms. Jones asked Mr. Bemer if he could do cultural training. Mr. Bemer stated that he has done basic harassment in the employment

law sector, and first amendment rights of public employees but he believes that what the Chief is alluding to is training that is certified and to get the necessary acceptance and certification they need a certified trainer. Ms. Jones asked if the city do it with another city and save money. Mr. Bemer replied that the Chief would have to look into that. He stated that Council's comments are quite cogent as the Mayor has brought this up with the Chief as well as himself, because this is very topical right now and everyone wants to know what are the use of force policies of the police department; what have you done with influx and bias training and have you had training in de-escalation of situations. He has represented police forces for 20 years and they are asked to do way more than the resources they are provided. For example, de-escalation, well that's wonderful but how do you know you have someone who happens to be homeless or is autistic and reacts negatively to commands they are asked to be social workers and mental health experts, it's a tough job. As the Mayor alluded to and as the Chief continues to allude to, safety is always the top priority in any law enforcement agency. How do you maximize the public dollars well that's the 64-dollar question? Ms. Jones replied right, and it's also to make sure that our officers are equipped with what they need to know. The Chief shared his use of force policy with her when she asked a couple of questions and there is one section which is pretty good and it says if you see a fellow officer using excessive force you are supposed to intervene, which she was very surprised to see in ours as she thought it wasn't. She is not saying she is an expert but as a person that would be on the other side, she thought it was pretty good. Mr. Stibich stated that he is pleased to hear that our policy has that in there but is not surprised. Chief Rogers stated that if he could interject, the actual section of the policy is titled duty to intercede, so Ms. Jones they are not supposed to do it they have a duty to do it and that has been our policy for years. Like Mr. Bemer stated there is germane and topical things being talked about and one of those is a choke hold, we do not authorize nor do we train to do choke holds in our department. As this relates to Dr. Makari's questions, many of those things which we are working on which he worked on this morning with the Mayor to develop a response to several things in the request, and the choke hold was one of them. He discussed this with the Mayor pretty extensively this morning and he can assure Council that we are working on all these things. As far as the training he is well aware of the fact that not every certificate or every piece of documentation is in every officer's personnel file, and he is already working on that. He has reached out to the entire department and indicated that they are to provide him with all of their training certificates. He can only attest to what was put into these in the last two years, prior to that he can't and quite frankly he doesn't have the time to go and peruse each and every officers personnel file, he knows it's important to have the documentation in there and we are working on that as we speak.

Ms. Jones asked the Council President if Council could adjourn into executive session so she can ask one question. Mr. Stibich replied no as it was not placed on the agenda. Ms. Jones replied okay. She stated to Chief Rogers that she heard that there was another internal harassment complaint filed against a person that already has another harassment complaint against him in his department. Mr. Stibich asked if this could properly be discussed at this meeting. Mr. Bemer replied no. Mr. Stibich stated that this is more proper for an executive session or a private conversation with the Chief, Law Director and Mayor. Ms. Jones replied okay and that she just heard this today. Mr. Bemer asked Ms. Jones if she wanted to call him and explain to him what is going on, he would share that with the Chief and then we can put our heads together and discuss it. Ms. Jones thanked Chief Rogers for all the information.

Old Business - None

New Business

Resolution 35-2020

A RESOLUTION CREATING A SPECIAL FUND FOR RECEIPT OF MONIES RECEIVED TO COVER EXPENSES CONSISTENT WITH THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT, AND DECLARING AN EMERGENCY

First Reading

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

Resolution 36-2020

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF OLMSTED FALLS, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2021 AND DECLARING AN EMERGENCY **First Reading**

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

Resolution 37-2020

THE CITY OF OLMSTED FALLS IS RESOLVED TO OPPOSE RACISM AND RACIAL INJUSTICE AND IS COMMITTED TO PROMOTING RACIAL JUSTICE AND UNITY AMONG OUR CITIZENS **First Reading**

Mr. Chitester moved to **discuss**. Mr. Chitester stated that he is appreciative of how the legislation reads and would like to add his name as one of the sponsors and asked if the remaining Council members would like to join him.

Mr. Chitester stated that he believes a motion to amend the legislation to add Council members names to the introduced by line would be needed. Ms. Jones stated that she was working on a piece of legislation too and she spoke with Mr. Bemer who indicated that he would back her up. Mr. Bemer replied that Ms. Jones is correct, she spoke about this a few weeks ago and in the processes of yesterday when the Mayor indicated he wanted one and had a template from another community we worked on it and believes it was passed along to the President of Council. He apologized to Ms. Jones and stated that they did talk about her interest in this. The Clerk then asked if all members of Council would like to put their names on the legislation. Everyone replied yes. She suggested making a motion to amend the introduction line to read "Mayor and Council as a Whole".

Mr. Chitester moved to **amend** the legislation to read "Mayor and Council as a Whole" in the introduction line; Ms. Buchholz **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **suspend**; Mr. Munteanu **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Chitester moved to **waive** the reading in its entirety; Mr. Munteanu **seconded**. Voice Vote: 7 ayes; 0

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

Miscellaneous New Business - *None*

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

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

The meeting adjourned at 8:37 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council