

**VILLAGE OF CUYAHOGA HEIGHTS  
COUNCIL WORKSHOP  
MARCH 27, 2013**

**ROLL CALL: BIRO, BLOAM, CONTIPELLI, DUSZYNSKI, FARAGONE, HARRIS**

**ISSUE 1: STRUCTURE OF COUNCIL BUSINESS MEETINGS**

**COMMENTS:**

Mr. Faragone wanted the Council members to know that he had some calls from residents asking to look at the way the Council structures the business meeting. They would like the meeting to start with "Comments from the Audience" so they could make comments before Council votes on the legislation. The Council asked Mr. Greenberg, the Law Director if the change would have to be done by legislation. He replied that all that is needed is a motion by Council with a majority vote.

Mr. Contipelli noted that if we change the comments to the beginning of the meeting, we would have to continue the comments at the end because someone might want to just ask a question unrelated to the legislation being voted on, so you would have discussion at the beginning, and discussion at the end. The Mayor added that statements are made at public meetings, and discussions are had Monday through Friday. The Administration and Council can take care of any questions during the 40 hours that we work. Mrs. Duszynski stated that these hot button topics where someone wants to make a comment are usually on first reading, and it gives the resident a chance to comment before passage.

**ACTION:**

Council decided to keep it the way it is, but to be more cognizant about the issues that need more discussion, and not move to third and final reading without giving the residents time to express their views. We will make every effort to make the Agenda available to the public, so they will have a better idea of what is going to be discussed at the meeting. If anyone wants it, they can request it through emailing the Clerk. If there needs to be a change in the future, we can discuss it again.

**ISSUE 2: FINANCE COMMITTEE APPROVAL LIMIT**

**COMMENTS:**

Mrs. Duszynski stated that on March 16, 2012, Council raised the limit that the Finance Committee approved to \$5,000.00. She wants to know if Council wants this changed. Some of

the purchases that they have approved have become very political, blaming the Finance Committee for certain purchases, but you gave us the purchasing authority to do it. All of the Council does not have to agree with the Committee, but we do have the authority to make the purchase. She wants to know if you want every purchase to come before Council. Mr. Faragone does not have a problem with the Finance Committee, he has a problem with residents calling him and he doesn't have an explanation for something being delivered to the Town Hall that the Finance Committee approved. He would like to be notified when something is purchased. Mrs. Duszynski feels that if you see something going on, to call her or the Town Hall. Mr. Faragone asked to be notified of any purchases on the high end of the spending limit.

Ms. Harris asked to have the purchases noted on the Pay Ordinance of what they are and who requested the purchase. The Mayor asked if she called him concerning the information on the purchases. Mr. Contipelli believes that Ms. Duszynski always explained the larger purchases at the Council Meeting. Ms. Biro made the statement that she suggested at an earlier meeting to make the spending limit \$5,000.00 and everything over \$5,000.00 should be voted on by the whole Council. Mr. Contipelli said then just throw out the whole policy. The suggestion was made to have the Finance Committee have a meeting and try to figure out a solution.

Mr. Faragone stated that he doesn't have an issue with the spending limits; he would just like to be notified on the Committees activity. The Mayor also stated that if you are not notified, you can always call any one of eight elected officials to find out what is going on.

#### **ACTION:**

Ms. Duszynski will have a Finance Committee meeting and hash out all of their options.

### **ISSUE 3: OUTDOOR GUN RANGE**

#### **COMMENTS:**

Mr. Greenberg was asked to give us a legal opinion of what is happening. Mr. Greenberg stated that this is one of those circumstances that Council is not going to like legally. It is one of those things that we cannot like it and have it, or not like it and say no, and get sued. In this situation, it is a Government agency and they have a right to use their land within the laws. We have a list of things commercial things you can't do, but there is no list of things you can do, and this is not on the cant do list. There is nothing that says you can't have a gun range, but if you want to amend that we will have to change the code. But it can't affect his circumstance. So, if we tell them you can't do this, they can sue us. From a legal perspective, you have to follow the code. Because there is no requirement for a variance, it takes it out of everyone's hands. When they

come forward with a building permit, and it is within code, grit your teeth and vote to approve it, unless you want to get sued. He feels that it is a losing case, and would strongly advise against it.

Ms. Biro wanted to know if we can change the zoning to stop any private ranges in the future. Mr. Greenberg will look into this for the future. Council wants to send it to Planning and Zoning.

Mr. Contipelli stated that he doesn't like it, and it is not good for our community. Ms. Harris, Ms. Duszynski, Mr. Faragone also agrees with Mr. Contipelli. Mr. Faragone asked who owns the property. Mr. Greenberg said it was a Government Agency. Mr. Contipelli said it was set up in 1972 as its own separate government subdivision. Mr. Faragone asked if we have an Ordinance against discharging firearms, and wants to know if this would apply. The Mayor stated that it would not for Policemen.

Mr. Bloam made a statement about communications. As the Council representative to the Zoning Board, if there is an issue, please call him. Renato is the only one that called him concerning this issue. His point is, if there is a problem with any committee, call the Chair or Council Representative of that committee. If he has an issue with anything, he will call the chair of the committee that deals with the issue.

**ACTION:**

No action will be taken.

**ISSUE 4: HOURS OF WORK FOR POOL PERSONEL-RESIDENT VS. NON-RESIDENT**

**COMMENTS:**

Mr. Contipelli asked if anyone has been hired to work at the pool, and can you explain how we use all of our residents before we go out to non-residents. The Mayor stated that so far, Dan Volek is the only one hired, the applications for the pool will not come out until April 2<sup>nd</sup>, so applications have not gone out yet. He also stated that we use our residents first, and if there is a need for certain positions, we will go outside the Village. There have been complaints in the past that some employees were not used first, but the Mayor stated that that is not true, and it is well documented. The pool manager and assistant managers set up the time schedules. The Mayor stated that we try to let them manage their own department, if we get some inconsistencies with the department; we address it with the manager.

**ACTION:**

No action needed.

#### **ISSUE 5: PRINTED RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL**

##### **COMMENTS:**

Mr. Contipelli asked about the Ordinances passed by Council. He wants to know if we can get a copy of all of the legislation passed in previous years.

##### **ACTION**

The Clerk stated that he will get them all a copy of all the passed legislation from 2010, 2011, and 2012.

#### **ISSUE 6: TIMELINE ON MEETING MINUTES AND REVISIONS**

##### **COMMENTS:**

Ms. Biro would like the revisions at the top of the minutes with the revisions in bold or italicize. The Clerk said he would do that in the future.

Mr. Contipelli asked Mr. Greenberg to give us the legal requirements of the minutes. Mr. Greenberg said there is no law that says you have to have a recording of the meeting. The minutes have to give a legitimate review of what was said and conducted at the meeting. No verbatim transcript is required. Since we do tape the meetings, the recording is a public record, but it does not have to be transcribed verbatim. When the notes aren't done from a tape, Ms. Biro would like the minutes to reflect that it was done from notes. Also, she wanted to know if there is a written disaster recovery plan. Mr. Greenberg did not think we needed a written policy for this.

##### **ACTION:**

Moving forward, if someone wants something in the minutes verbatim, write it out, say it on Council floor, and hand it to the Clerk for the record, otherwise the Clerk will give a general idea of the meeting. You can also state I want this "on the record", and the Clerk will try to get it verbatim.

#### **ISSUE 7: CREATION OF A DEBT MANAGEMENT POLICY**

## **COMMENTS:**

Ms. Biro asked that Council place under the Administrative code for the Clerk to say as the Fiscal Officer of the Village, you shall keep a detailed listing of the current debt, to be used for future budgeting. This way the future Councils have to abide by the Ordinance. Now that we are going to have more than one note, it would now be a requirement of the Clerk. Mr. Unger advised council that we will be incorporating the Police Note into the new note we are pursuing. The report will be generated once a year.

## **ACTION:**

Mr. Greenberg will have something for next caucus.

## **CLERK FINANCIAL UPDATE**

Mr. Unger stated that he is currently working with Blake Beachler as bond counsel for the new note. He stated that they are going to incorporate the Police Note with the new note for Capital Projects, but it can't be done until June. They are looking to move forward with the projects before the note is sold, and we will be able to move forward with the projects.

After talking to RBC Capital who is the bond seller, they will ask the person that bought our old note, to buy the new note. RBC Capital explained that they are very interested in our note, and would rather buy a larger note than a smaller one.

After we pass the resolutions for the projects incorporated in our new note, Council can pass them and we can move forward with the projects even if the note isn't sold. If any expenses are incurred, we will use the money from the General Fund, and reimburse the money when we sell the note.

Ms. Biro asked if we wait until June, can we get all of the projects done. The Mayor stated that yes; he believes that to be true. Nothing will move forward until our Bond Counsel tells us it can, and our Village legal counsel agrees.

## **MAYORS UPDATE**

The Mayor needs to discuss employee matters and real estate. Mr. Contipelli made the motion, seconded by Mr. Bloam. All in favor, none opposed. Motion passed.

Mr. Contipelli made the motion seconded by Ms. Duszynski to move out of executive session. All in favor, none opposed. Motion carries.

WHEREFORE, there being no further business before this Council, Ms. Duszynski seconded by Mr. Contipelli that the Work Session Meeting be adjourned. All voting aye, none opposed; motion carried. Meeting adjourned at 7:45 pm.