

VILLAGE OF CUYAHOGA HEIGHTS

COUNCIL MEETING

FEBRUARY 13, 2013

Pledge of Allegiance/Turn off Cell Phones

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, Todd Bloam, Barbara Biro, Renato Contipelli, Ralph Faragone, Cheryl Harris. Also present were Fire Chief Neal Cash, Service Director Scott Waldermarson, Police Chief Doug Pallini, Law Director Jon Greenberg, Administrative Assistant Lee Ann Schoeffler, Administrative Assistant to the Town Hall Angel Merriwether, Building Commissioner Norm Casini, and Engineer Todd Sciano.

Ms. Biro made a motion to excuse Ms. Duszynski, Mr. Bloam seconded the motion. Biro, Bloam, Contipelli, Harris aye. Faragone no. Motion carried.

MINUTES:

None at this time

COMMUNICATIONS:

None at this time

PERMITS:

From Norm Casini:

A Non-residential Building/Occupancy Permit from Phyllis Folan, HD Bath Pro LLC, dated January 16, 2013 indicating they will be occupying 5150 Grant Avenue. There is no zoning variance required.

Mr. Casini is requesting review and approval to issue this Occupancy Permit pending reviews and approval by our Building and Fire Department per O.B.C..

Ms. Harris made the motion to approve the permit, seconded by Mr. Faragone. Biro, Bloam, Contipelli, Faragone, Harris voting aye. Motion carried.

PURCHASES:

None at this time

FINANCIAL REPORTS:

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

Mr. Contipelli moved, seconded by Mr. Bloam to accept the reports as prepared. Bloam, Contipelli, Faragone, Harris voting aye, Biro present; motion carried

LEGISLATION:

RESOLUTION NO. 2012-119 THIRD READING

A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK TO ENTER INTO A
CONTRACT WITH SC STRATEGIC SOLUTIONS, LLC FOR IMAGING SOFTWARE

Mr. Faragone made the motion to accept the Resolution, seconded by Ms. Harris. Biro, Bloam, Contipelli, Faragone, Harris voting aye. None opposed. Motion carried.

ORDINANCE NO. 2013-5 AS AMENDED

AN ORDINANCE AMENDING SECTIONS 1495.04 AND 1495.06 OF THE CODIFIED
ORDINANCES OF THE VILLAGE TO EXPAND THE COMMUNITY HOUSING
MAINTENANCE GRANT PROGRAM TO INCLUDE CERTAIN INTERIOR WORK AND
LANDSCAPING

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

Mr. Contipelli asked the Mayor if the changes would be included in his next newsletter. The Mayor responded that it will not be explained by him, but by Mr. Casini as it relates to interior and exterior work. Mr. Contipelli also asked if it is backdated to January 1st, so if someone has done work it would be covered. Mr. Greenberg said that he believes so. Mayor Bacci stated that the spirit of the change was to include all work that was done from January 1, 2013. The reason the Mayor does not want to get involved in the explanation, is because it refers to Ohio Building Code, and Mr. Casini is well versed in that area.

ORDINANCE NO. 2013-8 SECOND READING

**AN ORDINANCE REPEALING SECTION 256.02 OF THE
CODIFIED ORDINANCES OF THE VILLAGE WHICH REQUIRES
INCREMENTAL COMPENSATION FOR NEW EMPLOYEES**

Mr. Contipelli moved, seconded by Mr. Bloam that the rules be suspended and the Ordinance be placed on third and final reading. Biro, Bloam, Contipelli, Faragone, Harris voting aye for suspension of the rules; motion carried. Biro, Bloam, Contipelli, Harris voting aye for the adoption, Faragone no; motion carried.

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

RESOLUTION NO. 2013-11	Payment of Certain Claims:	\$1,666,483.86
	Payroll	
	General Bills	
	(#44372 - #44522)	

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, Faragone, Harris voting aye for suspension of the rules; motion carried. Bloam, Contipelli, Faragone, Harris voting aye for the adoption, Biro present; motion carried.

ORDINANCE NO. 2013-12

FIRST READING

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CUYAHOGA HEIGHTS, STATE OF OHIO, DURING THE PERIOD ENDING DECEMBER 31, 2013.

RESOLUTION NO. 2013-13

A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK TO ENTER INTO A CONTRACT WITH SUNDANCE SYSTEMS, INC., UNDER THE STATE COOPERATIVE PURCHASING PROGRAM, FOR COMPUTER SOFTWARE AND SERVICES; AND DECLARING AN EMERGENCY

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

RESOLUTION NO. 2013-14

FIRST READING

A RESOLUTION AUTHORIZING THE CLERK TO PURCHASE A NEW VEHICLE FOR THE FIRE DEPARTMENT FROM STATEWIDE FORD THROUGH THE STATE OF OHIO PURCHASING PROGRAM

RESOLUTION NO. 2013-15

FIRST READING

A RESOLUTION AUTHORIZING THE CLERK TO PURCHASE A NEW SERVICE DEPARTMENT VEHICLE FROM INTERNATIONAL AND TO PURCHASE RELATED PARTS AND EQUIPMENT FROM CONCORD ROAD EQUIPMENT MFG., INC. BOTH THROUGH THE STATE OF OHIO PURCHASING PROGRAM

ORDINANCE NO. 2013-16

FIRST READING

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.

ORDINANCE NO. 2013-17

FIRST READING

AN ORDINANCE AMENDING THE EMPLOYEE COMPENSATION SCHEDULE

ORDINANCE NO. 2013-18

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE TO CLARIFY THE TERMS OF EMPLOYMENT FOR THE ASSISTANT FIRE CHIEF; AND DECLARING AN EMERGENCY

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

OTHER BUSINESS:

Mr. Contipelli moved, seconded by Mr. Faragone to move out of the regular Council Meeting, and into the CIC. Biro, Bloam, Contipelli, Faragone, Harris all voting aye; motion carried. Roll Call: Greenberg, Bacci, Unger, Biro, Bloam, Contipelli, Faragone, Harris all present. Ms. Duszynski absent.

Mr. Bacci moved, seconded by Mr. Bloam to approve the Minutes of January 9, 2013. Greenberg, Bacci, Unger, Biro, Bloam, Contipelli, Faragone, Harris all voting aye; none opposed motion carried.

**A RESOLUTION TO ACCEPT THE CONTRACTS
WITH CIUNI & PANICHI, INC. FOR AUDITING SERVICES**

Mr. Bacci moved, seconded by Mr. Unger to approve the Resolution accepting the contracts with Ciuni & Panichi for auditing services. Greenberg, Bacci, Unger, Biro, Bloam, Contipelli, Faragone, Harris all voting aye; none opposed motion carried.

Mr. Bacci moved, seconded by Mr. Bloam to move out of the CIC, and back into the regular Council Meeting. Greenberg, Bacci, Unger, Biro, Bloam, Contipelli, Faragone, Harris voting aye, none opposed, motion carried.

OTHER BUSINESS:

Motion to appoint Mr. Contipelli, Ms. Biro, and Ms. Harris as a committee to review the Administrative Code.

Mr. Bloam made the motion, seconded by Mr. Faragone to approve the Committee. Biro, Bloam, Contipelli, Faragone, Harris all voting aye; motion carried.

MAYOR AND COUNCIL REPORTS:

MAYOR BACCI:

As we did at the beginning of the meeting, we swore in two new Police Officers, John Foran, and Thaddeus Mackewicz. I look for them to be fine officers of the Village. They received very good marks on their entry, physical, and psychological exams. I look forward to working with them for a very long time.

We had a Special Council Workshop and went over all of the Capital Improvements projects that are related to a five year Capital Outlay program. It was a good meeting, Council was very patient as they sat through presentations by Mr. Sciano, Mr. Casini and Service Director Waldermarson. It was well received. Look forward at the next Council Workshop to distinguish between the needs and the wants as relating to the different projects.

The Finance Committee just received the preliminary budget for the 2013 appropriations, and I want to thank Trevor Elkins, Ms. Meriwether, and Clerk Unger for all their work in putting it together in a timely manner. This will be the second year in a row that we put it together before the mandated deadline. It is a very definitive line item budget.

Sad business news from Stanek Windows. They were bought out by Patio Enclosures and will be ending a long term relationship with the Village. They called several weeks ago to let us know they were going to be moving, and wanted to thank the Village for all of the services and help that we have provided them over the years. They plan to tell any business that is looking for a building of that size on Willow Parkway that they need to do business with the Village of Cuyahoga Heights because we are a business friendly community.

We received a rejection letter as it relates to the Ohio EPA for the Stormwater Restoration Grant on Nicky Boulevard.

Our two speed signs are up and functioning. Several residents thought that they were adequately slowing down traffic.

Our ODOT Gateway Grant has been submitted and we have a landscape design expert that will be doing the drawings that Todd Sciano will be submitting to ODOT for approval.

He wanted to take a minute to talk about Mrs. Patty Crooks, Jimmy Crooks's wife. Jimmy is our longtime retired Service Director. As a Village, we sent Jimmy a letter saying our thoughts and prayers are with the family. Patty had a stroke with no ill effects, but led to the doctors finding a cancerous brain tumor. The family is very optimistic, but please keep them in your prayers.

Mr. Casini is going to be 80 years old, and the Mayor wished him a happy birthday from the Village of Cuyahoga Heights, and thanked him for everything he does for us. Patricia Burke, one of our newer residents is also celebrating her 80th birthday. February wishes to employees Tiffany Contipelli, Mike Stack, Donny Pallini, Mike Lahd, and Councilman Ralph Faragone, and Ms. Lee Ann Schoeffler. I also want to congratulate Mike Stack on celebrating his 30th anniversary of working with the Village of Cuyahoga Heights, and the Mayor started his 20th year on February 8th.

The Service Department and Village Hall will be closed on Monday, in observation of Presidents Day. Rubbish collection will be scheduled for Tuesday. And he wants to wish all the ladies a Happy Valentine's Day.

MR. BLOAM:

The Master Plan Committee met last Thursday with the County, it was the first of a series of meetings we will have. We will have them once a month, on the third Thursday of the month at the Town Hall at 6:00pm. It went very well, and we are going to meet the timeline by having the meetings once a month to meet the grant deadline which is in July. In the future we will announce a public meeting to allow the residents to come and give their input.

MR. CONTIPELLI:

Mr. Bloam and I met with Silverload, our economic development firm, although they have been working on many grants, and some that we have already acquired, there is a possibility of some new business opportunities that they are working on, what we would like to see 2013 is some promotional things for the Village. Mr. Contipelli would like to get more electronic and global with it. He would like Silverload to acquire or buy databases that include commercial real estate people, and developers that get into professional type office buildings. We have limited our outreach to just the region, he believes with the new Medical Mart and Casino we should expand our horizon globally. We are going to work out a plan to develop some type of email, or brochures to send out with the information on what Cuyahoga Heights has to offer, and what's available.

MS. HARRIS:

She has nothing at this time, but would like to wish all the gentlemen a Happy Valentine's Day.

MR. FARAGONE:

Mr. Faragone would like the Mayor to send an explanation and copy of the Ordinances that refer to the changes in the Clerks position to all the homes in the Village.

MS. BIRO:

Ms. Biro commented on the traffic signals. She said that she has talked to a resident on E. 49th Street who feels the signals have slowed down traffic, and she also believes they are doing the job of slowing traffic, and would like to thank Council and the Mayor for appropriating the money for them.

She explained to Fire Chief Cash, and Service Director Waldermarson that on the Ordinances for the purchases of the automobiles on tonight's agenda, that we put them on first reading because we have not passed the final appropriations. Once we do make the final appropriations, we will take into consideration the purchases.

CHIEF PALLINI:

We would like to thank the Mayor and Council for getting them their new records management system. Head Dispatcher barb Cash, and Police Secretary Reiger would also like to thank everyone involved. The Mayor believes it is a good change also. Ms. Biro stated that it is about time, and that it was long overdue.

SERVICE DIRECTOR WALDERMARSON:

The renovations to the Town Hall will be completed at the end of the month. The Electric Welder building will be raised sometime this week. The Mayor asked Scott to keep the area tidy, because it can get out of control quickly with the work that is going on.

FIRE CHIEF CASH:

Nothing at this time.

LAW DIRECTOR JON GREENBERG:

Nothing at this time.

CLERK UNGER:

In the month of January 2013, our RITA revenue was approximately \$112,000.00 more than in January 2012. It's a good start to the New Year. Our first payment in February is approximately \$632,000.00. This is \$13,000.00 less than both of our payments in February 2012, and we have one more payment left in February of 2013. So we are looking pretty good so far this year.

As a proud father, I wanted to let everyone know that my son Wes, has been selected to become a Firefighter in the City of Beachwood, and my other son Brad, has graduated from college and received his RN degree. He also will be starting a full time job at Fairview Hospital in the ICU Unit. Both of these boys were former Firemen in Cuyahoga Heights before we changed the Ordinance and let them go.

The Mayor congratulated them both on making a positive change and moving on.

LEE ANN SCHOEFFLER:

Nothing at this time.

ANGEL MERIWETHER:

The Mayor congratulated her on doing great work on the budget.

BUILDING COMMISSIONER, MR. CASINI:

Prior to the next Council Meeting, the ramp project will be started at the Town Hall leading to the elevators.

ENGINEER, MR. SCIANO:

We will be taking bids this week on the plumbing for the restrooms at Bacci Park. The Mayor also thanked him for a great presentation on the Capital Projects.

COMMENTS FROM THE AUDIENCE:

Ms. Schab asked about the ramp at the Town Hall. She knows they will not be able to use the ramp, but wanted to know if they would still have access to the elevator to get up and down. The Mayor replied yes, the elevator will be available.

Mrs. Unger is not happy that the vote for an appointed position instead of the elected Clerk should not just be dismissed, and resents the fact that Council is trying to change the position anyway. She feels that the residents voted on it and Council should listen to the voters.

Mrs. Mitchell feels the same way that Mrs. Unger does. She feels that this is a backdoor tactic to every resident of the Village that voted against putting in a Fiscal Director at the November election. So now you are going to change the wording and eliminate the Clerk. The Mayor stated that we are not eliminating the elected Clerk position. The Clerks position will still be elected by the people. But the duties of the elected Clerk have yet to be determined. The appointed Fiscal Officer will take on the majority of the duties that the current Clerk does. Ms. Mitchell stated then that you are changing it, the Clerk will not be doing the same thing that the current Clerk does. The Mayor stated that that is correct. Ms. Mitchell then asked if the pay for the elected Clerk will be the same as the current Clerk. The Mayor wanted to be clear. We are not eliminating the Clerks position, but the duties will not be the same as the current Clerk. The Fiscal Officer will have the majority of the responsibilities that the current Clerk has. The salary of the elected Clerk will go from 60 thousand to 12 thousand, and the proposed range for the Fiscal Officer will be 65 to 75 thousand dollars a year. Ms. Mitchell stated, that if the change is made, and we go to vote for the Clerk, it will no longer be the Clerk as we know it, that we voted on for the last 75 years? He will be a glorified secretary to the Council members. The Mayor had a similar question to the Law Director. Mr. Greenberg said the Charter states that there will be an elected Mayor, Clerk and six Councilmen. There are qualifications for the Clerk, which were voted on previously. The Mayor then stated that in the Charter there is a position of Clerk, with qualifications. Ms. Mitchell then asked why did you change the qualifications, and at that time didn't you get what you wanted? She then said, no, now you want to change it again by doing it yourselves. Every one of you are backstabbing and back dealing the people of this Village who

voted against this. She wants this Ordinance to go out to every resident in the Village and every specific duty if this is changed to an appointed position.

The Mayor stated that we surveyed 55 communities in this area and 46 of the 55 had appointed Fiscal Officers. There are 7 that have a voted Clerk, those being Brooklyn Heights, Valley View, and Cuyahoga Heights are three of the seven. Other communities like Parma also vote for Clerk, but has much more ridged guidelines than we have. So we asked the people of the town to eliminate the elected Clerk and make it an appointed position. And because of the small sampling of people we have in our community, we run the risk of not putting the best person in that position. And because that position is elected, there is nothing we can do to that person in that four year period. During the election that asked the voters to make the position appointed, the Mayor never received a call from any resident telling him they didn't want the change. Mrs. Mitchell said no, but the people spoke at the voting booth. Mrs. Mitchell didn't think she had to call the Mayor before she voted. The Mayor stated that she is his friend, and would have expected her to show how passionate she was about this issue. She figured that once the people voted, it was done, and that was it. But obviously the people vote doesn't matter. The Mayor stated that that is the farthest thing from the truth. He had talked to some residents that told him that they didn't understand the spirit of the change. Ms. Mitchell then stated to put it on the ballot again, and see if the spirit of change has changed. But she doesn't feel that Council should dictate what should be done. The Mayor stated that we represent the people of this community. Don't make this into something that looks like it is something that is postured for me, or this Council. Like were voting ourselves some kind of raise or stipend. Mrs. Unger stated that you're voting yourself more power. Ms. Mitchell said you are taking the vote away from the people and putting it in your hands. If you believe that the public is so stupid to elect a person with no knowledge of what he is doing, then the problem is in the Ordinance that tells the qualifications that the Clerk should have. Then you make the qualifications tougher to get more qualified candidates.

The Mayor asked Ms. Mitchell what happens if you get no qualified candidates. She said then you put it out to the public. The Mayor then asked what if you only have one candidate? Then he stated, it's not an election! Ms. Mitchell then stated that the previous Clerk didn't come into office knowing everything. She had to be trained. When anyone came into that office they had to be trained. What this provision will do is whoever is appointed, they will already have that knowledge, and not need training. So you're taking it out of the resident's hands and putting it in yours.

The Mayor asked Ms. Mitchell why would the people of Cuyahoga Heights want to elect someone for a job that is the most important position in the community. Ms. Mitchell asked the Mayor if the job is currently being done well? He said yes, but he asked the Clerk to speak to that. Mr. Unger stated that he feels he is doing a good job, and the Mayor agreed. He asked the Clerk to speak about 2010 when he first took the job. The Clerk stated it was a very demanding job. He was asked what else he testified to this body concerning that job? Mr. Unger stated that you definitely need training, and it's a very tough job. He was asked if the credentials that were in place and allowed you to run for the position prepare you for the job? Mr. Unger stated that he had a four year degree, but if he only had a two year degree, what is asked for to run for Clerk, it would be very tough. The Mayor asked the Clerk if the job is easy today? The Clerk stated no.

He was asked if he would still be learning about the job? He answered yes. So is Ms. Mitchell and Mrs. Unger correct that in an election they pick the most qualified person for the job? The Clerk stated that this is not about him. Their argument is that the Council is doing something that the voters didn't want them to do. Ms. Mitchell asked who's idea it was to do this in the first place. The Mayor stated that he brought the idea up to the Charter Review Committee. The Council and I presented this and other ideas to the committee. And they made the recommendation to put it on the ballot. Ms. Mitchell said but these people on the committee are picked by you and Council. So they agree with you and Council and then you put it out to the people and asked them to remove the Clerk position from the Charter. Ms. Mitchell believes that the Clerks job is extremely difficult, and mistakes are easily made. Previous Clerks have had a very difficult time in office, and have had to resign. But now that you put the qualifications in there, she doesn't see a problem. Mr. Contipelli stated that it requires no Finance background, just a two year business degree, and that is nothing, it is Economics 101. Mrs. Irma Schab stated that when she was on Council they asked to make it a 4 year degree, but when it went out to the people it was a watered down version. She stated that she thought Mr. Unger was doing a good job, and Mr. Contipelli agreed. She wanted to know if he would be qualified for the position as an appointed position if it was offered to him? The Mayor stated that it is already determined that that will be his job.

Ms. Mitchell does not understand why they have to change it if Mr. Unger is going to take the job. The Mayor said that the Clerk advised him that he is four years away from retiring. In those four years he can retire and we can appoint a person. All appointments are appointed by the Mayor and approved by Council. Ms. Mitchell still feels that the people should decide. We have had an elected Clerk since we existed and we are still here! The Mayor believes we are still here because we had good leadership, and Ms. Mitchell said because we elected them.

The Mayor stated that the climate of the community has changed since Ms. Mitchell was on Council. He understands what she is saying about the perception, but he tries to do everything with the utmost integrity. And he gives his ideas to help the Village move forward in a positive way. Ms. Mitchell still believes that this issue should go on the ballot again and let the people decide. The Mayor stated first and foremost he is going to get the information out to the residents. The Mayor believes that perception is reality. And Ms. Mitchell believes that many people are scared to speak up, but if they can vote, no one knows who you are, and that's why she believes it should go to a vote. The Mayor also believes that people don't speak their true mind, but wants everyone to know that this is not being done to backdoor anyone. Ms. Mitchell says it sure seems like it. The Mayor stated that he doesn't throw anyone under the bus, if there has been a time that this Village has operated more efficiently, if there has been a time that this Village has operated with more integrity, I challenge anyone to tell me when they did.

Ms. Mitchell states that we never get Agendas or Minutes, and when you do read them, there is not enough information to understand them. The Mayor goes on to explain the Ordinance for incremental compensation. After explaining it, Ms. Mitchell said that that is not in the agenda or minutes. Mr. Contipelli stated that that is why you call the Mayor or Council, or show up for Council Meetings, or go to the website. Ms. Mitchell stated that not everyone can make the meetings, and not everyone has a computer. Mr. Contipelli then stated that they could call

Council. The Mayor stated that he will get the information out to the people. Ms. Harris explained that it is better to come to Caucus, because that is where they give explanations of legislation.

Ms. Mitchell would like the minutes to reflect the conversation, and not just a blurb about what happened today, and how the people felt.

Ms. Biro made the motion to adjourn, seconded by Ms. Harris. All in favor, none opposed. Meeting adjourned at 8:15pm.