

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, October 23, 2018, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:30 p.m.

The Pledge of Allegiance was recited. Council President Paul Stibich called the meeting to order at 7:32 p.m. Roll call was conducted. Councilmen Jim Haviland, Lori Jones, Ed Gorski, Lee Fenrich, and Terry Duncan were present. Councilwoman Denise Nicolay was excused.

Also in attendance: Andrew D. Bemer, Law Director, Vic Nogalo, Finance Director, Joe Borczuch Service Director, and Paula Accordino, Economic Development Director. Audience: 13.

Approval of Minutes

Mr. Gorski moved to **approve** the minutes from the Regular Council meeting of October 9, 2018; Mr. Haviland **seconded**. Mr. Haviland and Mr. Gorski indicated typographical errors. Poll as amended: 5 ayes; 0 nays; 1 abstain (Duncan). **Motion carried.**

Consideration of Amendment to the Agenda

Mr. Gorski moved to **amend** the agenda to add Resolution 66-2018 under New Business; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mayor's Report and Appointments

Mr. Stibich indicated that the Mayor is absent this evening and he has nothing to report on his behalf.

Communications from Residents

Ann Reichle stated that her business is located at 8155 Columbia Road and she would like to address the revitalization district ordinance. She stated that she has concerns about this issue from a business owners' standpoint. What businesses need more than anything else is visibility and to put these kinds of businesses in that kind of neighborhood does not give them the visibility that they will be looking for. Her other concern about this area is that if you are intending to put restaurants there, every restaurant in the world gets a one to two semi's a week in with deliveries. The roads are not built for that and she knows there are road limit restrictions on these roads right now because she has heard it discussed at Council meetings before. She is wondering if there is going to be something to correct that issue. Also, the width of the roads and the turning radius for semi's in this area they do not fit down these roads. She does not understand what the traffic pattern is going to be to get them in and out of the area. That leads to the success or failures of the businesses that are going in there, if you intend to include smaller retail shops in that area they rely totally on visibility and there isn't any back in there. So, she does not want to see another group of failed businesses in our community, we have enough rolling businesses as it is right now and that's her whole concern about this area. Mr. Stibich asked if she was talking about the rezoning area. Ms. Reichle indicated the rezoned area that will become part of the revitalization district. Mr. Stibich indicated that he is sure that if any business does want to operate there they will have to through planning and zoning and the issues of road loads and where the truck is going to park, those issues will all come up and be discussed. Ms. Reichle

indicated that what our community does not have that every other small community that she has seen go through a process like this has, is we have no on-street parking anywhere near our downtown area and because of that there has to be parking lots placed somewhere and she still has not heard anything from Council about creating anymore parking downtown to actually meet the needs of the businesses that are there on busy days. She is very concerned that there is no planning in place for this and without that you can't have any businesses back there. Mr. Stibich indicated that the city has had numerous studies down and that question of the parking has always been in existence, we know it's a problem, and is something that would be addressed by the administration and brought to Council. Mr. Reichle replied she hopes so and pretty soon.

Roberta Stewart, 8093 Brookside thanked Ms. Reichle for her comments. She asked Mr. Stibich if maybe it would have been the time to address Ms. Reichle's concerns before the legislation was drafted; hopefully Council is going to not pass it but you will be considering it tonight and you are going to have businesses become interested and you are still going to have major issues like that. Mr. Stibich indicated that there are no businesses lined up ready to move in. Ms. Stewart replied you will and your saying that after the fact that it could go back to planning and zoning after the businesses have shown an interest and after it's a done deal changing the zoning even though these issues are relevant and should have been taken into consideration before the entire plan was hatched and expanded back there. As Ms. Reichle stated there is a hair pinned turn; we have a bad traffic pattern, but her question is why wasn't all that taken into consideration before this was even put forward. Ms. Accordino stated that the city currently has a NOACA TLCI study grant pending to do a complete green and streets traffic study for the expanded downtown. The timing of this has been very interesting and tricky; as you know we initially introduced the rezoning issue back in June and because of the public hearing process we are here now; so, the timing of this study and grant cycles is always tricky particularly with Council approvals and the public hearing process. She will be going to NOACA on Thursday to defend the city's proposal because we would like to complete pre-development planning, as Council President Stibich said, we do not have developers nor do we have a plan. She has found it difficult to address some of the questions because this is all theoretical at this point. What we want to do is plan for a neighborhood that is less car dependent and more pedestrian and bike friendly so we can reduce the need for cars and parking, while that will still be a very real need and we also need to address delivery trucks. Ms. Stewart asked if Usher would be closed off with all the traffic that funnels down during both rush hours; she can't cross the street in her power chair. Ms. Accordino indicated that is the city wants to do this study. Ms. Stewart replied what can you do about Usher because its already straightened and is a major artery. Ms. Accordino stated that the city would also like to involve the Cuyahoga County Planning Commission because this is rooted in the 2016 master plan as well. Mr. Stibich stated that the city will address these problems, sometimes you don't know which should come first, but the administration has asked for zoning and that is what Council is going to consider tonight. Ms. Stewart stated that once this is done, you will have opened a can of worms or any other euphemism you want to use because it allows for an irrevocable change in the community, in the character of the community, and the fiscal layout of the community, and the way people enjoy the community. She is sorry but begs to differ with Ms. Accordino, she has lived here and watched it happen. There is no way, unless you just decide to close the street off, you are going to be able to have a lot of pedestrian people walking around with the kind of traffic that's coming from Usher without even having one single business there. She stated that there is a lot to be considered in that really tiny little area. She recently had an accident there herself in August of last year and she spoke with then Asst. Chief Rogers and unless she's very mistaken she believes he told her that in a city-wide number of accidents about one in five occurs at this stop sign. Cars slip off the road all the time into her front ditch; it's not a safe area and if you add

more traffic to it, unless you are going to stop traffic, its just going to get much worse. Mr. Stibich replied that he is sure that is something that will be addressed. Ms. Stewart replied after the fact. Once it's done, it's a done deal and it will proceed because you will have allowed the zoning and therefore businesses can come forward and developers can come forward. Mr. Stibich stated even if the zoning does not pass wouldn't the problem still exist. Ms. Stewart replied yes because nothing has been done about it but if the zoning passes then you start developing the area and now there is an attractive plan for developers. She is not saying its going to work for businesses because you know her opinion about why it isn't going to work for businesses; she firmly believes this is something that will benefit developers and contractors and people who rehab. She does not think that there will be a great success in retail business in that area, we've seen that unfortunately on Main Street as well. This is the time when high end retail stores succeed as she has said before online. She would also like to point out what she pointed out to planning and zoning which is she likes to drive through small towns, especially at this time of year, and she likes to look around at the main streets. Our town is very similar to those little towns, as soon as you drive to the side or the back or the other side you start to see the kind of businesses that spring up behind the main street, maybe not the first wave where its all going to look pretty and you are going to try and get those upscale stores and fancy little restaurants; your not going to get any major chains of restaurants; you will get small restaurants. As she said last night 60% in the first year 80% over five years of restaurants fail so possibly the first incarnation will look good, second not so good, and third not so good. What the CNBC study she referred to last night shows that what will succeed in today's economy are going to be on-site services beauty parlors, nail salons, massage spas, tattoo parlors, auto repair, what you can't get online.

She would like to ask a question, do any of you realize that Drug Mart is our anchor store, but, what is the only new chain store to have come into town since the Drug Mart? She just noticed it the other day, Family Dollar, now there is nothing wrong with Family Dollar but what does that tell you about our demographic we are not going to get a Heinen's; we are not going to get a Trader Joe's; not going to get Cheesecake Factory or upscale clothing stores. As she said last night we are not Aurora, Chagrin Falls, Hudson, we are not even Medina. As she stated at the earlier meetings with planning and zoning while these are blights these are empty store fronts, eventually, down the road you might just have better looking empty storefronts. This is not something she can see as being incredibly viable even the main street. This idea of restaurant tourism in her opinion you are on a slippery slope that you really need to consider because once this is done there won't be the town such as we know it. People have come to the meetings and accused us of being emotional, well this is our town its not just the way the town looks it's the way the town feels it feels like home and it's not going to feel like home in the near future if this goes on. Again, please take into consideration that no one has proven at any of these meetings no matter how much they say that this is no one has absolutely proven to me or the satisfaction of any body else the actual meaningful fiscal benefit to the town. It is not going to be helpful in the tax base as far as jobs; they will be minimum wage jobs, it will give a bump to the initial property value of those structures that are going to be rehabbed surely, but, its also going to diminish the value of the surrounding residential properties. For instance, we had a business owner come in, she is not currently a business owner she wants to be a business owner, the lady that represents the Greek Club and she is right next to the post office and she made it clear that she was interested in getting a liquor license and being involved in the commercial expansion because they want to have a party center there and be able to have an open bar and sell liquor. She and he neighbor Marilyn drove back there and there is very little parking and its directly across the street from Mr. Waring's home and lots of other residential homes. They will have sounds and noise and partying and no parking if this is allowed. She understands that it has to go before planning and zoning and all of that and get approval. Here is another very dark thought, last night we were asked how could

planning and zoning waive the acreage zoning requirement, it was legal Mr. Stibich tells us it was in their purview to do so. We have been assured that these restaurants will be required to sell at least 75% food to 25% liquor what's to stop another planning and zoning, maybe not this one, somewhere down the road or another Council waiving that. Mr. Stibich indicated that the sales was a state law for the license, it is a restricted liquor license. Ms. Stewart asked what about a straight liquor license what about these microbreweries. Mr. Stibich indicated that those are maxed out in the city we can't get anymore. Ms. Stewart asked what about when they are not. What about when they are available to get them later, she isn't talking about today or tomorrow she's talking down the road.

Mr. Bemer stated that we are mixing metaphors. The revitalization area is what Ms. Stewart is talking about. Ms. Stewart replied that she sees them linked, she understands that they are two separate pieces of legislation but they are vital to one another. Mr. Bemer stated that when for example, a restaurant wants to move into a community and the community's liquor license quota is already filled. The quota in Olmsted Falls is 10 full scale liquor licenses because it is based on 1,000 per capita population for one liquor license. If you can demonstrate that you will bring in at least \$750,000 of revenue you can do what is called "Trex In" a liquor license. The State of Ohio is in the business to sell liquor. Based on the improvement in the economy of bringing in a restaurant that will gross at least \$750,000 you can go in the open market and buy a liquor license and bring it into any community, regardless of the quota. What the revitalization area ordinance will do is it complies with state code that will be an inducement to those restaurants not to have to pay \$20,000 or \$25,000 for a liquor license they can now purchase one for \$2,300 which is the face value from the state, that's it, that is the only difference. He understands what Ms. Stewart is stating and change is very hard, the community here is a wonderful idyllic setting, when he first stood up and introduced himself last January he said that he is familiar with Chagrin Falls and they call themselves the Olmsted Falls of the east so you somewhat denigrated the community by saying we are not a Chagrin Falls; we are not a Hudson; we are not even a Medina; well why not. Ms. Stewart replied that she meant financially. Mr. Bemer again asked why not, you have to start somewhere. What Mayor Graven and Ms. Accordino are attempting to do is start at ground level of doing enhancements in the business community. The Main Street is a way of enhancing the community and the revitalization is a way of enhancing the economic base of the community. We already have mixed use here the big issue with the dynamics is that 20% to 50% of a mixed-use area must be in retail or commercial but 30% to 70% must be residential, plus you must also retain 20% of that area as green space. Green space here is maximized what you have along the creeks and Rocky River is tremendous. But, what is one of the things you need here, what do the kids do when fishing season is over, where's the recreation center. We have a really good start on a senior center but in order to maximize your city services to serve your residents you must maximize your economic opportunities and this is exactly what this is intended to do. One other thing that will be proposed to City Council is what is called a CRA, Community Reinvestment Area, which is a tax incentive. It starts at a 50% tax incentive but not just to have someone build a building and get a break on their taxes for a period of years, but if someone wants to put an addition on their property worth \$50,000 or \$75,000 they also get a tax break on the stepped up value because we want people that are here in the community to stay in the community, we don't want them to go to a bigger house in Strongsville we want our base to stay here. That being said, how about getting some millennials or some professionals. He had a conversation with a developer yesterday, this developer is now interested because there are sewers going in, because there is some economic incentive. He is looking at a single-family residential development but he commented that North Olmsted is growing too fast and paying \$20.00 a square foot and asked why Olmsted Falls doesn't get an office building in one of the mixed-use zoning districts because you could probably bring in businesses into the community, not chains or big boxes. We also had a

conversation with a business broker within the last two months who indicated that you do not look for big boxes or chains you look for Shakers types of stores we can use a grocery store as an anchor not a Drug Mart or how about a Dave's Grocery Store. He indicated that Ms. Stewart mentioned real estate, as soon as Whole Foods goes into a community automatically the real estate values go up 3%; the next day after the Whole Foods opened, that is what development does to your residential values so change is hard. The last comment is every time there is a development it goes to the planning commission and they look at the code to make sure that there is harmonious development within the community, that is not the purview of City Council, they provide the foundation for development and planning commission addresses each and every particular development as it comes. Ms. Stewart indicated that she is aware of that and is not an idiot and does not need anyone to condescend her she is aware what planning and zoning does her question was simply the following, is it possible at any time in the future that the 75/25% ratio of food to liquor can be changed. Mr. Bemer indicated that it cannot as it is in the Ohio Revised Code. Ms. Stewart asked then how do bars have liquor licenses who only serve potato skins. Mr. Bemer replied they were grandfathered before the new law come in. Ms. Stewart asked if there were new bars being grandfathered in. Mr. Bemer replied that the quota has been reached and you cannot bring another liquor license in to have a bar that does nothing but potato skins.

Ms. Stewart stated respectfully that she is afraid that is one prevailing view of this; we have had other views. Mr. Stibich indicated that we have her view. Ms. Stewart replied that you do have her view which and those views read in transcripts of other people a good many of them in your ward Mr. Gorski, and others who are outside of the ward who have a different vision for the community. She did not mean to denigrate she loves Olmsted Falls or she wouldn't be up here fighting for it. Mr. Stibich replied we know that. Ms. Stewart stated that she came from the east side and when she first moved here she was told "I'm sorry little girl this is not Chagrin Falls," so she knows what Chagrin Falls is, what Aurora is, what Hudson is, and what Medina is. Another administration tried to get a Heinen's here they wouldn't touch it. She hopes we can get a Whole Foods or a Dave's or maybe a Trader Joes she just doesn't see that happening because we have a population of 9,000. Mr. Stibich replied that shouldn't stop us from trying. Ms. Stewart replied it shouldn't stop us from trying but at what cost. She is fully 100% behind the city as far as office buildings are concerned as that is what we've been saying all along it was already zoned professional and medical. Mr. Stibich replied it is also zoned industrial, there could be a stamping plant next to her home. Ms. Stewart replied that she thought she was zoned medical/professional; she can have a stamping plant in her little barn. Mr. Gorski replied that are is zoned both. Ms. Stewart replied that a professional building would be perfectly wonderful those are generally good paying jobs that will have good city income tax revenues; you have medical coders, doctors, lawyers, bankers, brokers, secretary's, nurses all of that is perfect. She is not convinced that has been focused on enough. She does not believe a focus on retail in this economic climate is good. Mr. Stibich replied that he is sure Ms. Accordino will be looking at all of that. Ms. Stewart replied that hasn't been the focus; the current focus is this plan and she believes that is not the best focus, in her opinion, because she has lived here and seen retail businesses fail one after another. Empty storefronts don't cost the developer anything once they maintained a leasing pattern they can write it off and there will be empty storefronts. In Clint Williams beautiful development there always are empty storefronts and we the whole Mill River Plaza is privately owned so we have no control over that. She is asking Council to consider it carefully tonight; is this the camp you want to live in; is this what how you want.

Mr. Fenrich would like to address the fact that we are not focusing on offices. If you look at 1260.04 the conditional uses of an MUTND, item #5 the very first word is offices. How the restaurants and

bars, so to speak, came into focus is because this came up at the same time as the revitalization district, wisely it should have been separated so that it was easier to separate in everyone's mind, his included. When he first become involved he also connected the two, but either will survive without the other, they are not dependent on each other, they compliment each other but they do not need each other to survive.

Ms. Stewart replied also remember restaurant tourism. This is now the focus, restaurant tourism, and when she asked about industrial or where we could put those stamping plants the only thing she got back was the enterprise zone and the lack of cooperation from the township which has gone on for years. One would think somebody would stop beating that dead horse, that's like asking the Hatfield's and McCoy's to have thanksgiving dinner with us, its not going to happen. But, we have places in town where we could have light industry including where we already do and that would be Depot and Elm. She is sure there must be incentives to try to bring more without focusing only on a separate enterprise zone. She personally, and many of her neighbors and many people who don't live right by her, do not believe that expanding commercial business development and another gazillion restaurants down Main Street and behind Main Street with lack of visibility is going to solve the fiscal problems of the community without altering the community forever.

Ms. Stewart stated that this next statement is not emotional its dramatic, let's look at it's a Wonderful Life. We have Bedford Falls and we have Jimmy Stewart saying he wishes he was never born, then we have that perfectly wonderful scene with him running down the Main Street of Pottersville and what do we see on either side of Main Street, restaurants, bars, taverns and we hear music and we have traffic wall to wall even trying to knock off poor Jimmy Stewart he can't even get past the traffic. It starts somewhere and it end somewhere and very often that kind of commercial development does change a town, maybe not that dramatically, but certainly it isn't going to be Bedford Falls anymore, its not going to be the Olmsted Falls that most of the people here, and the people who were at that first meeting and at subsequent meetings moved here for.

Mr. Haviland indicated that there have been discussions regarding truck traffic but adjacent to one of the largest parcels or series of parcels is Columbia Building Products which is one of our fine industrial employers has there been any issues with them. They prefabricate steel and move trucks around the region all the time. Ms. Accordino replied not to her knowledge.

Liz Tinter, stated that she is definitely in favor. There has been so much talk about liquor licenses, restaurants, bars but she does not believe that is what the city is trying to accomplish, she could be wrong. Most of the restaurants in this town if you drive by at night are closed by 8:30 or 9:00 p.m. and it's quiet, it is actually creepy sometimes here late at night. It is a very quiet town, there is not traffic or wild bars. It is her understanding that the changes that are being proposed are to ensure that the future growth is tastefully done, they are trying to give guidelines for future growth. It is the intention that this area of Olmsted Falls is meant to be turned into fraternity row with restaurants, bars and just a wild thing. Again, the restaurants close at 9:00 p.m. and it's very quiet. Over and over again she keeps hearing the expression "trinket shops" used, she takes offensive to being called a trinket shop. She would challenge everyone and ask how many of you have been in to the actual businesses; are you familiar with the products and services that these trinket shops provide for this community. We are not trinket shops; we are, as my kids call it, a mom and auntie's business, not a mom and pop, its mom and the aunties. We provide non-essential, but life enhancing, products; the store is very welcoming and we sometimes have very nutting with walnut displays out front and in the windows. We make it a very welcoming and warm environment for our community; we offer

coupons to people that are new in town and we introduce new people to Olmsted Falls; they walk out carrying something in their hand going “wow I didn’t expect that.” We want to welcome people to Olmsted Falls and want this environment and attitude to continue into this new area, although she cannot guarantee that its going to happen. None of us can, the only guarantees we have in life are death and taxes. In closing, she has a question, what would you rather have a vacant building with a for sale sign across from you or would you rather have a building front that welcomes people, not only to your neighborhood, but to our community as well. These are not minimum wage jobs in these trinket shops, our sales are going up, especially the last couple months, its been phenomenal. She hopes that Council will pass this legislation.

Mr. Stibich stated these were some passionate speeches. He is unsure about the rest of Council but he is very glad to hear residents and business owners expressing themselves in this way so thank you all for coming in.

Approval of Bills:

Ms. Duncan moved to **approve** Pay Ordinance 2018-16; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Joe Borczuch, Service Director

Mr. Borczuch indicated that he distributed a requisition for Judco, Inc., that he will need passed this evening. This will replace the main dump body cylinder on Truck 228, the packing inside is no longer good. With the snow season upcoming he will need this vehicle repaired.

Mr. Gorski moved to approve a requisition to Judco, Inc. to replace the main body cylinder on Truck 228 in an amount not to exceed \$3,758.50; Ms. Duncan seconded. Poll: 6 ayes; 0 nays. Motion carried.

Mr. Borczuch also requested suspension and adoption regarding Ordinance 65-2018. This is a change order for Fabrizi regarding the Phase V Sewer Project, Phase One. Mr. Stibich indicated that the information included with the legislation was very informative.

Paula Accordino, Economic Development Director

Ms. Accordino indicated that she spent the last two days downtown at the Heritage Ohio Main Street Economic Development Conference. She stated that 100% of the time she is with the managers of other Main Streets and she is always optimistic and her optimism grows. She gets the benefits of learning from other communities; what they have done and it continually surprises her, from her perspective here, she thinks that we are the only community with unique issues but we share the same issues with other communities. It is heartening to see, learn, and speak with other Economic Development Directors, Main Street Directors, and our future board members, many of whom are here tonight which she appreciates. They all say that because of their involvement with the Main Street program their historic downtown communities have truly been revitalized. She would like to remind everybody that the revitalization district legislation was drafted by Heritage Ohio with the assistance of city officials in Wooster and they single handedly credit the revitalization of downtown Wooster to that revitalization district. They all report that the communication and cooperation that has evolved between the city and the Main Street group has really made all the difference. One last issue

with Medina; probably everyone here has visited Medina and has maybe wished that aspects of their economic development could also be realized here, the Main Street director told her today that they just expanded their zoning outside of their historic downtown because there is so much excitement. They have 100% occupancy in their historic downtown, on the square, and they have businesses wanting to come in which is why they expanded their zoning and they will be looking at a development plan. That is her hope for what can happen here but, all of it is rooted in maintaining the foundational character of the community and enhancing it.

Vic Nogalo, Finance Director

Mr. Nogalo indicated that he requested that the Clerk distribute to Council the UAN Accounting software agreement with the State of Ohio. This is the State of Ohio's accounting system but Council does not need to suspend that this evening. Mr. Stibich asked if he was referring to Resolution 66-2018, which was added to the agenda this evening. Mr. Nogalo replied correct. The bottom line is that we have time. He thought that this was the only option as far as changing to a new accounting system due to the fact that we did not receive communication from the other accounting system but, he did speak with him later in the day and received a proposal. Mr. Stibich asked if Mr. Nogalo needed to evaluate that proposal. Mr. Nogalo replied yes as now have two options. We have a current accounting system that can be upgraded, if we change it will provide efficiencies, improve reporting, etc. We currently use SSI e-gov, if we change to either SSI VIP, which is a new software program or go to the State of Ohio's accounting system we will save money over the next five years. He distributed a one-page analysis between the State of Ohio's UAN Accounting System and the SSI VIP. If we remain status quo we will spend about \$137,000 over the next five years, if we go to the Ohio Accounting System it will cost \$64,500 and if we go to this SSI VIP with the bells and whistles it will cost \$135,000. If we make either move, aside from the status quo, we will save money and bring in more efficiencies and better reporting.

Councilman Ed Gorski, Ward I

Mr. Gorski stated that as Council is aware there are two pieces of legislation on the agenda, 62-2018 and 63-2018 both of which deals with city insurance, one for property and liability and one for health insurance. He is the chairman of the insurance committee which is made up of Ms. Duncan, Mr. Fenrich and Mr. Stibich, therefore he would like to schedule an insurance committee meeting prior to the first Council meeting of November where it is his hope that the Mayor and administration will be able to present their plan for the city. Mr. Nogalo indicated that there is a health insurance advisory meeting with the union's on October 30th at 10:00 a.m. He stated that the property and liability insurance he believes was \$66,000 but will increase into the lower \$70,000 based on our historic claims, especially the lawsuits that have occurred in this community. He stated that preliminary amounts on the healthcare was an increase in 9.5% increase for 2019 but 0% increase for 2020 so it averages out to 4.5% each year. Mr. Gorski indicated that he does not see any need to meet until prior to the next Council meeting on November 13th at 7:00 p.m.

Council President Paul Stibich

Mr. Stibich stated that a Safety Committee meeting was held last week. We met with the Fire Chief and a representative of the police department. The Fire Chief gave a report to the committee regarding the Chandler's Lane fire. He believes that most of us have heard about the mutual aid that we received from other cities. The residents came through and Mr. Fenrich was in the middle of it and rolled up his sleeves and he can tell you that the people of this town were very generous and helpful. The one thing that struck him was when the Fire Chief brought up that the one thing that really helped in response to this fire was the consolidated dispatch. The Fire Chief indicated that if we

had our own dispatch at city hall, as we had in the past, it would have taken a ½ an hour to get in touch with everybody so it would have taken a lot longer to coordinate all of this. The dispatchers at the consolidated dispatch center in Strongsville just had to make one phone call and to him that alone says what a great decision we made when we moved to the consolidated system and that it works very well. The dispatchers had back up in Strongsville to help make all the phone calls very quickly and everything was done within five minutes after the Chief made the call.

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated that the Park and Recreation Board will be holding Fall-O-Ween on Sunday, October 28th from 2:00 to 5:00 p.m. This is a combination of the Park and Recreation Board joining with the Grand Pacific merchants and the downtown merchants to hold a program. She stated that City Hall individuals will be in front of the Cutting Garden handing out candy to the trick-or-treaters.

Councilman Lee Fenrich, Ward IV

Mr. Fenrich stated that he attended an update meeting last night regarding the Chandler's Lane fire. During that meeting they discussed when the residents would be allowed into the first and second floors. Mr. Chuck Schulman, who is the owner of the Carlyle Management Company, ran the meeting and is the management company that runs the building. He indicated that the delay getting into the building right now, believe it or not, is CEI. The residents cannot access the building without lights because it's all boarded up CEI wants a drawing for a temporary pole which is absolutely ridiculous. We did discuss getting a generator in order to get lights up until CEI gets their act together. The resident will be allowed in for half hour increments the first time around and one unit per time. Once they get in and get all their small items there will be a second time around after everyone has gone in the first time. This is for the first and second floors only. The third floor is gone, there are still walls falling on the third floor so there will be no access to the third floor by stairway. There is a woman who is attempting to hire a crane to get some of her furniture out of and if that works out and is allowed then the crane will be popular. The fire started in unit 340, which is at the far end of the building. The building is "L" shaped and according to the Fire Chief it took less than seven minutes for the fire to move from that end of the building down around the corner and to the opposite end of the building. Couto's to the fire department for anything that was saved all 14 of them. Mr. Stibich indicated that the fire was in the top part of the building and was spreading. Mr. Fenrich indicated that the fire was in the attic and spread through. There is still speculation whether or not fire walls were required at the time or if there were fire walls and people doing plumbing, electric, or heating work cut out holes for access and didn't fill them in; whatever the case the fire spread through very quickly. The sprinkler system did go off and they showed signs of where the sprinklers were working; so, there was no foul play and no foul play with the fire itself. The fire started in a storage locker on the balcony of unit 340. There is no exact cause yet but there will be soon; there are 17 fire investigators working on this and they are meeting to determine the cause so we should know something within a few days. There were three-unit owners who did not have insurance and he meet one of them the other night; they are working to try and help them out as best as they can. There is a 99% chance that the whole building will be demoed because of the water damage on the first two floors. The first floor with the concrete floor retained all the water that came down through the second floor. The second floor faired the best believe it not; it did not get fire damage it did get water damage but that water went through to the first floor. The mold right now is pretty dense and is not breathable so anyone that goes in has to wear a mask. The estimated property values for tax purposes has been reduced to \$100.00 so the residents will be paying no property tax this year which will continue until the building is rebuilt which should take a year and a half. They hired a claims public adjuster who will work on behalf of the residents to negotiate with the insurance

companies who notoriously do not want to pay. So far everybody seems to be working well together, the insurance companies along with the adjuster. Security was an issue actually until 7:00 p.m. this evening. The police chief spent most of the time there watching the buildings until he could not afford to stay there because of other issues he needed to attend to in the city. The management company hired a private security firm to watch the building but then an issue arose when an elderly gentleman with gray hair in a white pickup truck came up and told the security guard that he was a member of the board and sent him home because we don't need you anymore and this guy left. Then they tried to cut through the fence to get into the building but they must have gotten interrupted because they did not get the fence cut far enough. Chuck Schulman called the security company to get another man on the scene and instructed the company that no one gets into the building or on the lot and no one gets dismissed unless it's by him. It was within the same day that someone came up and said "I'm Chuck Schulman go home" and they went home a second time. The residents were getting aggravated. He spoke with Chief Rogers and Chuck Schulman and said there has to be something going on if the guy knew Mr. Schulman's name mere hours after the company was told so the Chief is looking into that in order to figure out what is going. We saw the best of people the day of the fire and now we are seeing the worst side of them. The damage total is around \$5 million dollars. The insurance companies will put money into an account and the resident's insurance companies will pull money out to reimburse the residents. It will be a very long complicated and big dollar very transparent set up and will supposedly work. The first floor is allowed into their storage units now but until they get lights they can't let anybody in the building.

Councilwoman Lori Jones – No Report

Council Pro-Tempore, Jim Haviland

Mr. Haviland would like to acknowledge Ms. Schwimmer's comments from last night's meeting. She talked about a prolonged due diligence process may have had some people lose patience, which he understands but, the prolonged public process has given him the opportunity to hear comments from all the residents, which he greatly appreciates, because that will help him make an informed decision. He is sure that his colleagues also feel the same way. We really do respect your opinions and attending multiple meetings.

Andrew D. Bemer, Law Director – No Report

Old Business

Ordinance 39-2018 (AMENDED)

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NOS. 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 AND LOCATED ALONG BROOKSIDE DRIVE FROM P-1 "PROFESSIONAL AND MEDICAL DISTRICT," AND I-2 "INDUSTRIAL MANUFACTURING DISTRICT" TO MUTND, "MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT" AND FURTHER AMENDING THE ZONING MAP OF THE CITY CONSISTENT THERETO
Tabled on Third reading (07/24/2018)

Mr. Haviland moved to **remove from table**; Mr. Fenrich **seconded**. Voice Vote: 5 ayes; 0 nays; 1 abstain (Jones). **Motion carried**. Mr. Haviland moved to **adopt**; Mr. Fenrich **seconded**.

Mr. Fenrich stated that this is not something he has taken lightly, he has listened to everyone's comments, and attended both Planning and Zoning Commission meetings. He also spent today on the phone with George Smerigan, the city planner, and Brett Iafigliola, the Planning and Zoning Chairman. Both explained the zoning ordinances and what this change would mean. He also spoke with Janet Tomasch, the Chairman of ABR, he tried to do as much homework as he possibly could in order to determine an intelligent decision. He would like to point out that in the city's codified ordinances Section 1258.04, which is the I-2 industrial use, there is a whole long list of things that are permitted in this area, which he feels would be not in the best interest of that area, in fact in one of the things that is prohibited is dwellings of any kind. So, while everyone says it is an evil thing to rezone he believes that the city is rezoning from an evil thing. There are only a few things in the industrial zoning that are conditional uses, which means that they have to appear before the Planning and Zoning Commission, granted there are more things allowed in the MUTND but the tradeoff is there are stricter requirements and almost everything in that zoning that is allowed, other than churches, cemeteries, and schools, is conditional uses, which means it needs to go to the Planning and Zoning Commission. The entire area that we are talking about rezoning is also in the historic district, which means it also has to go before ABR. So, this will have safeguards left and right. For those concerned about what might come next door, in his mind, this will give you more control and more say as to what happens next door then what the existing zoning gives you. Everything that goes on in the area that may be rezoned is in the historic district, according to Mr. Smerigan, according to the map, and according to Planning and Zoning Commission that is the reason behind his vote tonight, he is not voting because he picked one side or the other, he is voting what he thinks is best for the area and what is going on.

Ms. Jones stated that she has spoken to Ms. Accordino about this and she started to alleviate some of her concerns and fears if this were to come into her neighborhood. She asked Ms. Accordino to if she wanted to discuss very quickly anything that could help alleviate others concerns. Ms. Accordino stated again, that it is sort of difficult to talk about a plan because it is only theoretical. She has her vision and knows what she would like to see, but we need to go through a process and conduct a study. The goals are to preserve and enhance the historic character of our downtown and the potentially expanded downtown with deep sensitivity to the residents and the needs of businesses. We briefly had the opportunity to talk about the creation of a predevelopment plan to address traffic concerns and green space. In case she did not sound sensitive previously she does love Olmsted Falls and wants to make sure that we are extremely careful and extremely sensitive. She is grateful for this long process that we took so everyone was able to express their concerns. We will continue to hold many public discussions, including the public hearing regarding the wayfinding grant the city will be submitting which will impact this area as well. This is your community you will be involved every step of the way.

Ms. Jones stated that if we are hiring studies for the planning and since we do not have a specific plan can we assure the residents that things are not going to happen before we have a plan. Mr. Stibich indicated that he believes all of Council will review anything that is done before its done. Mr. Haviland stated that in his experience zoning helps drive meaningful development and developers will have interest when there is a vision out there for development. What gives him comfort is that there are keys to protecting future development that are in place, we have a master plan that had a lot of civic involvement as part of it, and it is important to have involvement from the residents. We also

have strong committees, as it has been mentioned the Planning and Zoning Commission and the Architectural Board of Review will have public input for any project that comes forward. We have layers upon layers of protection that is going to be meaningful for us as we move forward. Mr. Stibich asked Mr. Haviland to explain his background and experience. Mr. Haviland stated that he worked for the City of Cleveland in Economic Development and then ran a non-profit, Mid-Town Cleveland, that introduced cutting edge zoning along the corridor between downtown University Circle which has really led to a lot of meaningful development and the health tech corridor, which has been recognized and he did that work for 16 years. He worked with stakeholders, residents, and business owners that were facing some of the same concerns you have. We went through a due diligence process that paid off just as we have done here. Ms. Jones stated that she was one of the founders of the Westtown Community Development Corporation when she lived in Cleveland. She was the treasurer of the organization for 10 years. We did a lot of changes in the area to try to get businesses to come into the community. We were very careful and we would come up with sort of a plan and then introduce it to the community. We took a lot of community input and tried to make it a joint effort. So, she is suggesting that as we develop this plan we keep the residents involved. Mr. Stibich indicated that information would be shared in public meetings and public information disseminated on whatever is being considered. Ms. Jones stated she is suggesting that the information be given during the planning so when we get to the planning process maybe there could be another public meeting to discuss the ideas so we develop a plan that benefits everybody. Mr. Stibich stated to make sure all the concerns are addressed. Ms. Jones replied yes. That is how we did it and then we took the plan to fruition and then got grants to implement. We were very careful to involve the residents and she would like to make sure that anything we do with the planning and in the future is shared. This is just a zoning change, it isn't going to change anything, but when we start to talk about potential change she would like the residents to be involved. Mr. Stibich stated that as Mr. Fenrich pointed out there are safeguards in the law that provide for that.

Ms. Duncan stated that she would like to reiterate what Mr. Fenrich said about the fact that we are going to better zoning not worse. There are some protections that are already in place for that part of the city including the riparian setback, which was waived to build a very nice and attractive wedding garden across the creek, but the riparian setback will need to be addressed. Also, there are national and state things that residents can use, including the National Historic Register, and she does not know if that has been pursued in Ms. Schwimmer's home. Ms. Schwimmer stated that her understanding is that you have to have a significant architecture feature or a person of historical significance, if that changed that would be great but she does not believe it has. Ms. Duncan stated that it is certainly worth looking into, at least from both the national and state perspectives. So, there are protections out there and again if something horrific would happen to downtown Olmsted Falls as happened in Xenia zoning is very important because you can't necessarily rebuild what was there because of the zoning and this will allow you to do that. She stated that she is sensitive to the creeks and rivers flowing through Olmsted Falls and the architecture in the historic district needs to be preserved as best as we can and she does not believe this rezoning is a bad thing.

Mr. Stibich stated that he is going to vote for what he thinks is best for the residents of Olmsted Falls and what is best for the community as a whole and knows that we cannot please everybody. As has already been pointed out he believes the demographics of our community are changing, there are younger families moving into the community. He is the aging part of the community; he does not always like some of the things that he sees but knows that is what the community wants. We need to provide the residents with the quality of life that they expect and what they will benefit from. He believes that Ms. Accordino said it best in the article that appeared in the magazine that was just

published where she talked about what a traditional mixed-use neighborhood is. She said that it can be a mix of retail, commercial, and residential; this will expand the downtown to make it more walkable and also provide connectivity to the existing neighborhood giving them more restaurants, shopping, and more residential opportunities to create a stronger sense of connectiveness with Grand Pacific Junction and Columbia Road and he thinks that explains his feelings as well.

Ms. Jones stated that this next comment is for Mr. Iafigliola; and maybe one day we can let the rest of Olmsted Falls be connected to downtown with sidewalks. Poll: 6 ayes; 0 nays. **Motion carried.**

Ordinance 43-2018

AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE CITY OF OLMSTED FALLS, OHIO AND DECLARING AN EMERGENCY **Tabled on Third Reading (09/11/2018)**

Mr. Gorski moved to **remove from table**; Mr. Haviland **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Gorski moved to **adopt**; Ms. Duncan **seconded**.

Ms. Jones stated that she mentioned the revitalization district when she was out at the gas station, at the school, and there was an article at Cleveland.com under the Olmsted Falls section. Her cell phone blew up over liquor permits and a lot of the comments were not positive. It was partly her fault for giving out her personal cell phone number but she is receiving texts from numbers that she does not recognize and are not giving her their names, but, people in general are pretty concerned about the volume of liquor permits that come with this revitalization. Mr. Stibich stated that he does not believe there are ten people lined up to buy all of the liquor permits, he thinks this is a plan for the future. He does not believe there is even one lined up at this point. Ms. Accordino indicated that the legislation was initiated by the owner of the steakhouse, as required by Ohio law, but apart from that we do not have anyone approaching the city.

Ms. Jones stated she is very conflicted. Mr. Fenrich indicated that it is his understanding that when Josh Lorek came to the city and suggested the revitalization district it was so he could qualify for this particular liquor license which is a modified D5 license which specifies the 75/25%. In order to qualify for this license, the revitalization district had to be created which automatically allows up to 10 new licenses but there are not 10 people lining up to get them. The licenses could sit in Columbus for decades. In fact, Mr. Clint Williams got the last regular D5 license from the state which was sitting around forever so there isn't a big demand. A lot of the cities that have these licenses still have some sitting in Columbus. There is no place to put that many places to begin with in this area. You cannot build a place that serves 75% food and 25% liquor and have parking and have a place big enough for a kitchen in that small of an area. So, with respect to the number of licenses even though they are available he doesn't see anyway possible that they can all be used. Ms. Accordino stated that for example, in the City of Chardon they made an amazingly large area, around 200 acres for their district in 2011 and they have five or six used out of the 20 something they have available. Mr. Stibich stated that the fact is when a business applies for one of these licenses it will come before the City. Mr. Bemer stated that information will be given to the legislative body to determine whether they would object or not and the objection usually is based on the owners, who are the applicants, and there is a criminal background completed by the police department, if the legislative body is silent then the license is approved within 30 days. Poll: 6 ayes; 0 nays. **Motion carried.**

Ordinance 57-2018

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPUBLIC SERVICES THROUGH OLMSTED TOWNSHIP BOARD OF TRUSTEES, FOR REFUSE COLLECTION AND DISPOSAL AND CURBSIDE RECYCLING SERVICES AND DECLARING AN EMERGENCY **Third Reading**

Mr. Gorski moved to **adopt**; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Resolution 61-2018

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEARS 2019 AND 2020 AND TO DIRECT THE CUYAHOGA COUNTY FISCAL OFFICER TO CREDIT THE CONSIDERATION PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS FROM TAX SETTLEMENTS DUE THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **Second Reading**

Resolution 62-2018

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR MUNICIPAL PROPERTY AND LIABILITY INSURANCE COVERAGE FOR A ONE (1) YEAR PERIOD AND DECLARING AN EMERGENCY **Second Reading**

New Business

Resolution 63-2018

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH HEALTH CARE PROVIDER(S) IN ORDER TO IMPLEMENT HEALTHCARE INSURANCE COVERAGE FOR ELIGIBLE EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY **First Reading**

Resolution 64-2018

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR A LAND AND WATER CONSERVATION FUND GRANT IN AN AMOUNT NOT TO EXCEED \$100,000 TO THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) AND IF AWARDED, ACCEPTING SUCH GRANT, AND DECLARING AN EMERGENCY **First Reading**

Mr. Gorski moved to **suspend**; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Gorski moved to **waive** the reading in its entirety; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Gorski moved to **adopt**; Ms. Duncan **seconded**. Ms. Duncan asked if this grant was for new restroom facilities in East River Park. Mr. Borczuch replied yes. Ms. Duncan replied that the ones located in the park cannot be repaired under current standards of the state. Mr. Borczuch replied that is correct. Ms. Duncan indicated that the city needs to apply to the state for grant. Poll: 6 ayes; 0 nays. **Motion carried.**

Ordinance 65-2018

AN ORDINANCE AUTHORIZING PAYMENT OF CHANGE ORDER NOS. 1 AND 2, IN THE TOTAL AMOUNT OF \$75,370.19, FROM FABRIZI TRUCKING AND PAVING FOR BID PACKAGE 1 FOR THE CONSTRUCTION OF THE PHASE V SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY **First Reading**

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

Resolution 66-2018

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A UNIFORM ACCOUNTING NETWORK AGREEMENT WITH THE OHIO AUDITOR OF STATE AND DECLARING AN EMERGENCY **First Reading**

Miscellaneous New Business - *None*

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

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

The meeting adjourned at 9:00 p.m.

Paul Stibich, Council President

Angela Mancini, Clerk of Council