

**VILLAGE OF CUYAHOGA HEIGHTS
COUNCIL WORKSHOP
MINUTES
MARCH 27, 2019
6:00 PM**

Ms. Harris called the meeting to order. Clerk Unger called the roll.

ROLL CALL: BLOAM CENTA CONTIPELLI HARRIS HENLEY SCHOEFFLER

Also present were, Mayor Bacci, Law Director Bill Mason, Assistant Law Director Ben Chojnacki, CFO Angel Meriwether, Engineer Todd Sciano, Building Commissioner Norm Casini, and Assistant Building Commissioner Ken LaBella.

Mr. Contipelli made a motion to excuse Mr. Schoeffler from the Workshop, seconded by Ms. Henley. All in favor, none opposed. Motion passed.

Council President Harris gave the floor to Ms. Meriwether for her CFO report.

CFO Angel Meriwether Report:

Last month, I went over the Bond that we will be looking to get for our infrastructure projects. Just wanted to give you a heads up that at next month's Council Meeting you will have legislation to allow us to move forward with our plan.

Mr. Contipelli asked CFO Meriwether why our revenue is down for the first three months of this year compared to last year. Ms. Meriwether said that the numbers for 2018 are a little skewed, we had many stragglers at this point last year, so the last year's numbers are a little inflated. We are right on track for 2019.

Mayors Report:

A quick follow up for Arbor Day. We now have four trees for the ceremony. Mr. & Mrs. Kosicki, Mr. & Mrs. Bohdan, Mr. & Mrs. Bartczek, and Jim Henley. He thinks that is a good number of people for the ceremony, and if there are more than 100 people in attendance, he will jump in the pond.

Mayor Bacci asked if all Council saw the letter sent out to residents concerning the Nature Stone Grant that we are applying for this year. They all said they have seen it.

Mayor Bacci addressed the park cameras to Council. He stated that we did have money in the budget, but our biggest concern is hanging a bunch of wires in and through the trees in the park. Mr. Contipelli mentioned that we had put in underground conduit for electrical along the path.

Mayor Bacci said that this is something we are looking into, and we will get back to Council after we find out more information.

Mayor Bacci asked for a motion to go into Executive Session for pending litigation, real estate matters, and employment matters. Mr. Centa made the motion, seconded by Mr. Bloam. All in favor, none opposed. Motion carried.

Mr. Bloam made the motion to come out of Executive Session, seconded by Ms. Harris. All in favor, none opposed. Motion carried.

Ms. Henley wanted Council to know that the new company on E.49th Street, JSI Enterprises is doing a fantastic job of cleaning up the area and the building and making it look great.

Mayor Bacci asked Mr. Chojnacki to follow up with matters as it relates to the February 13th, 2019 Business Meeting and statements made by Mr. & Mrs. Trusso.

Mr. Chojnacki explained to Council that the property owned by Mrs. Trusso (5047 East 71st Street) is quite small (the driveway is on Village property) and that the crack in the foundation of the property dates back to at least 2009. Mr. Chojnacki also provided a general history of the property.

Mr. Chojnacki went on to explain that the Village Building Department, Village Engineer, and Law Director met Mr. Trusso on the property on March 20, 2019 for the purpose of evaluating the accuracy of the statements made at the February 13, 2019 Council Meeting.

Mr. Chojnacki advised that, based on the Village Engineer's and the Village Building Department's review of the property and the surrounding area, the Village has determined that certain statements made by Mr. Trusso at the February 13th Business Meeting are false.

Mr. Contipelli observed that according to the February 13 Minutes, Mr. Trusso stated he was concerned for the tenant's safety because of the water main break.

The Village Engineer and the Village Building Department were asked to share their findings regarding Mr. Trusso's February 13, 2019 statements and their March 20, 2019 onsite meeting with Mr. Trusso.

Mr. Sciano explained that it is difficult to evaluate the accuracy of all of Mr. Trusso's statements from the February meeting because the minutes reflect that some of the statements are inconsistent with one another. Mr. Sciano highlighted the following statements from Mr. Trusso:

- At times, Mr. Trusso stated that the house was solid as a rock before expressing concern that it was not safe to have people living in the house. Mr. Sciano explained that there are photographs from the Village Building Department Records dating back to 2009 depicting cracks on the foundation and slope movement around the property, and at no

point prior to the water main break did Mr. Trusso express any concern that the house was unsafe to its inhabitants.

- Mr. Trusso stated that the slope of the back yard was dropping. Mr. Sciano explained that the grade change observed on East 71st Street is not the whole back yard of the Trusso property. The existing back yard had previous documented slope movement to the east, and the property movement to the southeast is actually on Village of Cuyahoga Heights property, as identified on the preconstruction photographs.
- Mr. Trusso stated that construction activities related to the Willowbrook Connector Trail Project caused the walls inside the house to crack, caused ceiling tiles to fall off, caused electrical issues, and caused the tenant to remove items from her shelves because they were falling off. Mr. Sciano informed Council that Mr. Trusso retracted this statement when he met Assistant Building Commissioner LaBella on the property at the March 20, 2019 meeting---Mr. Trusso claimed these statements were not true and he was misinformed by his tenant. Mr. Sciano also stated that at no point during the Willowbrook Connector Trail Project did the tenant or property owner make any complaints over these alleged problems. The Village of Cuyahoga Heights Building Department and Engineer observed that, during the site visit, there were no visible cracks in the drywall or sheet rock.
- Mr. Trusso stated that the slope stability issues on the north side of the properties were caused by the removal of trees as a part of the Willowbrook Project. However, Mr. Sciano noted that tree removal took place well-before the water main break and there were no recorded complaints filed with the Village Building Department until after the water main break occurred.
- Mr. Trusso stated that he could not believe that the hillside slippage occurred because of a water main break on 71st Street. Mr. Sciano explained that you can clearly see the effect that water main break has had on east 71st Street, and the slippage Mr. Trusso is referencing is a secondary slope failure as a result of that water main break.

Mr. Contipelli asked Mr. Sciano to confirm that the Willowbrook Connector Trail Project had nothing to do with the cracks or foundation problems with the house. Mr. Sciano confirmed that the cracks or foundation problems identified in the pictures predated the Willowbrook Project.

Mr. Contipelli asked if the water main break, other than the driveway problems, had any impact on the property. Mr. Sciano advised that the same cracks that existed in 2009 were still present on the property, and that the March 20, 2019 interior site inspection did not reveal any newly identified problems with the property.

Mayor Bacci asked Mr. Sciano to explain in simple terms what caused E. 71st Street and the hill to slip. Mr. Sciano explained that the water main break caused E. 71st Street and the hill slippage.

Building Commissioner Casini then explained his observations of the property. He saw no indication of any movement or any cracks of consequence. Mr. Casini stated that the structural integrity of the interior house was sound.

Building Commissioner Casini stated that the exterior of the house was sound. Mr. Casini stated the cracks on the exterior and the interior of the garage were aged and are not a structural failure.

Building Commissioner Casini stated that he had a report of his findings on file in the building department

Assistant Building Commissioner LaBella then explained that he was the first to arrive to the March 20, 2019 meeting. Mr. LaBella stated that when he arrived, Mr. Trusso told him that there are no interior house cracks, ceiling tiles displaced by construction, electrical or other defects or safety hazards that the Village needs to worry about and there was no need to inspect the interior of the home. Mr. LaBella stated that Mr. Trusso retracted his previous statements from the February meeting, and claimed that his statements regarding the interior of the house were not true as he was misinformed by his tenant. Mr. LaBella advised Mr. Trusso that he wanted the inspection to continue.

Mr. LaBella advised that his inspection found no structural problems on the property that would present a current risk to the health, safety, and welfare of the tenants.

Mr. Casini advised that an independent engineer was also present and will be preparing an independent report concerning his findings.

Mr. Sciano advised that an independent geotechnical engineer is in the process of completing slope stability analysis regarding the integrity of the East 71st Street hill.

Ms. Henley inquired about the stability of the East 71st Street hill after the removal of the trees. Ms. Henley was advised that the East 71st Street hill will be engineered for stability.

Mr. Labella advised Council that he had historical photos regarding the Trusso property.

Mayor Bacci advised Council that the problems with the integrity of the East 71st Street hill date back generations.

Mayor Bacci advised that the Village is going to solve the problems with respect to the East 71st Street and hillside the Village.

OTHER BUSINESS:

None at this time.

MOTION FOR ADJOURNMENT:

Mr. Bloam made the motion to adjourn, seconded by Mr. Contipelli. All in favor, none opposed.
Motion carried.

Meeting adjourned at 7:35 pm.