

VILLAGE OF CUYAHOGA HEIGHTS

COUNCIL MEETING

August 14, 2013

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, Ralph Faragone, Cheryl Harris. Also present were Fire Chief Neal Cash, Head Dispatcher Barb Cash, Service Director Scott Waldemarson, 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

All present.

MINUTES:

July 10, 2013 Council Meeting

Mr. Faragone made the motion to accept the minutes with corrections, seconded by Mr. Bloam. All in favor, none opposed. Motion passed.

COMMUNICATIONS:

From City of Cleveland, Clerk of Council, Patricia J. Britt:

A letter to the Mayor and Council notifying them that Cleveland City Council adopted Resolution No. 971-13, supporting the Mill Creek Watershed Partnership and collaborative watershed stewardship and encouraging the administration to become a part of the revitalization, restoration and protection of this natural resource.

Mr. Bloam made the motion, seconded by Mr. Faragone to accept the Communications. All in favor, none opposed. Motion passed.

PERMITS:

From Building Commissioner Norm Casini:

Three variances for the Firefighters Credit Unions new building at Klima Grove:

First variance:

According to Cuyahoga Heights Ordinance Section 1249.07(b) 1, the building requires a 100 foot setback from residential zoning. The structure will be built only 35 feet away from a residential property line on the south side. They are requesting a variance of 65 feet.

Council took no action

Second variance:

According to Cuyahoga Heights Ordinance Section 1249.07(b) 1, the building must be set back 25 feet from the property line. The structure will be built directly on the property line to the north, therefore they are asking for a 25 foot variance.

Council took no action

Third variance:

According to Cuyahoga Heights Ordinance Section 1249.07(b) 1, the parking area behind the building to the south requires a 30 foot buffer from all residential areas. The area will only be 7 feet from the residential area; therefore they are requesting a 23 foot variance.

Council took no action.

PURCHASES:

None at this time.

FINANCIAL REPORTS:

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

Ms. Harris made the motion to accept the reports, seconded by Ms. Duszynski. All in favor, none opposed. Motion carried.

LEGISLATION:

Mr. Contipelli moved, seconded by Mr. Bloam 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.

RESOLUTION NO. 2013-66	Payment of Certain Claims: Payroll General Bills (#45243 - #45377)	\$1,082,488.12
-------------------------------	---	----------------

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.

ORDINANCE NO. 2013-67

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Work done from American Legal Publishing to update our Ordinance books and online information. We do this every 6 months to update our Ordinances.

Ms. Duszynski moved, seconded by Mr. Bloam 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. 2013-68

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A CONTRACT WITH UNIFIRST CORP. FOR UNIFORM SERVICES

A resolution to provide uniforms for our full time and part time Service Department workers through Unifirst Corporation.

Ms. Biro 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.

ORDINANCE NO. 2013-69

AN ORDINANCE AMENDING SECTION 248.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE REMOVING THE PROVISION PERTAINING TO RESIDENCY REQUIREMENTS FOR PART-TIME SERVICE DEPARTMENT EMPLOYEES

Since Ohio law no longer permits municipalities to enforce general residency requirements for municipal employees, to avoid confusion, this would remove the residency requirement pertaining to part time employment in the Village Service Department.

The Mayor asked Law Director Greeneberg why this action was necessary. Mr. Greenberg explained that it applies to the Ohio Revised Code interpretation by the Ohio Supreme Court, and this applies to all employees of the State of Ohio.

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

RESOLUTION NO. 2013-70

A RESOLUTION AUTHORIZING A CHANGE ORDER WITH
MARK HAYNES CONSTRUCTION, INC. FOR ASPHALT TRAIL REPAIRS IN
CONNECTION WITH THE RAILS TO TRAILS – PHASE 2 PROJECT

A sink hole has developed in the trail west of the Service Department. This is a change order to repair it in the amount of \$2,950.00.

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.

RESOLUTION NO. 2013-71

A RESOLUTION ACCEPTING THE PROPOSAL OF URS CORPORATION
FOR TRAFFIC ENGINEERING SERVICES FOR UPGRADE OF TRAFFIC SIGNALS EAST
ALONG EAST 71ST STREET

In order to upgrade the traffic signals on E. 71st Street, the Village Engineer is asking Council to approve a contract with URS Corporation in the amount of \$24,000.00.

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, Faragone, Harris voting aye for the adoption. Motion carried.

RESOLUTION NO. 2013-72

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY TO THE FIREFIGHTERS COMMUNITY CREDIT UNION; AND DECLARING AN EMERGENCY

This Resolution gives the Mayor and the Clerk the authority to enter into a purchase agreement with the Firefighters Credit Union for the sale of a piece of property in the Klima Gardens Parcel, in order to build and operate a credit union on said property.

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.

ORDINANCE NO. 2013-73

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PERMITS AND/OR APPROVALS UNDER CHAPTERS 1484, 1485, AND 1060 OF THE CODIFIED ORDINANCES OF THE VILLAGE; AND DECLARING AN EMERGENCY.

Extends the moratorium on landfills.

Ms. Biro moved, seconded by Ms. Harris 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. 2013-74

A RESOLUTION CERTIFYING DELINQUENT CHARGES FOR NUISANCE ABATEMENT TO THE COUNTY AUDITOR

This resolution allows us to assess the cost for us to cut the grass to the owners of the parcel listed, on the property tax list.

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. 2013-75

FIRST READING

A RESOLUTION OF SUPPORT AND PARTICIPATION
IN THE MILL CREEK WATERSHED PARTNERSHIP

OTHER BUSINESS:

Motion to move into the CIC

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

ROLL CALL:

Biro, Bloam, Contipelli, Duszynski, Faragone, Harris, Greenberg, Bacci, Unger

All present.

MINUTES:

June 12, 2013 CIC Meeting

Mr. Bacci made the motion to accept the Minutes, seconded by Mr. Bloam, all in favor, none opposed. Motion carried.

A RESOLUTION AUTHORIZING THE PRESIDENT OF THE CORPORATION TO SELL
THE PROPERTY LOCATED AT 4664 EAST 71ST STREET, CUYAHOGA HEIGHTS, OHIO,
AND TO SATISFY THE CORPORATION'S OBLIGATIONS
IN THE PROPERTY

A resolution to sell the property located at 4664 E.71st Street to the Firefighters Credit Union in order to build a new Credit Union building on said property.

Mr. Bloam made a motion to suspended the rules and place the Resolution on third and final reading, seconded by Mr. Unger. All in favor, none opposed. For the adoption, all in favor, none opposed. Motion carried.

From State Auditor Andrew Leith:

As part of the finalizing process for the CIC Audit of 2011 and 2012, the State Auditor had no comments or findings, there were no issues related to the audit. Everything is in order.

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

The Tax Incentive Review Committee met on August 12 to review the tax incentives for Research Organics and Charter Steel.

After review, the recommendations are as follows:

Charter Steel has hit all of the numbers in the original agreement, and the board has recommended to continue the incentives for Charter Steel.

Mr. Faragone made the motion to accept the recommendation of the TIRC, and continue the incentives for Charter Steel, seconded by Ms. Biro. All in favor, none opposed. Motion carried.

Research Organics has not hit their required numbers in the last few years, and the recommendation to Council is to terminate the incentives for 2012, and go back and recover the incentive portion from them for 2010 and 2011.

Ms. Biro made the motion, seconded by Mr. Faragone to accept the recommendation of the TIRC, and terminate the incentives for Research Organics, and recover the incentives for the years 2010 and 2011. Also, Ms. Biro wanted it noted that our Law Director Mr. Greenberg will go back and see if we need legislation to terminate the contract for Tax Abatement. All in favor, none opposed. Motion carried.

MAYOR AND COUNCIL REPORTS:

MAYOR BACCI:

The Mayor sent out condolences to the Mantell family on the loss of their mother. She was 98 years old.

We have several projects underway. The Harvard Road construction is moving along well, and completion date is the end of October.

The bathroom project at Bacci Park is looking sharp, and soon we will begin the East 71st Street repair and resurfacing project.

He wanted to make sure he congratulates police Lt. Mark Davis who is celebrating his 20th year anniversary on August 2nd, and Fire Chief Neal Cash who celebrated his 35th anniversary on August 11th.

Saturday, August 17th is the last day the pool will be open. Pool party at 6 PM.

Birthday wishes to Mrs. Mavis Snoddy who turned 80 on August 1st, her family had a surprise party for her at Klima Gardens, and Mrs. Joan Unger who also turned 80 on August 11th, and her family also had a surprise birthday for her at Eastwood Water Park. Mrs. Elisa Venchi turned 96 on Monday, August 12 and Mrs. Bernice Blue will celebrate her 95th birthday on August 24th.

MR. BLOAM:

Mr. Bloam passed out a copy of the 2013 Master Plan that they have been developing with the County. He would like to recognize and thank everyone on his committee for their dedication and hard work, Mayor Bacci, Rick Baciak, Shireen Patterson, Dave Volek, as well as everyone from the Cuyahoga Planning Commission.

The Master Plan is vital in understanding what our community wishes to be as well as necessary for many of our grant opportunities. Many long hard hours of work went into developing this plan for our community. We believe we have compiled one of the most complete plans in our area, and he would like Council to review this information and consider it for adoption at our next regular Council Meeting on September 11th. If you have any questions, please give Todd a call.

He wants to personally thank Rick Baciak, Shireen Mitchell, Dave Volek, and the Cuyahoga Planning Committee for their time, and knowledge in developing this plan was greatly appreciated. I also want to personally thank the Mayor and Lee Ann Schoeffler for going above and beyond their duties to help him get this done. He also wants to thank the Mayor for the work he has done in securing the Firefighters Credit Union to move into our Village.

The Mayor explained that the work the County did for the Master Plan was incredible. The wealth of knowledge they bring to the table is unprecedented. Hopefully you will adopt it at the next meeting.

MR. CONTIPELLI:

Congratulated Mr. Bloam and his committee on a job well done. He also welcomed Expert Crane, a new company that moved into our Village. Mayor Bacci explained that they are now doing their due diligence on the old Copper & Brass building and hopefully will be in soon. There is still some minor issues with the building that has to be factored into the final price.

As far as grant money, we are going to file the Safer Grant at the end of the month for our Firemen, and we will also know in the near future if we got the Clean Ohio Trails Grant, and the TAP Grant which will do Phase II of our trails. If we get both of those grants, Phase II will become a reality.

He also wanted to congratulate our Law Director, John Greenberg who is now a Prestigious Preeminent Law Director, and has been named to the Martindale Hubble list of Cleveland's prestigious legal leaders. This reinforces the fact that we have one of the best law firms in the city working for us.

MS. DUSZYNSKI:

The Finance Committee approved a purchase to Kolar Cement for sidewalk replacements at Willowbrook Drive and E.49th and Grant Ave. at a cost of \$12,350.00. We also approved a PO for Kolar Cement for sidewalk replacement in the amount of \$24,760.00 for the Courts. We also approved a PO for part time Fire Department employee's uniforms at a cost of \$6,000 for the year.

Ms. Duszynski also had an announcement that Ted Biskind, our health care broker, has attained the status of Chartered Benefits Consultant, CBC. Ted is now in the select company of brokers that has been designated as an expert in various health care programs, less than 1% of all brokers

achieve this designation. This is quite an accomplishment, and we are glad to have such good people working for us.

She wanted to thank all of the people that sent their condolences on the loss of her little dog, Benji. She is very sad, Benji was a longtime companion, and he will be missed.

She thanked the Mayor for putting something in the flyer concerning the Flower Fund. She wanted to know if she was going to play the same role concerning the Flower Fund. The Mayor stated, yes, just keep doing the same thing you always have done, we will help you get the money.

Ms. Duszynski asked about the company that we awarded the contract for renovation of the Town Hall. The Mayor assured her that Mr. Casini the Building Commissioner has done his due diligence on them and he will see that the project is done to our specifications.

MR. FARAGONE:

Questioned Mr. Ciano, our Village Engineer on why the Harvard Avenue street project is taking so long to lay down asphalt? Mr. Ciano explained that the last time any major work was done on Harvard was in 1970, and there is now more work than anticipated. It should start to come together in the next three weeks, and we will be able to shift the traffic over down the hill.

MS. HARRIS:

Stated that the benches and planters at Bacci Park look great.

MS. BIRO:

Nothing at this time.

POLICE CHIEF PALLINI:

Our officers are currently training on the Shoot, Don't Shoot course as well as a driving simulation course through the Ohio Police Officers Training. There were some extra slots, so we worked with the officers from North East Ohio Regional Sewer District in the training program.

HEAD DISPATCHER CASH:

Wanted to send her condolences to Ms. Duszynski on the loss of her dog, and congratulate Chief Cash on his 35 years of service.

The Mayor also wanted everyone to know that Head Dispatcher Cash and himself are working on a letter concerning upgrading the 911 system in 2014, and it will be sent to all communities we dispatch for. It will state that the system needs top updated and to please appropriate enough money in your budget to cover the costs between all the Villages.

FIRE CHIEF CASH:

Explained that the new Cascade Oxygen System used for replacing the oxygen tanks is working great.

SERVICE DIRECTOR WALDERMARSON:

Congratulated Fire Chief Cash on his 35 years of service to the Village.

LAW DIRECTOR GREENBERG:

Congratulated Chief Cash on his 35 years of service, and also Mark Davis on his 20 years of service.

CLERK UNGER:

Nothing financial at this time. But he wanted to congratulate Neal Cash and Mark Davis on the many years of service to our community. He also wanted to congratulate our Law Director John Greenberg, and mentioned that his firm is awesome, and a pleasure to work with. I have complete trust and faith in your firm, your assistant Heather Vlasik, and yourself. He shared a story of having to look up an Ordinance from 1961, and at that time, we also employed the firm of Walter & Haverfield.

ASSISTANT TO THE MAYOR, MS. SCHOEFFLER:

Nothing at this time. .

ASSISTANT TO THE TOWN HALL, MS. MERIWETHER:

Nothing at this time.

VILLAGE ENGINEER, MR. SCIANO:

Explained that the contractors are using our Police Department employees for work in the construction areas, and wanted to thank them for not only being there, but actually getting out of the cars and directing traffic.

In June of this year, Council wanted him to get prices on all the sidewalks except E. 71st Street. The bid for E. 71st Street Project will go out on September 12th, and it will not include the sidewalks. The sidewalks will cost approximately \$39,000.00 from one end of E. 71st Street to the other. He wanted to know if he should include it in the bid. Council said that we should take it out of the money that we borrowed.

The Mayor explained that it is very difficult to keep track of the wishes of Council when projects go on for a long time, and he just wants it to be clear where Council wants the money to come from. The Council agreed that the money should come from the money we borrowed, and if it is not enough, we will come back to Council to find out where they want to take it out of.

Mr. Contipelli asked Mr. Sciano when the other sidewalk projects would be done. Mr. Sciano explained that it will start at the end of August.

Mr. Faragone asked when they will put new gas lines on E. 71st Street. Mr. Sciano said the gas company has no plan to put in new gas lines, and he will get that in writing for Council.

Mr. Sciano also addressed putting in permanent power to Bacci Park for future expansion. They talked to First Energy and they will add what's needed for expansion by next week.

BUILDING COMMISSIONER, MR. CASINI:

Mr. Casini gave an update on the bathrooms at Bacci Park. He explained that the trusses are up and they will soon begin covering it. The building should be complete by October.

The residential letters on maintenance have gone out last week, and the commercial letters will go out next Monday. Wendy has been checking on all the property owners of the commercial properties, and it is a huge job.

COMMENTS FROM THE AUDIENCE:

Nothing at this time.

WHEREFORE, there is no further business before this Council, Ms. Duszynski moved, seconded by Mr. Faragone that the Council Meeting be adjourned at 9:15 PM. All voting aye, none opposed: motion carried.