

**VILLAGE OF CUYAHOGA HEIGHTS  
1<sup>st</sup> Revision**

**COUNCIL MEETING**

**April 10, 2013**

Mayor Bacci asked for a moment of silence for former resident Jerry Traffis. Mr. Traffis lived here for many years before retiring to Pennsylvania; he is survived by his son, Village resident, and former Village Treasurer, John Traffis.

Mayor Bacci had everyone stand to say the Pledge of Allegiance, and asked everyone to turn off their cell phones.

Mayor Bacci called the meeting to order. Clerk Unger called the roll. Those present were, Barbara Biro, Todd Bloam, Renato Contipelli, Marilyn Duszynski, Cheryl Harris, Ralph Faragone. Also present were Fire Chief Neal Cash, Service Director Scott Waldemarson, Police Chief Doug Pallini, Law Director Jon Greenberg, Administrative Assistant Lee Ann Schoeffler, Administrative Assistant to the Town Hall Angel Meriwether, Building Commissioner Norm Casini, and Engineer Todd Sciano.

**ROLL CALL: Biro, Bloam, Contipelli, Duszynski, Faragone, Harris**

**MINUTES:**

March 13, 2013	Council Meeting
March 20, 2013	Special Council Workshop
March 27, 2013	Council Workshop

Ms. Harris made the motion to accept the minutes, seconded by Mr. Bloam. All in favor, none opposed. Motion carried.

**COMMUNICATIONS:**

None at this time

**PERMITS:**

None at this time.

**PURCHASES:**

Motion to accept the proposal from Breathing Air Systems for a new cascade system in the amount of \$40,682.00 for the Fire Department. We are receiving a grant from FEMA for the purchase in the amount of \$38,648.00.

Mr. Bloam made the motion to approve the purchase, seconded by Ms. Duszynski. All in favor, none opposed. Motion carried.

#### **FINANCIAL REPORTS:**

Position of Cash Statement  
R.I.T.A Preliminary report for April 2013

Mr. Faragone made the motion to accept the reports, seconded by Mr. Contipelli. All in favor, none opposed. Motion carried.

#### **LEGISLATION:**

#### **RESOLUTION NO. 2013-23                      SECOND READING**

A RESOLUTION ACCEPTING THE BID OF SNAVELY EXCAVATING CO.  
FOR SITE AND UTILITY IMPROVEMENTS FOR  
RESTROOM FACILITIES AT LOUIS J. BACCI PARK

Mr. Bloam moved, seconded by Ms. Harris that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Harris voting aye for the adoption. Motion carried.

#### **RESOLUTION NO. 2013-24                      SECOND READING**

A RESOLUTION ACCEPTING THE BID OF EMOD CONSTRUCTION COMPANY  
FOR THE BUILDING STRUCTURE FOR THE  
RESTROOM FACILITIES AT LOUIS J. BACCI PARK

Mr. Contipelli moved, seconded by Mr. Bloam that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Harris voting aye for the adoption. Motion carried.

Mr. Contipelli moved, seconded by Ms. Duszynski to instruct the Clerk to group the pay resolutions for reading and adoption. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye, none opposed; motion carried.

<b>RESOLUTION NO. 2013-26</b>	Payment of Certain Claims:	\$1,286,336.99
	Payroll	
	General Bills	
	(#44658 - #44758)	

Ms. Duszynski moved, seconded by Mr. Contipelli that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-27**

A MEMORIAL RESOLUTION FOR ANNA A. BROWN

Ms. Biro moved, seconded by Ms. Duszynski that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-28**

A MEMORIAL RESOLUTION FOR FELICIA CECELIA PIASECKI

Mr. Contipelli moved, seconded by Ms. Harris that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-29**

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO PARTICIPATE IN THE  
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)  
COOPERATIVE PURCHASING PROGRAM FOR SODIUM CHLORIDE (ROCK SALT)  
CONTRACT 018-14

Ms. Biro moved, seconded by Ms. Duszynski that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-30**

A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE GRANT AVENUE AND EAST 71<sup>ST</sup> STREET INTERSTATE 77 HIGHWAY CORRIDOR

Mr. Bloam moved, seconded by Mr. Contipelli that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-31**

A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK TO DISPOSE OF A VEHICLE OWNED BY THE VILLAGE AND DECLARED AS SURPLUS MUNICIPAL PROPERTY

Ms. Biro moved, seconded by Ms. Harris that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-32**

A RESOLUTION APPROPRIATING MONIES AND AUTHORIZING THE TRANSFER OF THOSE MONIES TO THE CUYAHOGA HEIGHTS COMMUNITY IMPROVEMENT CORPORATION

Ms. Duszynski moved, seconded by Mr. Bloam that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-33**

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK  
TO ENTER INTO A LEGAL SERVICES CONTRACT WITH BRICKER & ECKLER, LLP IN  
CONNECTION WITH THE ISSUANCE OF 2013 BOND ANTICIPATION NOTES; AND  
DECLARING AN EMERGENCY

Ms. Duszynski moved, seconded by Mr. Faragone that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-34**

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK  
TO ENTER INTO A BILLING AGREEMENT WITH THE NORTHEAST OHIO REGIONAL  
SEWER DISTRICT FOR STORMWATER FEE BILLING; AND DECLARING AN  
EMERGENCY

Mr. Contipelli moved, seconded by Ms. Duszynski that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-35**

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO  
ENTER INTO A CONTRACT WITH IMAGINE NET, INC., FOR INTERNET SERVICES

Mr. Bloam moved, seconded by Mr. Contipelli that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Harris voting aye for the adoption. Motion carried.

**ORDINANCE NO. 2013-36**

**FIRST READING**

AN ORDINANCE ENACTING A NEW SECTION 234.18, ENTITLED "DEBT ADMINISTRATION", OF THE CODIFIED ORDINANCES OF THE VILLAGE RELATING TO THE ADMINISTRATION AND REPORTING OF VILLAGE DEBT.

**ORDINANCE NO. 2013-37**

AN ORDINANCE ESTABLISHING A SIX MONTH TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, AND/OR BUILDING PERMIT APPROVALS FOR FIREARM SHOOTING RANGES AND THE ISSUANCE OF SUCH APPROVALS; AND DECLARING AN EMERGENCY.

Mr. Contipelli moved, seconded by Mr. Faragone that the rules be suspended and the Ordinance be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**RESOLUTION NO. 2013-38**

A RESOLUTION ACCEPTING A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR PURCHASE OF FIRE DEPARTMENT EQUIPMENT

Ms. Duszynski moved, seconded by Ms. Harris that the rules be suspended and the Resolution be placed on third and final reading. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Duszynski, Faragone, Harris voting aye for the adoption. Motion carried.

**OTHER BUSINESS:**

Mr. Bloam made the motion to move into the CIC, seconded by Mr. Faragone. All in favor, none opposed. Motion carried.

ROLL CALL: Biro Bloam Contipelli Duszynski Faragone Harris Greenberg Bacci Unger

Mr. Bacci made the motion, seconded by Mr. Bloam to accept the minutes of March 13, 2013. All in favor, none opposed. Motion carried.

**A RESOLUTION AUTHORIZING PAYMENT OF WATER AND OTHER UTILITIES  
AT 4664 EAST 71<sup>ST</sup> STREET IN THE VILLAGE**

Mr. Bacci made the motion, seconded by Mr. Unger to authorize the utility payment at 4664 East 71<sup>st</sup> Street. All in favor, none opposed. Motion carried.

Ms. Duszynski made the motion, seconded by Mr. Bacci to move out of the CIC, and back into the regular Council Meeting. All in favor, none opposed. Motion carried.

**MAYOR AND COUNCIL REPORTS:**

**MAYOR BACCI:**

The Mayor again mentioned the passing of John Traffis's father and if you see John please give him your condolences.

The CAC and the volunteers did a great job for the Easter Egg Hunt. We had a great turnout, and incredible weather.

We are still in conversation with CSX Railroad concerning the overpass on E.49<sup>th</sup> Street, and the overpass on Grant Avenue to see what can be done to make them look better.

The Mayor asked Mr. Sciano, about the Firefighters Credit Union, and if we have finalized the amount of property that they will be needing. Mr. Sciano explained that he gave them preliminary plans concerning the site. All we need to do is finalize the plans with them. The Mayor stated he would like to see the shovels in the ground and the new building started.

Gary Tucholski donated 21 tickets to the CAC, for the Cavs game last week, and he would like to thank him for the donation.

We will celebrate Arbor Day on April 26<sup>th</sup> at Bacci Park at 6:30 pm.. We currently have 2 trees that will be planted, one for Vic Duber, and the other for Mr. & Mrs. Gawn.

Birthday wishes to Ken Schoeffler on April 1<sup>st</sup>, Scott Waldemarson April 7<sup>th</sup>, Joanne Socausky on April 13<sup>th</sup>, and Bryan Borowy on April 30<sup>th</sup>.

**MS. DUSZYNSKI:**

On March 26<sup>th</sup>, the Finance Committee approved the purchase of Design and Creative in the amount of \$24,000.00 for a marketing program for the Village. On April 7<sup>th</sup>. We also approved a payment of \$6, 207.00 to First Energy Solutions because of an overpayment of income tax.

**MR. FARAGONE:**

Nothing to report at this time.

**MS. HARRIS:**

Nothing to report at this time.

**MS. BIRO:**

On the property of E. 49<sup>th</sup> and Grant, the Illuminating property, she called Mr. Casini to clear the trees from the last storm. He informed her that he spoke to Karen Goodman from the Illuminating Company, she will take care of that problem as well as rehabilitating the fence that Mr. Casini has been trying to get rid of for the last two years.

Her other concern is when the trucks come on to E 49<sup>th</sup> Street, and make a right into the Worthington Company, they are destroying the curb and tree lawn. She was wondering if there was anything that we can do as far as a natural barrier to try and stop that from happening. The Mayor has had a spirited conversation with all involved, and together, they will solve the many issues involved.

**MR. BLOAM:**

Next Thursday the 18<sup>th</sup>, there is a Master Plan Committee at 6:00pm at the Town Hall.

**MR. CONTIPELLI:**

If anyone has anything for the Workshop, let him know. He has been notified by the North East Ohio Sustainability Consortium that there will be a meeting at the Third Federal Building on Broadway on May 1<sup>st</sup> at 5:30 pm for inner ring suburbs. If anyone would like to attend, let him know by the Workshop and he will set it up.

He has been notified by the Millcreek Watershed Partnership that the Cuyahoga County Planning Commission is trying to revitalize it again. He will keep Council updated on whether it is worth our time, because in the past there was a lot of talk, and no action in trying to stop the flooding issues in the Millcreek area.

Since we are now going to pick up storm water fees for residents, he wanted to let everyone know that there are ways for property owners to save money on these costs that can help the Village lower their costs. Mr. Sciano will send something out notifying the residents of their options.



He would also like to thank Chief Cash and Silverload, for being persistent and going after that FEMA grant for the Cascade System for the Fire Department. This is the third time we tried to get the grant, and we were finally awarded the \$40,000.00 grant this year. After we do the E. 71<sup>st</sup> Street project, he would like to see the speed signs put up like the ones on E. 49<sup>th</sup> Street. The Mayor stated that he has already asked Mr. Sciano to make it so we could have easy accessibility for power on the islands, not only for signs, but for any type of lighting we might want to put in there for the holiday seasons.

Ms. Duszynski would like a list of all the grants that Silverload helped to get for 2012. Mr. Contipelli said he would get that information for Council.

Wanted to thank the Fire Department for all the help they have given Mrs. Trivisanni. She fell and is very limited to what she can do. Her neighbor, Mrs. Kloss her has also been very helpful.

**CHIEF PALLINI:**

Nothing at this time.

**SERVICE DIRECTOR WALDEMARSON:**

Nothing at this time.

**CHIEF CASH:**

Wanted to thank Silverload for their help in obtaining the grant for the Cascade System.

**LAW DIRECTOR GREENBERG:**

Nothing at this time.

**CLERK UNGER:**

Our RITA revenue for this month is up \$52,000.00 from the same month last year. We are up \$158,000.00 for the same time last year. We are doing very well, and that is all he had to report at this time. The Mayor stated that is the best news he has heard all night !

**MRS. SCHOEFFLER:**

Nothing at this time.

**MRS. MERIWETHER:**

Would like to thank Council for passing the Resolution 2013-35 with Imagnet to increase our internet capability.

**VILLAGE ENGINEER TODD SCIANO:**

NEORS is doing a temporary repair to stabilize the Warner Road slope where Mill Creek was cutting into it. This is a temporary repair until they can do the real repair. This is part of our storm water fee in action. Mr. Contipelli asked if they were rerouting the creek. Mr. Sciano said no, they are trying to do natural restoration and lengthen the streams to decrease the cutting. They will be working on Warner road area for the next six months.

Mr. Faragone questioned the agreement with Regional Sewer to keep the trucks off of E. 49<sup>th</sup> street. He wanted to know if it was still in place. The Mayor stated that Regional asks all of its suppliers to utilize 77 or the Cloverleaf, if a truck wants to go north on E. 49<sup>th</sup>, it does so lawfully. If you are driving through Cuyahoga Heights with no local destination, you are driving through illegally. We have a friendly agreement with Regional Sewer that their trucks try to use a different access to the plant besides e. 49<sup>th</sup> Street.

### **BUILDING COMMISSIONER NORM CASINI:**

Would like to mention that the Building Department is reviewing all of the residential and commercial structures for maintenance codes. Eventually every structure in the Village will be identified and documented. Currently we are doing the residential properties. The Mayor asked Mr. Casini to wear a Service Department vest when doing his walk arounds so that he can be clearly identified, and please notify dispatch so they can tell the officers on the road in case they get any calls.

### **COMMENTS FROM THE AUDIENCE**

#### **Mrs. Shireen Mitchell**

Asked if we discussed the format of the Council Meetings. The Mayor stated that is was discussed at the Workshop, and the bottom line is that they will remain the same. If there needs to be a change in the future we can discuss it at a future date.

Asked for more explanation of Resolution 2013-30. The Mayor stated that this is for the Grant Entrance to 77 South area, all the way to the CSX overpass. We were given \$25,000.00 in materials by ODOT and the Village will spend \$50,000.00 or less in materials and labor.

She stated that by Grant Avenue and Nicky Boulevard there is a sewer or road depression. Mr. Sciano said he would look at it. Mr. Waldemarson said that we had problems there two years ago, and he would also look at it. The Mayor asked that any repairs we do be documented about what the repair was for, in case we have the problem occur again.

Concerning Resolution 2013-32, Mrs. Mitchell asked how much money were we going to transfer to the CIC and what is it for. The Mayor stated that it was \$300,000.00 , and \$250,000.00 is to pay off the Electric Welder property for the opportunity to bring in the Firefighters Credit Union on that property. Mrs. Mitchell stated some concerns about the site after the demolition, and how it is not level and there was no grass planted. The Mayor stated that B&B is filling in the dock area and they will have to bring it up to grade.

She wanted us to expand on Resolution 2013-33. Clerk Unger explained that this Resolution is to hire the Law Firm of Bricker & Eckler to help the Village secure the note for the projects we have scheduled for 2013.

In regards to Resolution 2013-35, a contract with Imaginet Inc for internet services, the Mayor deferred to Mrs. Meriwether, who helped set this up. Mrs. Meriwether stated that each building in Cuyahoga Heights has its own internet service. This will bring all buildings under the same provider. Currently we pay 645.00 a month, this will be 700.00 a month, and it will be triple the speed.

Mrs. Mitchell asked to explain Ordinance 2013-36, reporting of Village debt. Clerk Unger explained that it requires the Clerk to keep track of all debt, and submit a spreadsheet to the Mayor at the end of the year showing what we owe, what it was used for, and how much it will cost us for the next year. This will help the Mayor develop his budget for the New Year.

She questioned what is being done as far as the back of E.49<sup>th</sup> Street, and stated that she is losing land daily to erosion. She wanted to know what is being done to help alleviate this problem. Mr. Sciano stated that they are working diligently with the EPA and other entities with Mr. Sargent whom we hired to help us. Mr. Greenberg stated that for the first time, we have people that are actually listening to us, and it is because of our lobbyist, Mr. Sargent. Hopefully we will have something by June.

WHEREFORE, there is no further business before this Council, Ms. Duszynski moved, seconded by Mr. Contipelli that the Council Meeting be adjourned at 8:10 PM. All voting aye, none opposed: motion carried.