

VILLAGE OF CUYAHOGA HEIGHTS

SPECIAL COUNCIL WORKSHOP

FEBRUARY 27, 2013

**ROLL CALL: BIRO, BLOAM, CONTIPELLI, DUSZYNSKI, FARAGONE, HARRIS
ALSO PRESENT WERE SERVICE DIRECTOR SCOTT
WALDERMARSON AND VILLAGE ENGINEER TODD SCIANO**

ISSUE 1: DISCUSSION OF CAPITAL PROJECTS

The Mayor asked all of the Council members to come prepared to discuss their top picks for Capital Projects.

COMMENTS:

Ms. Harris asked if they could pick certain aspects of a project, and not the whole project. The Mayor said yes. Ms. Duszynski asked if these were projects that were needed and were looked at by the Engineer. The Mayor said absolutely, as well as the Service Director looked at them all as well.

The Mayor asked Ms. Harris what her number one priority was as it relates to the Capital Outlay. Her top priority is refinishing E. 71st Street, just the street, not the campus stuff, as well as certain projects at the Town Hall.

The Mayor asked Mr. Faragone what his number one project was, and he said Harvard Avenue. Mayor Bacci explained that we are already moving forward with that project. His second project would be the flush toilets in the park because we already have a grant for that. And his third pick was restoring the Town Hall from top to bottom, exterior and interior, instead of doing a little bit at a time.

Ms. Duszynski said she wanted to do only what is needed, not what is wanted, she is more concerned with the maintenance. East 71st street project without the campus part would be her number one.

Ms. Biro

Ms. Biro stated that she separated her choices into two categories, streets and buildings.

Her first street project on the list would be E. 71st Street. The second street project would be Canal Road.

On the capital improvement side, the first one would be the Town Hall, all the tuck pointing that provides structural support for the first floor. The second project is the basement at the Fire Station that was discussed about doing the floor by the boiler area. The third project would be the toilets at Bacci Park.

Mr. Bloam said his top project would be E. 71st Street, Canal Road, Willow Parkway cul-de-sac, and the Town Hall.

Mr. Contipelli said his top project is E. 71st Street, Harvard Hill, Bacci Park bathrooms, and he agrees with Mr. Faragone that the Town Hall needs to be done.

Mayor Bacci explained to Council that after talking to the Service Director, the Building Commissioner, and the Engineer, the Fire House basement project could be simplified by bringing the hot water tank and electrical to the main floor, and filling the room with sand. Mr. Faragone asked if they would also be filling the area where they have the pool table. Mr. Waldermarson explained that they would not be filling that area, just the area by the hot water tank.

Mayor Bacci explained that he would take the recommendations of Council and get together with the Service Director, the Building Commissioner, and the Engineer to get a list of the projects and figure out the amounts as to what the costs will be. Ms. Duszynski asked if anything has been done with the Town Hall recently. The Mayor explained that the only thing that has been done is the wall, and that he doesn't know the history, it looks like the tuck pointing has been painted, and the lentils are falling apart. Ms. Duszynski stated that this would be her second choice. Mayor Bacci also explained that there is some kind of failure on the wall by the elevator, exposing the decking material, and the second floor block is also failing. Mr. Casini will advise Council on the fix for that.

The Mayor stated again that we will take these projects and give you some costs on what they are going to run. We will show exactly what all the costs will be. Ms. Duszynski asked why we didn't do Harvard Hill last year. Mr. Sciano did not go forward with the project because of the weather, and also there were other variables with the signals and the hill by Alcoa.

Mr. Faragone said we have to remember that we are in a recession, and things can still get worse.

ISSUE 2 ORDINANCE 2013-16

AN ORDINANCE AMENDING CHAPTERS 234 AND 236 AND OTHER PROVISIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE TO CREATE THE APPOINTED POSITION OF FISCAL OFFICER AND TO ALLOCATE THERETO THE FISCAL DUTIES AND RESPONSIBILITIES NOW PERFORMED BY THE CLERK.

Ms. Harris does not feel that this is the time to do this, and wanted to see how the other members felt. Ms. Duszynski feels that it is definitely bad timing. We just had an election 4 months ago and it was voted down. She feels it is great for the future to have an appointed Clerk, but at this time she would not go with it. She stated that there was a time where two Clerks only lasted a little while, and couldn't do the job. Most communities have an appointed Clerk. There was some discussion on whether or not Council was asked to put it on first reading. The Mayor explained that after listening to the tapes, Council President Contipelli asked all the members of Council in Caucus what they wanted to do and they all said put it on first reading.

Ms. Harris asked again, what does Council want to do with this Ordinance. Council decided to keep it on First Reading. Ms. Harris was confused as to why it was not on First Reading on the Agenda. Mr. Contipelli explained that it is up to Council to decide in Caucus what they want to do, and it wouldn't have shown up as First Reading in the Agenda. Ms. Biro explained that if it is not discussed in a Workshop prior to the Meeting, then the Clerk would not know to put it on First Reading and this issue was not discussed before the Agenda came out. Mr. Faragone stated that we also discussed passing this out to every home, and he wanted to know why it hasn't been done. Mr. Contipelli stated that he wants to make an amendment to the Ordinance and then they can send accurate information out to the people. He wants to make an Amendment incorporating ORC 733.262 which involves the Fiscal Officer. The State of Ohio believes that this is the most important position a city or municipality could have. They have allowed this provision through the State Charter. What Mr. Contipelli is asking is that we incorporate this code, which states

that besides the Mayor, it would have to be approved by 75% of Council to dismiss the Fiscal Officer. This would give Council more control. Mr. Contipelli said there is a perception in the Community that this is giving too much power to one person, this amendment would give more power to the Council. Ms. Harris asked if it could be an appointment from a select committee outside of the Mayor and Council. Mr. Greenberg was asked if this was legal. He said he would have to get back to her with the answer. Ms. Harris just wants to take the politics out of it, but only if we don't have a qualified candidate. As long as we have a qualified candidate we won't need it, but we can use this committee as a backup.

Ms. Harris asked why are we creating another position to the Town Hall. Mr. Contipelli stated that we are not, that we are just shifting the duties. The Mayor stated that we did not create two new jobs; we filled two jobs to higher specifications. Those two positions were filled and created by two predecessors, end of story, we didn't create jobs. Ms. Harris said if we don't have a qualified candidate, then we have to have an appointment, it is already in the Charter, so why are we trying to change it, what's the point in doing it now. The Mayor stated that if you have one candidate with the qualifications he will get the job. The qualifications that he wanted for the position were diluted as a compromise to Council. Ms. Harris said then maybe we should look at that part of it. The Mayor said, absolutely. If you are going to continue to elect a Clerk, then the qualifications have to be reviewed. The spirit of the change is to put the best person in that position. The position has been elected; and it has been a popularity contest in the past. The person that is handling millions of dollars of the Villages money has to be a qualified person. Todd Bloam has the credentials to run for Clerk. Ms. Harris said that maybe we need to look at the credentials. The Mayor said that by changing the credentials you continue to shrink the pool of candidates. Ms. Harris understands that but continues to ask why are we doing it right now. We already have a qualified candidate that has stated that he will run. So why is it such a big hurry to do it now? The Mayor stated that he has been working on this since 2008. The Mayor stated that everyone thinks this is some big whizzing contest, and it's not. We have done what we always do in Cuyahoga Heights; we turn everything into a circus. Instead of saying what is the spirit of the issue, what is the concern; everyone wonders what that crazy Mayor is up to! We are not trying to put friends in the position; we are not trying to harm the current Clerk. So we have a concern, we have witnessed it in the early 90s; we have chosen to turn our heads the other way. We are in a recession and saw a guy come into office at the worst time. This Clerk has said he is leaving, so why wait until something happens, why not do it now. My point is there is no rush, it is on the Second Reading, if the people come out and don't want it, take the Ordinance and put it in the shredder. I am not going to lose any sleep over it. Ms., Harris said then why don't we wait until the next election, educate the people, and put it on the ballot to let the people decide again. The Mayor said that there were some things going on at that time, and he thought that the Council and Clerk would explain to the people what was going to be done. From what he understands now, that wasn't always the case, but that's me being naïve. As we have alluded to in the last Council Meeting, the Mayor and Clerk are in the Charter, but the Council specifies

what the Clerk and Mayor does. Ms. Harris still believes that we should take the next year and educate the people and see if they want to do that. The Mayor stated that he has no problem with that. If Bobby is really leaving in 4 years, then something needs to be done before his exit. Clerk Unger stated that he is leaving within 4 years. Ms. Harris again stated that we will have time to educate the people and put it up for a vote again. Mr. Contipelli stated that he is very proud of this Council for going through the process of these changes. This is the way it should be done. The Mayor stated that if there needs to be a curing period for people to understand what is going on, then so be it. His sense of urgency isn't that it had to be done right now, but we are in an election year, and the only change for Bob is that he moves from the elected side to the employee side, that's the only change for Bob. And I thought it would take a while for the residents to see and get used to the change. All I want to do is what I feel is right for the community. This is the trend in most communities. I don't want someone running for the position thinking that they were going to come in here and put their feet up on the desk and do nothing. Mr. Faragone stated that currently the Council specifies the Clerks duties, but under this new position of CFO, you specify his duties. The Mayor stated that the Charter has no duties for the Clerk. The Clerk would get duties from the Mayor; he gives job descriptions and duties for all employees. I appoint all employees, and you as Council approve them. Mr. Faragone stated that as an elected official the Mayor does not tell Council or the Clerk what to do. The Mayor stated that he is not going to get into an argument over this. Mr. Faragone again stated that he does not believe the Mayor has the legal right to give the Clerk extra duties because he is an elected official. The Mayor stated that he can give anyone tasks to do. I don't ask him to make coffee, I ask for financials and forecasts. I am the CEO of the Village, and if it's a lawful request, it's to be done.

Mr. Contipelli then asked if we want to include the recommendation he brought forward earlier about changing the vote of Council to 75%? Ms. Biro stated that she cannot make a decision at this time, Mr. Faragone said no, Ms. Harris and Ms. Duszynski also stated no. Mr. Contipelli stated that if we make this change, and the Mayor wants to eliminate someone, 5 out of 6 Council members would have to agree. Right now it would only be 4 out of 6. Going forward, the Mayor still appoints. Council decided that they need more time to digest this.

Ms. Duszynski stated to the Mayor that she truly appreciated what he is trying to do, and she understands that in the future if something happens to the Clerk like an early exit or untimely death, you want to have something in place. But she doesn't believe you explained this very simply, and you didn't send a letter out. The Mayor stated that he has a State of the Village letter that will help to explain it. She still believes that this is really not the right time.

ISSUE 3 ORDINANCE 2013-17

AN ORDINANCE AMENDING THE EMPLOYEE COMPENSATION SCHEDULE

This is an Ordinance that sets the rate of pay for an appointed CFO. Mr. Contipelli believes that the lower end should be the current rate of pay, \$59,000.00 and not \$65,000.00, because there was a perception that we were giving special raises and this is how we were hiding it. Mr. Faragone believes it should start at \$65,000.00 because if it becomes an appointed position you will not get anyone to take it at the lower rate of pay. Mr. Bloam agreed, he doesn't believe we will get a qualified candidate at \$59,000.00, as did the Mayor. The Mayor would like it on record that he agreed with Mr. Faragone ! Ms. Harris also agrees, and Ms. Duszynski reserves her right to think about it.

ISSUE 4: CLERKS UPDATE

COMMENTS:

The only thing the Clerk had at this time was the RITA distribution for February. After our two checks for February, we are short 7,000 dollars from the same time last year, but we are still up 105 thousand dollars for the year, and we will continue to monitor this on a monthly basis. Mr. Contipelli asked if I wanted to report on the budget. I informed Council that the Mayor and the Finance Department are still working on it, and we will have more information before the next Council Meeting.

Mr. Faragone reminded us that we still have to fulfill our promise of keeping three Firemen for another year, even after the Safer Grant has expired. The Mayor stated that this is correct, and the cost will be in the budget, and it will have a huge impact on the bottom line. It will be approximately 169 thousand dollars just for 2013 alone, and then we have until May of 2014 to continue to budget for them. That is the second time that I agreed with Mr. Faragone today!

MAYORS UPDATE

COMMENTS:

We had a call from CSX and actually have a meeting to look at the overpasses in the Village. Hopefully we can get those tidied up. Mr. Greenberg explained that we have been trying for so long to get this meeting, and he is very happy that it is finally happening. He is very excited.

The economic development opportunities that he addressed with Council at the Workshop continues to move forward.

In regards to the Tolar property on E. 49th Street, we will be having a meeting with the owners on March 12.

We incurred a 1,900 dollar cost at the Electric Welder property. When they were tearing it down they found a pit that needed to be cleaned out. Mr. Waldermarson explained what they found and actually saw the debris. Clerk Unger stated that it will come out of the CIC and it will be on the next Council Agenda.

Ms. Duszynski asked when the next flyer will come out. The Mayor explained that it will be his State of the Village Address. Ms. Duszynski stated that people don't know that they can request the minutes. The Mayor said that he will reiterate that message in the flyer. It was brought up that the minutes are not on the website. Clerk Unger stated that they are rectifying the problem and it will be corrected immediately. The Mayor stated that if anyone wants anything we give it to them and if they want the minutes, all they have to do is ask. He will have a statement in the State of the Village Address that if they want the minutes, all they have to do is give us their name and address, and once they are approved by Council we will have them delivered to their home.

Mr. Faragone asked that the audience participation be the first thing on the Council Agenda, not at the end. Mr. Contipelli stated that some communities do that so they can comment on the legislation before it is voted on. If this is something that you want to discuss, we will discuss it at the Workshop in March, just let him know.

Ms. Duszynski wanted everyone to know that Hunter Kreninski is going to go through a 48 mile run for the Marines, and that it is a very grueling task and to keep him in your thoughts.

Meeting adjourned at 7:04 PM.

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