

City of Olmsted Falls
Minutes of a Special Council Meeting
Monday, October 22, 2018, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:00 p.m.

The Pledge of Allegiance was recited. Council President Paul Stibich called the Special Council meeting to order at 7:03 p.m. Roll call was conducted. Councilmen Jim Haviland, Lori Jones, Ed Gorski (arrived at 7:10 p.m.), Terry Duncan, and Lee Fenrich were present. Denise Nicolay was excused.

Also in attendance: Paula Accordino, Economic Development Director and George Smerigan, City Planner. Audience: 19.

PUBLIC HEARING

Council President Stibich stated that the Olmsted Falls City Council will hold a public hearing on Monday, October 22, 2018 at 7:00 p.m. in Council Chambers at the Olmsted Falls Administration Building, 26100 Bagley Road, Olmsted Falls, Ohio 44138.

The reason for this public hearing is to consider a recommendation from the Planning and Zoning Commission regarding a proposed amendment to the zoning classification for PP NO's 281-22-022; 281-22-021; 281-20-055; 281-17-010; 281-17-011; 281-17-012; 281-17-016; 281-20-054 and 281-17-017, consisting of approximately 9.74 acres located along Brookside Drive, from P-1 "Professional and Medical District" and I-2 "Industrial Manufacturing District" to MUTND "Mixed Use Traditional Neighborhood District."

The proposed ordinances, along with any applicable map, plans and recommendations will be available for review in the office of the Clerk of Council between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday. The Clerk of Council's office is located at 26100 Bagley Road, Olmsted Falls, Ohio 44138. All interested parties will be afforded an opportunity to be heard on the issues.

Mr. Stibich indicated that a public hearing was held before the Planning & Zoning Commission and he indicated that Chairman Iafigliola did a wonderful job at running the meeting and affording everyone time to speak. He would like to follow the process he used in running that meeting. He would like to point out that this is an opportunity for residents and interested parties to express their concerns and direct comments on this issue to Council. This is not a debate nor a question and answer session it is a chance for each resident to tell Council what they think, please remember that you are making your points to Council. This hearing is regarding the zoning issue and is a separate issue from the revitalization district. All parties have the right to be heard and he would ask everyone present to be respectful of the views of each speaker, allow each person to make his or her points and speak uninterrupted. He would ask each speaker to be concise and make their points when addressing Council. When we are finished if there is anyone that would like to speak again he will permit a second statement.

He indicated that each speaker should state their name and address and whether you are in favor or against the zoning legislation for the record.

Joan Tabar, 25601 Elm, stated that she has lived in the community for 24 years and is against the zoning changes. She is asking Council not to pass the proposed zoning changes because the zoning changes are not compatible with the charming character of the historical neighborhood which is an integral part of what makes Olmsted Falls unique among its western suburbs. The neighborhood is barely hanging on to its residential nature as it is and the additional permitted uses like retail businesses and restaurants even multi family dwellings, hotels, parking facilities will certainly tip the scales. The current non-residential buildings in the area are non-intrusive they do not draw excessive traffic except maybe the post office and business is limited to daytime hours. The proposed additional permitted uses, even multi-family dwellings, would draw more traffic for extended hours. Charm is an illusive thing which sadly we have little of in our society anymore and it is easy to lose. People today seem to hunger for a sense of home that charm provides many millennials are looking for smaller cozier homes instead of big boxes that many developers are providing. Some cities have managed to retain their charm and thriving like Medina, Hudson, Oberlin, and then some succumb to the atrocities of the 60's and 70's redevelopment that are practically dead now like Painesville which is a good example of a beautiful downtown they gutted it and now cannot keep businesses there. We do not want to lose what is left of our charm which is already strongly challenged by the development that has already taken place in her neighborhood as well as the planes, trains, and automobiles that ratter our homes. We want to continue to be what we are, what all who purchase homes her expected to be, a charming residential neighborhood. The proposal to establish the mixed-use traditional neighborhood district does not seem to conform to the ordinance for doing so. Section 1260.02(a) indicates that such a zone has to have a minimum area of not less than 15 contiguous acres. She is not sure how the unique circumstances have been met to make it less than 15 acres, nor how even the 9.74 acres under consideration can be considered contiguous given its division by roadways and railroad tracks. Section 1260.02(b) says that at the time of establishment the district shall be controlled by a single person or corporation or group of individuals or corporations and it goes on from there. With the application filed jointly by owners of all property in the project area. Public records reveal these parcels are not owned by the same people nor is there an indication that this has been requested by all property owners. She would like some help in understanding how this works would be most appreciated because she does not see how it is conforming with our own ordinances. Mayor Graven whom he commends for returning her call unlike her council person and discussing the matter with me at length pointed at that there are already a number of businesses on Mill Street. These businesses however are clearly in the downtown area, Plum Creek forms a natural barrier between the downtown area and our primarily residential neighborhood, breaching that barrier will ultimately led to the destruction of our neighborhood making it just another part of downtown Olmsted Falls. The Mayor also said that you have reports from experts that say the old fire station parcel is a great spot for a restaurant, she is not sure who these experts are but they must not live here. First, she has not seen the reports but she is highly skeptical of expert opinions. In her 40 years of lending experience you would be surprised how many times the highest and best use for a property is the use the developer is proposing. Secondly, the parcel is right next door to a historic single-family home and she does not know how that is a good place for a restaurant, traffic both customers and food deliveries which go on all day, late business hours, and the inevitable food related vermin would make this lovely home uninhabitable as a home, how would you like that to happen to you home and your family. The Mayor's concern about providing more amenities for residents and draws for visitors as well as expanding the tax base to lower taxes for residents, these are not bad goals but she has to say that her taxes aren't much different than when she first moved in and they do not seem

substantially different from our neighboring suburbs, but, to do so at the expense of neighborhoods she thinks is unacceptable and would be as unacceptable to her if it were your neighborhood and not hers. Political questions when you scratch the surface are ultimately value questions, this particular question revolves around the economic power and community. How much money can be had versus how adversely a neighborhood would be affected. She does not believe you can build a healthy desirable town on the backs of some of its residents. This area is part of what makes Olmsted Falls different from other local suburbs and part of what drew us to this city. She believes we risk losing the soul of the city if you start permitting development of this neighborhood in a way these zoning changes would allow. She is reminded of an article she recently read about the loss of charm in our culture and would like to share with you its final lines, "charm is one of life's lovely luxuries no one truly needs it but how sad to live without it." We pray that you vote against the proposed changes.

Mr. Stibich stated that Ms. Tabar makes some points regarding the legality of this legislation and he indicated that he will speak with the law director and get some answers. He does know that there is a provision in the law that allows the city to waive the 15-acre requirement and the zoning commission did waive that requirement. Ms. Tabar indicated that the property still has to be contiguous. Mr. Stibich indicated that this issue would be addressed with the law director.

Roberta Schwimmer, 8093 Brookside Drive stated she is disappointed that there are two people missing this evening. When the first public hearing was held there 56 people here but unfortunately when you keep postponing and cancelling and having little recesses and changing and tabling everything people tend to drift away, which is what is predictable and has happened. But, they are home and are aware of what is going on and most of them are in the strongest demographic of voters so she would like to remind Council of that even though our Chairman of Planning and Zoning wanted to imply that most of the city outside of the historic district would be delighted with these concepts of restaurants and multi-use. She stated that her property is located next door to the old fire station, which apparently according to a map she receives she has been written out of the historic district, which she does not understand and hopefully she will get some answers to that and asked Mr. Gorski to help her look into why all of a sudden after being on the inventory and being a very significant historic home in the town she is not located in the little map. Mr. Stibich stated that being in the historic district is not the same as being on the inventory there are houses outside. Ms. Schwimmer stated that the waiving of the acreage requirement is possibly extremely legal, she has no doubts that it was legal it is just she does not understand why we would do that. Why do we have acreage requirements, she is sure that there are acreage requirements for virtually everything. She would like to have a goat but as far as she knows there is a two-acre minimum and maybe the city would waive that so she can have a goat. It does not make any sense to her that you can just do that. In fact, none of this has made any sense to her from the beginning, its almost been like its been an absolute done deal. In light of that, she would like to also ask every person on Council who was not at the meeting where there were 56 people present or the subsequent meeting where there were 20 some people present would you please do us the courtesy of reading the transcripts so you can hear what the other people had to say that were in attendance and she does not believe there were more than three or four people that were in favor of this. Mr. Stibich asked Mr. Gorski, Mr. Haviland, Ms. Jones, Mr. Fenrich, and Ms. Duncan if they read the transcripts; everyone replied yes and that portions were highlighted. Ms. Schwimmer indicated that made her feel better. Mr. Stibich stated that Ms. Nicolay had a family emergency and could not be present this evening. Ms. Schwimmer stated that as long as the transcripts were available and everyone study them it does not matter if people were present or not. Mr. Gorski stated that the Council Clerk does a very good job of making sure Council is well informed. Ms. Schwimmer stated that she wanted to make sure Council read the

transcripts. She would also like to mention that the magazine she recently received made her furious, it is a piece of PR. An article starts out that we are a Norman Rockwell kind of town, well that is very precariously balanced at this point and these words were never said at any of the meetings that make it very clear now that the goal of the rezoning is to make the town the focus of restaurant tourism. To her that hits in her solar plexus, Olmsted Falls restaurant tourism, where is that in any of the reasons why anyone that lives in the charming part of town bought a home. When her friend and neighbor Marilyn Vance were going around notifying people of the first hearing and knocking on doors, we heard repeatedly this is not why they moved here and people, not just in Ward I have said this in other wards, this is why they moved to Olmsted Falls was the ambiance, it will not suffer through that with any resemblance of what it currently is, it simply won't. She would like to read briefly, today she happened to hear by fate on MPR that there was a study why businesses or why there are empty storefronts in all of our major cities more so even than in 2008 during the recession and it is primarily because of online buying. So, all these little stores that you want to bring custom to by opening restaurants, this is the rationale behind it, that's not going to help these stores it never has in a basic demographic like ours and it won't. We are not Lakewood, which is mentioned in an article, we are not Chagrin Falls, we are not Aurora and we are not Hudson, we don't have that demographic even though you build something its going to look like Crocker Park or a miniature Legacy Village its not Beachwood or Westlake. You are not going to get a Cheesecake Factory, thank god, and you're not going to get Ann Klein, or upscale clothing you are going to get small businesses that unless they also maintain an online presence are not going to last. As far as the restaurants this is coming from CNBC, "restaurant business is not for the faint of heart of stomach, they have a high failure rate but knowing why can help prospect owners avoid a similar fate, about 60% of new restaurants fail within the first year and nearly 80% shutter before their fifth anniversary." There will be other statistics online that you can look and check but this has usually been the prevailing knowledge. Often the number one reason is simply location and the general lack of self-awareness that you have no business actually being in that location. Where you want to expand there is no visibility and this will leave the burden of advertising and promotion upon business owners who are overwhelmed with rents, if they bought the business with financing they would still have to market. Fortunately, the hip new part of town with cool shops and lots of foot traffic also comes with a price tag and while it might be nice to sell meatballs right in the heart of everything those meatballs had better be spectacular because the landlord doesn't care if it's your grandmother's recipe the landlord cares about rent specifically that you pay it. Location is just one of many reasons why the restaurant business is not for the faint of heart and though it may arguably be the most serious concern it's just one more thing piled on to a mountain of obstacles that includes low start up capital, inconsistent foods and things of that nature. In our town, she doesn't know why this didn't occur to her before, and despite all of the things in the article, despite how beautiful our town is, we have trains so people are going to come here to these fabulous restaurants and they are not going to be able to get in or out one night when they come and they are going to get provoked and its going to remain to be seen if they come back. Of course, there is no where for them to park and she will die before she gives us her backyard for parking. She will absolutely not do it and she has been approached twice by two administrations with unethical trades and it isn't going to happen its just not going to happen. So, there is very little parking, people who have meetings at the church now during the week cannot park and we had the owner of Angelina's Pizza come the last time and said that she pays for the right for people to park to get pizza from her carryout and the Drug Mart Plaza and her spaces are being taken up, people don't like to walk. You say you want this to be a walking destination maybe on a beautiful day they will have lunch at Clementine's we might walk through a little bit maybe buy a trinket or two but not enough to keep the shop going. No, its not going to help, that just simply is not going to help businesses its going to clog the town and whether or not people

will come back to support that many restaurants is open for discussion. So, the article says that the other problem is technology, you have Yelp, Facebook, people can come here find the trains, find the planes, send it all over the internet it could do more harm than good. Anyways, as far as property values are concerned and the tax base and all the other rationale for doing it, minimum wage jobs are not going to help, the increase in the property value because they will no longer be vacant buildings will be off set by the lowering of the property values of the residential home in the surrounding area. We only get a fraction of the property taxes anyway, there is no real substantial fiscal evidence how this is going to benefit the city or the residents. She does not care how many times you say it will you can't prove that it actually will come down to those numbers, it never has and it's not likely too. Sorry, she is a cynical old woman, she has lived her 45 years and anyone that knows her knows that she is not just eccentric she is cynical. This very much smacks of someone's going to make money on it it's the only way it can be. Developers, contractors, whoever sells the building, whoever is leasing the building that it really doesn't matter how many people go down and don't operate their businesses properly because this is bound to happen because they will maintain the ability if they own the building, the developer, to write it off in taxes at the rent they have been habitually charging. That is basic taxes 101 and business 101. It is absolutely terrifying to her that this is what is going to happen. She has a quote from the Mayor in the article that made her absolutely furious "contrary to what some people might think when it comes to eateries the more the merry." She loves this part "contrary to what some people might think" well she is one of the some people she takes this absolutely personal. We are some people and what we think. She will save her big punchline for tomorrow night. Mr. Stibich stated that there will be comments from resident's tomorrow evening at the Council meeting. Ms. Schwimmer stated she is absolutely not in favor and hoping that Council takes a real hard look because it is going to be almost impossible to undo once its done.

Mr. Stibich stated that Ms. Schwimmer may have some disabilities but she still has it.

Brent Repping, Chairman of the Board of the Cuyahoga Valley Westshore Model Railroad Club, parcel 281-20-055, 25802 Garfield Avenue, stated that last time he spoke to this group he was a little concerned, we had not had a lot of time to digest the proposal nor really speak to anyone on behalf of the proposal. After we had a chance to do that he wants to offer his support for this proposal rezoning. As one of the subject parcels we have been part of the community since 1977, we've been in a unique property that is really not useful for any purpose other than what we've used it for which is to house a railroad museum and a group of people that are dedicated towards teaching people about railroad history. Our parcel is currently split there is actually two different zones, part of the property is industrial and the other part is medical, neither of which fits their purpose. This proposal zoning will simplify that and would probably be a more useful class for them. One of their concerns was the affect on property taxes but it doesn't appear that this rezoning will affect their tax burden. We also learned in some discussions about this proposal again, we were concerned that maybe we were not desirable and forced to relocate as apart of some grand development plan but their parcel and the parcel across the tracks, it is their understanding that it needs to be preserved as green space to satisfy a requirement of this proposal which we fully support. The other great thing that we have unearthed during this time is the commitment of the city to the history any development that is done will be historical. He heard people talk about charm and he thinks that it does add to the charm to keep a historical area that we are not building Crocker Parks or other things. He thinks the biggest thing that we look at with his organization is that we are a 501c3 and we depend basically on visitors to fund a lot of their activities. They do several shows a year where they open their doors to the public and that is a major fundraiser for his organization and is how we are able to do things like put on a new roof. As we look at the idea of expanding the downtown or bringing more people to the downtown that's

an opportunity for them to maybe have more people visit his organization and also help raise funds. In summary, he believes a lot of his concerns with the proposed zoning were per swaged and we are ready to give our vote of support. He believes if this is done right it can add a lot to the downtown area, the community and hopefully benefit everyone for more opportunity and more inclusive participation in the downtown.

Katie Gross, 7244 River Road, stated that she is not in favor of the rezoning. She stated that she would like to submit a written statement from her father, Jack Warning, who could not be present this evening (see attached). She stated that it is a little disappointing that there are so many empty chairs and cannot help but think that was not accidental. Mr. Stibich asked if she meant empty chairs in the audience. Ms. Gross replied no on Council. Mr. Stibich indicated that the Mayor had a vacation planned for over a year and he did explain Ms. Nicolay's absence. Ms. Gross indicated that she has a question because she has seen some discrepancy in the amount of land that is being considered here. When this first started it was communicated that it was 8.64 acres and now it is 9.74 acres and she is wondering where the additional acreage came from. Mr. Borczuch indicated that the 9.74 includes the parcel across from the tracks. Mr. Gorski indicated that Council amended the legislation. Ms. Gross stated that when you look up the proposed ordinance on line it states 8.64. Mr. Stibich indicated that he will have the Clerk make the correction. Ms. Gross stated that she knows this meeting is just a formality and, in her opinion, Council's minds have been made up. The minds of the zoning committee have obviously been made up or else they would not have waived the 15-acre requirement for this. Mr. Stibich indicated that the zoning board approved the rezoning. Ms. Gross stated that she believes that Council proposed the rezoning to the zoning committee in the first place. Mr. Stibich indicated that it was the administration and Council had to refer the issue to the zoning board. Ms. Gross stated that her comments are probably for naught but she does appreciate the opportunity to speak. Ms. Jones indicated that her mind is not made up as of yet; Mr. Gorski indicated he has not decided as of yet either. Ms. Gross thanked them both for making her aware of that. She stated that she appreciates the opportunity to speak on this issue one more time and also to offer her tone to all of it. She stated that her neighbors that are present as well as herself have been criticized, specifically by the zoning board for being emotional over this issue of rezoning and she would like to challenge any of you to keep emotions at bay when confronted with the same issue; how appealing would it be for you to have restaurants, bars, condos and all the traffic that they would produce right across the street from your house. Do not try to make us feel silly for wanting to protect our homes, families, and memories. For her this is also a moral issue, the gentrification of one of the oldest neighborhoods in Olmsted Falls is tragic. This sell out would result in nothing short of the liquidation of the residents in this area and all to appease a developer and an ethnic club who should have done their homework before buying their property. To appease people and organizations who do not live in this neighborhood or vote in this neighborhood. Right now, just between the tracks and Water Street on Brookside Drive there are already three homes for sale and she suspects there will be more; but, maybe it is a goal of the city to have residents move out so that their properties can also be commercialized. The rezoning would be the first step to accomplish this goal. It is being suggested by the city that we are fearful of being creative from stepping out of our comfort zone and trying new things; it is being suggested that we can't reach beyond the status quo; these suggestions are not just insulting they are not true. We may appreciate a small town more than some but we are not small minded. Believing that it is crucial to protect our historic neighborhoods, historic families, natural resources, and especially our quality of life does not reflect a fear of progress but let's have progress actually resulting in meeting unmet needs of the city like medical facilities, art and cultural centers, and something as basic as sidewalks. More trinket stores and liquor licenses are not stepping outside of the box or "modern" they are the status quo.

Ms. Tabar indicated that she did not receive a notice for the Planning and Zoning meeting. The clerk replied that the same list that was utilized for the Planning and Zoning Commission notices was used to notify the residents of tonight's meeting.

ADJOURN

Ms. Duncan moved to **adjourn**; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 7:39 p.m.

After the meeting was over Ms. Tabar informed the Clerk that her husband indicated they did receive the notice for the Planning and Zoning meeting.

Paul Stibich, Council President

Angela Mancini, Clerk of Council