

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, December 27, 2016, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 6:00 p.m.**

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the meeting to order at 6:01 p.m. Roll call was conducted. Councilmen Jay Linn, Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, and Terry Duncan were present. Kyle Miller was excused.

Also in attendance: Gregory M. Sponseller, Law Director, Mike DeSan, Asst. Finance Director, and Steve Presley, Finance Director. Audience: 1.

**Approval of Minutes**

Mr. Stibich moved to **approve** the minutes from the Regular Council Meeting of December 13, 2016; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

**Consideration of Amendment to the Agenda - None**

**Mayor's Report and Appointments**

Mr. Sculac moved to **approve** a requisition to United Rentals for the rental/delivery fees for an excavator used for the demolition of the old service garage for a week in an amount not to exceed \$2,955.00; Ms. Garrity **seconded**. Mayor Donegan stated that as we get the area ready for economic development. This was originally condemned by our building department which is the reason for the move and this finalizes the whole plan. Mr. Linn stated that Mr. Borczuch completed all of the work in this demolition in house which was a savings to the city. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Duncan moved to **approve** a requisition to Republic Services (Allied Waste) for a 40 yard dumpster for the removal of debris from the demolition of the old service garage in an amount not to exceed \$10,000; Ms. Garrity **seconded**. Mr. Stibich asked which fund would be utilized for both requisitions. Mr. Presley indicated it would be the service department's operating fund. Mr. Stibich asked if there were enough funds appropriated to cover the requisitions. Mr. Presley indicated that all the appropriations before Council include this information. Poll: 6 ayes; 0 nays. **Motion carried.**

Mayor Donegan indicated that the over 300 Phase V certified assessment letters were mailed out. Unfortunately the U.S. Postmaster ended up in most cases signing on behalf of the residents therefore nulling the legal requirements of the certified notice and she has never heard of such a thing in her life. Mr. Linn indicated that he has never heard of anything like this either but nothing would surprise him out of Brookside Drive. Mayor Donegan stated that obviously the post office will not only pay for the time but also another certified mailing. This will also put the project a month or two behind. In the second mailing there will be a note indicating the reasons behind the second letter. She will also be taking this issue up the ladder to Congressman Renacci and Senator Patton. Mr. Sculac asked if any contact was made with the director of the post office. Mayor Donegan stated that the supervisor was contacted and it was explained that it was the busy season for them and that was the only reasoning received. She indicated that the carrier signed their individual name and marked agent. Mr. Linn

indicated that there is no excuse for that kind of mistake when it deals with an entire sewer project and runs upward of \$10 million dollars.

**Communications from Residents - None**

**Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2016-23; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays.  
**Motion carried.**

**Officials Reports:**

**Steve Presley, Finance Director – No Report**

**Mike DeSan, Asst. Finance Director**

Mr. DeSan indicated that he will have the year-to-date reports at the beginning of next year.

Mayor Donegan stated that there was another accident at Mill and Brookside. We are looking into a cause for the problem besides people just not paying attention when they are driving.

**Councilman Jim Haviland, Council-at-Large – No Report**

**Councilman Bob Sculac, Ward I**

Mr. Sculac thanked the service department for picking up the rest of the leaves. He had a number of issues with leaves being left out. He thanked the finance department for all their work with the year-end information during the holidays.

He stated that recently he received the June 2016 minutes from the Environmental Protection Board and at some point he believes there needs to be some process or protocol by which minutes are distributed earlier than six months late. This has become a habit with the park and recreation board and so forth. He believes something needs to be done either through the Mayor's office or the clerks that are transcribing the minutes. He stated that it would be nice to know the information earlier than six months after the meeting. Mayor Donegan stated that she believes in the Rules of Council there is something that addresses the time in which minutes should be produced. Recently she attended an EP Board meeting when Ms. Duncan was out of town there was an issue with a lack of a quorum for the last couple of meetings. However, we have had an issue with secretarial boards and commissions. We are getting up-to-date and Ms. Grospitch will now be taking over Shade Tree and has caught those minutes up to date and that board will begin meeting quarterly rather than monthly. She indicated that Board of Zoning and Planning Commission have combined and we have designated Ms. Mancini back to that board. We are cognizant of this issue because as a councilman you use this information to be informed as to what is going on with the boards and commissions.

**Councilwoman Terry Duncan, Ward III – No Report**

**Councilman Paul Stibich, Ward II – No Report**

**Councilwoman Linda Garrity, Council Pro-Tempore**

Ms. Garrity stated that the Cemetery Superintendent position is open at Chestnut Grove. The information has been placed on Facebook and is on the Olmsted Township website and asked Ms. Mancini to place on the city website. This is a part time position. We have received a fair number of responses and all applications will be reviewed until January 5<sup>th</sup>. Mr. Stibich indicated that Ms. Dumound also placed a notice in the Sun News.

**Councilman Jay Linn, Council President**

Mr. Linn would like to express his delight with Mr. Sculac who is a staunch member of whatever board or commission he sits on. He stated that George Smerigan and Santo Incorvaia were instrumental in fending off the boogie man at the last meeting of Planning Commission. He stated that Mr. Smerigan was up against the wall in particular. He hopes that the board members can look through the forest and see what the actual turn of events will be as far as the development of the rest of the city's 250 to 320 available acres rather than focusing on this little section of woods. We are looking at the entire city and what needs to happen. He indicated that he made his points during this meeting and unfortunately had to leave but he understands that Mr. Smerigan, Mr. Incorvaia and Ms. Migliorino were instrumental. He stated that Ms. Migliorino sees what the actual issues are and will make a great member on the JEDD Board and maybe the key to what has been lacking for the last 20 years.

Mayor Donegan indicated that she had a long conversation with Mr. Shepka and is aware that Mr. Smerigan met with Mr. Shepka last week for quite some time to build a consensus. She believes that Mr. Smerigan understands what Mr. Shepka is attempting to say and vice versa. She believes that at the end of the day this will be a great blend of Shade Tree and Mr. Smerigan's suggestions.

Mr. Linn stated that he understands protecting your own little section of woods but you also have to look at the entire community and not just "your back yard" and that is hard. He spent a lot of years on the Planning Commission when building was going on all around his property, some he was found, some he could care less about, and some he was opposed to, but, he had to set that aside and do what needed to be done for the entire city. Mayor Donegan stated that Mr. Linn brings up a point that needs to be addressed and that is "not in my back yard" and what the city's strategy will be. She is also fearful of what would be allowed in her back yard because it is a beautiful set of woods. We have to take the leadership position and make sure that buffers are appropriate and not overlooked because that is the city's job. If we work with the public we will see better development in the rest of the land that is available. She was fearful being along the MUPD on Columbia Road and what would happen.

Mr. Linn stated that knowing what he knows about zoning over the years, this is the best opportunity to get the best deal the city could possibly get for a ratty piece of land with falling down trees, which is what this basically becomes. This will give the city a tremendous amount of control over the finished product. Mayor Donegan stated that people sometimes believe that the government is trying to hide something when in actuality these laws give the Planning Commission more authority in the outcome than they have ever had but it sounds too good to be true. Mr. Sculac stated that he does not believe that the bulk of the people at the meeting understood that this was not the end product. They did not understand the fact is no matter what happens the developer will have to get approvals for anything he wants to do. Mayor Donegan stated that you inherently think that the city is not giving them all the information. Mr. Linn indicated that the individuals in attendance attacked the proposals from all levels and Ms. Migliorino is so well rounded in these types of things and where the money is

going to come from and what it is going to create. Mayor Donegan stated that Ms. Migliorino worked for two governors in this same position.

Mr. Sponseller stated that Mr. Sculac did inquire at the last meeting regarding Ms. Migliorino and a memo was distributed indicating that there will be no conflict with her appointment.

**Gregory M. Sponseller, Law Director**

Mr. Sponseller stated that he is proud to be here with this Council and Mayor. What has been accomplished has been significant and what will be accomplished in the future is even more exciting and more significant. He does appreciate the opportunity to serve with this team and looks forward to working with everyone to move the city forward.

Mr. Sponseller stated that Mr. Sheehy sent an email and looks like all the bids for Phase 5a were received so expect legislation to award a contract so this portion of the project can begin.

He stated that a meeting was held with the East River Road residents and he has heard from a few of them and wants Council to know that he would like to get this issue accomplished in 2017.

**Old Business**

***Ordinance 49-2016***

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY TO CHANGE THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 281-14-001 CONSISTING OF APPROXIMATELY 53 ACRES AND LOCATED WEST OF MAPLEWAY DRIVE FROM I-2 "INDUSTRIAL MANUFACTURING DISTRICT," TO MUTND, "MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT" **Third Reading (referred to Planning Commission 09/27/2016)**

**Remained on table**

***Ordinance 54-2016***

AN ORDINANCE AMENDING CHAPTER 1218, TREE PRESERVATION AND MANAGEMENT; AND SECTION 1232.06(C)(5) OF THE CITY'S PLANNING AND ZONING CODE TO PROVIDE FOR LANDSCAPING AND TREE PRESERVATION AND REPLACEMENT REQUIREMENTS IN THE CITY FOR CERTAIN DEVELOPMENT OF LANDS IN EXCESS OF TWO ACRES **Tabled on Third Reading (11/22/16)** (referred to Planning Commission and Shade Tree Commission on 10/24/16)

**Remained on table.**

***Ordinance 70-2016***

AN ORDINANCE ADOPTING CHAPTER 1469 OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS TO ESTABLISH EROSION AND SEDIMENT CONTROL AND DECLARING AN EMERGENCY **Second Reading**

## **New Business**

### ***Ordinance 71-2016***

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OLMSTED FALLS, OHIO, FOR THE PERIOD COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016. REPEALING ORDINANCE 55-2016, AND DECLARING AN EMERGENCY **First Reading**

Mr. Linn moved to **suspend**; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **adopt**; Mr. Stibich **seconded**.

Mayor Donegan stated that the finance department does a good job watching the city's spending. Mr. Sculac asked if the city will show a deficit at the end of the year or a surplus. Mr. Presley stated that he still needs to review the open purchase orders. If the purchase orders remain open this will ensure that the city's level of spending does not exceed the appropriations on a legal matter. This is not the total expenditure for the city and will be less. He believes it will be close due to the extra legal expenses incurred in the general fund. He stated that the general fund will show a less balance because we have over \$200,000 of advances to cover shortages in funds where the grants dollars have not come in. If they come in this week he will not make any transfers but he had to include them in the appropriation because he cannot have a fund end in a deficit. The advances will be repaid to the general fund once the reimbursements are received. In total the general fund budget is being reduced by \$184,520 as a result of this appropriation ordinance including the \$216,000 of advances. Mr. Sculac asked if Mr. Presley anticipates by the second Council meeting in January that the close out of 2016 will be available. Mr. Presley replied yes and suggested a brief finance committee meeting prior to the Council meeting. Mr. Sculac stated that he would like to schedule a finance committee meeting prior to the second Council meeting in January beginning at 6:45 p.m. Mr. Presley stated that he adjusted only the funds were in need, for example, the street construction fund, personnel went down but operating went up. At this point everything looks financially sound as we head into 2017.

Ms. Garrity asked Mr. Presley to reiterate his comment regarding the advancements. Mr. Presley indicated that since there will be a receivable with the advances the general fund will look less than it did at the beginning of the year. You need to take into account the fact that there are advances in excess of \$200,000. He will review all the open purchase orders and close them out at the end of the year which will add additional unencumbered dollars to all the funds. Mayor Donegan stated that the city's spending will most likely not exceed income. Mr. Presley indicated that was correct other than the advances. Poll: 6 ayes; 0 nays. **Motion carried**.

### **Miscellaneous New Business**

Mayor Donegan indicated that she had a meeting with the Cleveland Clinic last week regarding Community Paramedicine. In terms of Community Paramedicine we do know where Southwest stands and they have not been at the table. The President of the Clinic's Fairview location was at the meeting along with the Clinic's Director of EMS and we will be moving forward. We will be enrolling about 20 patients by January.

Mr. Linn stated that the company the Chairman of the Planning Commission works for has a bridge that was constructed for another site to act as a temporary bridge and his company is willing to make a substantially expensive project very affordable with this pre-fabricated bridge that will address the crossing from behind the old service garage on Brookside to the parking area behind Grand Pacific. He said that not only do we have the opportunity to get this structure for pennants, but, Mr. Williams has indicated that if we get this bridge he will make it covered. He has not heard anything this exciting since the first covered bridge. If this is operated correctly during the planning stages we could open up probably 50 additional parking spaces to serve the Grand Pacific. He knows that when Mr. Williams says he will do something he will. This is in the discussion stage but he is going to get involved and keep pushing as he would like to see this become a reality along with freeing up 50 spaces that we really need. Mr. Sculac indicated that he would be willing to help as well. Mayor Donegan believes Council should get involved. When you look at the potential of the back of the service garage and the empty space along with a beautiful location some and the importance of connectivity to bring everyone to the downtown area. Mr. Linn indicated that Mr. Williams is excited. This idea was discussed during the luncheon last week. Mr. Sculac asked if the bridge would be long enough. Mr. Linn replied that Mr. Iafigliola believes the bridge is 20 feet bigger than what is needed which will make a nice view of the railroad trains. The second bridge is next to the train trestle that holds the tracks. Mayor Donegan replied that this is what they call a public/private partnership.

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

Mr. Sculac moved to **adjourn**; Mr. Linn **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 6:33 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*