

**MINUTES
VILLAGE OF CUYAHOGA HEIGHTS
SPECIAL COUNCIL MEETING
MARCH 19, 2018
5:00 p.m.**

Mayor Bacci called the meeting to order. Clerk Unger called the roll. Those present were, Council members Barb Biro, Todd Bloam, Rick Centa, Renato Contipelli, Cheryl Harris, and Matt Schoeffler.

Also present were Law Director Bill Mason, Assistant Law Director Ben Chojnacki, and Engineer Todd Sciano.

ROLL CALL: Biro, Bloam, Centa, Contipelli, Harris, Schoeffler

LEGISLATION:

ORDINANCE NO. 2018-35

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO A WETLAND
STREAM MITIGATION AGREEMENT WITH ENVIROSCIENCE, INC.

Ms. Biro asked how the breakout for payment was determined. Mr. Mason explained the payments, and Mayor Bacci said that it was also approved by CFO Meriwether. She asked Mr. Mason if this is considered a service contract. Mr. Chojnacki said it was a sole source contract involving real estate, and doesn't fall within our codified purchasing guidelines.

Mr. Contipelli moved, seconded by Mr. Bloam that the rules be suspended and the Ordinance be placed on third and final reading. For suspension of the rules, all in favor, none opposed. Motion carried. For the adoption, all in favor, none opposed. Motion carried.

ORDINANCE NO. 2018-36

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO A LICENSE
AGREEMENT WITH BOYAS CONTRIBUTIONS, INC.

Mr. Bloam moved, seconded by Ms. Harris that the rules be suspended and the Ordinance be placed on third and final reading. For suspension of the rules, all in favor, none opposed. Motion carried. For the adoption, all in favor, none opposed. Motion carried.

ORDINANCE NO. 2018-37

AN ORDINANCE AUTHORIZING THE VILLAGE TO PURCHASE ENVIRONMENTAL INSURANCE FOR ACTIVITIES RELATED TO THE NICKY BOULEVARD STORM SEWER EXTENSION AND SLOPE STABILIZATION PROJECT.

Mr. Centa moved, seconded by Mr. Contipelli that the rules be suspended and the Ordinance be placed on third and final reading. For suspension of the rules, Ms. Biro Present, Mr. Bloam Aye, Mr. Centa Aye, Mr. Contipelli Aye, Ms. Harris Aye, Mr. Schoeffler Aye. Motion carried. For the adoption, Ms. Biro Present, Mr. Bloam Aye, Mr. Centa Aye, Mr. Contipelli Aye, Ms. Harris Aye, Mr. Schoeffler Aye. Motion carried.

RESOLUTION NO. 2018-38

A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO AN AGREEMENT TO ACQUIRE THE REAR PORTION OF THE PROPERTY LOCATED AT 4623 EAST 49th STREET FOR THE NICKY BOULEVARD STORM SEWER EXTENSION AND SLOPE STABILIZATION PROJECT

Mr. Bloam moved, seconded by Ms. Harris that the rules be suspended and the Resolution be placed on third and final reading as amended. For suspension of the rules, all in favor, none opposed. Motion carried as amended. For the adoption, all in favor, none opposed. Motion carried as amended.

RESOLUTION NO. 2018-39

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE A FEE SIMPLE INTEREST IN THE REAR PORTION OF PERMANENT PARCEL NUMBER 522-11-005 ON EAST 49TH STREET FOR THE NICKY BOULEVARD STORM SEWER EXTENSION AND SLOPE STABILIZATION IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

Mr. Contipelli moved, seconded by Mr. Centa that the rules be suspended and the Resolution be placed on third and final reading. For suspension of the rules, all in favor, none opposed. Motion carried. For the adoption, all in favor, none opposed. Motion carried.

RESOLUTION NO. 2018-40

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE A FEE SIMPLE INTEREST IN THE REAR PORTION OF PERMANENT PARCEL NUMBER 522-11-004 ON EAST 49TH STREET FOR THE NICKY BOULEVARD STORM SEWER EXTENSION AND SLOPE STABILIZATION IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

Mr. Bloam moved, seconded by Mr. Schoeffler that the rules be suspended and the Resolution be placed on third and final reading. For suspension of the rules, all in favor, none opposed. Motion carried. For the adoption, all in favor, none opposed. Motion carried.

OTHER BUSINESS:

Mayor Bacci asked Mr. Chojnacki to go over the current property acquisitions in our Village. He started with the two properties at the end of E. 71st Street, 5045 and 5037. Mr. Sciano is figuring out a time frame with the experts for them to come down.

He addressed the properties on 72nd Place, the old Majors and Vaccher properties. We went through a lengthy process to obtain these properties, and we currently have ownership of the Majors property, and are working to come to an agreement for the Vaccher property, we only need the court to sign off on the deal to complete the process. This should be completed in the next month, and we already have the approvals for the demolition of both homes. They will be taking down both homes at once to minimize the disruption in the area, and is easier to do both at once since the equipment will already be there.

Moving north on E. 71st Street, last December, you authorized us to sign an agreement with the Suchocki family for an easement on their property at 4661 E. 71st Street. It has been finalized and recorded. Everything we need to do there is done.

Next door to the Suchocki's property is the Hillside property. We are still working with respective buyer to develop the property, but it is still in the developmental stage. To the north of the Hillside property is the Sable Realty property. We are currently working to secure those sites that will help us down the road when we start to work on the Hillside property. By having these properties, it will allow any truck traffic to enter north of all the homes and businesses, and will keep traffic off the street, and nowhere near the residential area. Mr. Mason said we have a meeting scheduled with the courts concerning those properties next month. Mr. Contipelli asked if we will have an issue with the EPA concerning any of the properties including the ones we are not acquiring in the same area. Mayor Bacci said our intent is to not disturb any of the other properties, but he wanted it noted that because of the Nicky Blvd. project, we have a great partnership with the EPA, and they want to help us any way they can. In the past, they wanted

nothing to do with us, and would not help us. Now, we have a great working relationship with them.

As far as the E.49th Street project, Mayor Bacci wanted everyone to know that every dollar that we spend on this project has been encumbered by the fill agreement, so any dollars that the Village spends will be put back to the town in the fill agreement. So every dollar that we spend is replaced and the project will be cost neutral.

Mr. Chojnacki went over the land donation to the CIC that was voted on today, and said it is great for the Village.

Mayor Bacci and Mr. Chojnacki had a meeting today with Joe Nook, the owner of the Nook Company at the end of E.49th Street in regards to putting in a sidewalk that would lead to the Canal Trail at the end of E.49th Street from his business. He was agreeable to any suggestions that would not limit him from future development of the property. Mayor Bacci said we received a grant from the County to help us do this project, and Joe Nook is 100% behind this project. We will have to use a portion of his property to do this, and try to keep it off the street. This way we will not have to tear it down or replace it to do any work on the street. The business loves the idea that their employees can ride a bike to work from downtown. Many of the millennials live downtown, and ride bikes and walk to work. This short commute from downtown gives our town added value.

Mr. Contipelli asked if we are in touch with the Sewer District to help with the E. 49th Street hill and Canal Road project. Mayor Bacci said that we have been in contact with them, and we are trying to find a good fit to help us. Mayor Bacci knows if there is an emergency repair that is needed, they will be there to help us.

Mr. Chojnacki gave a broad overview of all the protections we have in place for the land donation agreement with the CIC concerning the Nicky Blvd. project. Ultimately, until the EPA and everyone else signs off that it is a clean piece of property with no problems or concerns, the CIC will not be the owner of the property. Boyas Contributions will still be the land owner, and we will be making improvements to it, until it gets a good bill of health and transfer ownership. Mayor Bacci said that Mr. Mason, Mr. Chojnacki, and Mr. Sciano have worked every minute to where there is little or no liability to the Village. The Boyases are in agreement that they are liable and all the money from the tipping fees will go to the Village to cover all the expenses. Mr. Chojnacki wanted Council to know that any money received from the tipping fees cannot be used for anything other than this project, it can't go into the General Fund to be used for anything else, until the project is completely paid off.

Mayor Bacci said this is a very unique project in the State, and every government entity has been willing to help us get it accomplished. Hopefully this will help us with other legacy landfill issues in the future.

Mayor Bacci wanted Council to know that the County has passed unanimously that the Village take over ownership of the property on Rt. 21 and E. 71st by our sign. Soon it will transfer to the Village, and the only issue is that we have a resident that built a pool on the property, and we

need them to take it down within an appropriate time period. Mr. Schoeffler asked if it will be offered to the resident for sale. Mayor Bacci said no, it will not be offered to them for sale. This would set a bad precedent. Mr. Sciano said it took seven years to acquire that property, and in good time, because the company working on the road wanted to park their trucks in that area. We told them they cannot park anything there.

WHEREFORE, there is no further business before this Council, Mr. Contipelli moved, seconded by Mr. Schoeffler that the Council Meeting be adjourned at 5:50 p.m. All voting aye, none opposed: motion carried.