

**City of Maple Heights
Caucus and Regular Council Meeting Minutes**

Maple Heights Senior Center

February 4, 2015

Council President Jackie Albers called the caucus to order at 6:30 p.m. with all members present except Ms. Agee and Mr. Cefaratti who both arrived 10 minutes late due to the weather. The legislation on the agenda for the meeting was discussed. Caucus ended at 6:55 p.m.

Council President called the Regular meeting to order at 7:00 p.m. Councilwoman Edwina Agee of District 7 gave the Invocation and led the Pledge of Allegiance to the Flag. Clerk of Council Katherine Unger called the roll.

ROLL CALL: Those present were Council President Jackie Albers, Council Members Alex Adams, Toni Jones, Anthony Cefaratti, Ron Jackson, Bill Brownlee, Richard Trojanski and Edwina Agee.

Also present were Assistant Law Director Blair Melling, Police Chief John Popielarczyk, Human Services Director Linda Vopat, and Council Clerk Katherine Unger. Mayor Jeffrey Lansky and Finance Director Irene Crowell were absent and excused. Fire Chief Vito Kavaliunas arrived at 7:30 p.m. due to an emergency call for the Fire Department.

ADDENDUM: None

MINUTES:

Mr. Adams made a motion, seconded by Mr. Trojanski to approve the Minutes from the Regular Meetings on November 19, 2014, December 3, 2014, December 19, 2014, and January 7, 2015 as presented. ROLL CALL. Ayes: Trojanski, Agee, Adams, Jones, Cefaratti, and Jackson. Present: Brownlee. The motion passed.

COMMUNICATIONS

From The Ohio Environmental Protection Agency:

Notice to the City that the EPA has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 water quality certification for a project to create a retail development in the Village of Orange, which may lower the water quality of the Chagrin River.

COMMITTEE REPORTS: Council President Jackie Albers presented the Committee Assignments for Council for 2015. Mr. Adams made a motion, seconded by Mr. Trojanski to approve the 2015 Committee Assignments as follows: Committee of the Whole: Jackie Albers, Chairwoman with all other members of Council as members of the Committee of the Whole. Finance Committee: Richard Trojanski Chairman with Alex Adams and Edwina Agee as members. Economic Development: Toni Jones as Chairwoman with Anthony Cefaratti and Ron Jackson as members. Community Life: Edwina Agee as Chairwoman with Bill Brownlee and Ron Jackson as members. Public Works and Safety: Alex Adams as Chairman with Bill Brownlee and Anthony Cefaratti as members. ROLL CALL. Ayes: Adams, Jones, Cefaratti, Brownlee, Trojanski, and Agee. Present: Jackson. The motion passed.

DEPARTMENT REPORTS:

Fire Department – (Later in the meeting) Chief Vito Kavaliunas reported that a roof collapsed at the Prime Gas Station across from City Hall and that no one was injured. The Chief also reported that calls received by the Fire Department are at 457 to date and asked everyone to check on their elderly neighbors during the cold weather and to clear the snow from around the fire hydrants.

Law Department - Mr. Blair Melling had no report.

Police Department – Chief John Popielarczyk reported that Chief Kavaliunas is not at the meeting because of an emergency at the Prime Gas Station on Lee Road where the roof collapsed due to the heavy snow. Chief Popielarczyk reported that the number of calls to date is 1,869 and that the Detectives are working diligently on the murder at the R-Bar last week and hope that they can identify the suspect on the security cameras in the parking lot. The Chief asked anyone who may have witnessed the crime or knows anything about it to call the Police Department. Chief Popielarczyk also stated that the snow ban is in effect when there are two or more inches of snow.

Human Service Department – Mrs. Linda Vopat reported that the donations that have come in so far total over \$24,000.00 with many of the residents and City Officials present at the meeting having donated. Ms. Vopat remarked that it was Rosa Parks Day in Maple Heights and the Senior Center would be showing several movies to honor “Black History Month”. Ms. Vopat stated that Seniors and low income residents should make reservations for their tax preparation as soon as possible and that the Cleveland Clinic in cooperation with Marymount and Southpoint will have a representative at the Senior Center talking about signs of Cancer on February 10th and Memory Loss on February 24th.

Finance Department – Ms. Irene Crowell was not present.

CITIZENS COMMENTS:

Mr. Gerald Attwood, owner of R-Bar expressed his condolences to the family of the gentleman who was killed in the parking lot last week and stated that he and his staff have cooperated with the Police Department.

Mr. Gerald Arnold of Bowling Green Road stated that he disagrees with the money moving out of the Solid Waste Fund and into the General Fund and wanted to know the status of the City in the Fiscal Watch. Mr. Arnold also asked the Council to have a Youth Forum for the children before the summer so there would be less problems in the City.

LEGISLATION:**RESOLUTION NO.: 2015-01 (AS AMENDED)**

A RESOLUTION PUBLICLY CENSURING AND ADMONISHING COUNCIL MEMBER BILL BROWNLEE FOR CONDUCT UNBECOMING A MEMBER OF THE

COUNCIL OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY

Mr. Trojanski made a motion, seconded by Ms. Jones to suspend the rules and place the legislation on its third and final reading. Ms. Albers asked for discussion.

Mr. Brownlee stated that he sees no specific examples given as to the proposed disrespectful or inhibited actions that were taken by a member of this Council, and that in order to take such a measure of censure, specific violations should be quoted in the legislation instead of ambiguous claims. Therefore, he suggested that Council stand against such ambiguous legislation.

Ms. Agee stated that she has received numerous phone calls from constituents who come to the Council meetings and have spoken about how Mr. Brownlee is so disruptive at the meetings that the Council has become dysfunctional.

Mr. Jackson asked if there was any type of punishment associated with the legislation. Mr. Adams stated that he has also had phone calls from resident in his district who spoke about the conduct of Councilman Brownlee, the disruptions at the meetings, and even about a recall. Mr. Adams stated that the people who come to the meetings know why the council is doing this and the Council did try to handle this in a manner where it wasn't public but we couldn't do it.

Ms. Jones stated that in regards to Mr. Brownlee wanting examples, the members of the audience can just go on U-Tube and see the videos of all of the Council meetings for the proof.

Mr. Cefaratti stated for the record that he believes by passing this legislation, another lawsuit will be filed, given the track record of the lawsuits being filed, and it will cost more tax payers money for the lawsuits. Mr. Cefaratti stated that he doesn't agree with some of the actions that Mr. Brownlee has done, but if Council wants to go ahead and pass this, that's their say.

Ms. Albers stated that to answer Mr. Jackson's question, there is no penalty to the legislation, it is just Council's statement that they are not happy with the conduct and would prefer a more professional attitude.

Mr. Brownlee stated that on January 30th, a memo was sent out by the Council President that stated that Council has requested to become more proficient with the various publications and Robert's Rules and if there is sufficient interest a suggestion would be to locate an outside resource to guide the Council through the basic process. Mr. Brownlee asked council, considering that there is a consensus that the Council would be more proficient with the rules, if Council is certain that they are abiding by Robert's Rules in taking this action right now, and if not, then he stated he would caution against it.

Ms. Albers asked Legal Counsel to comment. Mr. Melling stated that it is dictated in Council Rules that this is action amongst Council members and this Office treats Council as a whole and advises Council as a whole, and when they divide in pieces and parts, we do not take sides. Mr. Melling stated that if you would like to pass this matter and seek independent legal advice, both sides can do that, but we cannot be independent because we represent this body as a whole.

Ms. Unger called the roll to suspend the rules. ROLL CALL. Ayes: Agee, Adams, Jones, Cefaratti, Jackson and Trojanski. No: Brownlee. Mr. Trojanski made a motion, seconded by Mr. Adams to adopt the legislation. ROLL CALL. Ayes: Agee, Adams, Jones, Jackson and Trojanski. No: Cefaratti and Brownlee. The legislation passed by the vote of 5 ayes and 2 nays and will become law upon the Mayor's signature.

RESOLUTION NO.: 2015-02

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEMOLITION PROGRAM AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR PARTICIPATION IN THE COUNTY'S DEMOLITION PROGRAM IN THE CITY OF MAPLE HEIGHTS IN 2015, AND DECLARING AN EMERGENCY

This Resolution had its second Reading.

ORDINANCE NO.: 2015-05

AN ORDINANCE AMENDING SECTION 1486.02(b) OF THE CODIFIED ORDINANCES REGARDING OBTAINING A RENTAL REGISTRATION LICENSE IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

This Resolution had its first Reading.

RESOLUTION NO.: 2015-06

A RESOLUTION AUTHORIZING THE CITY OF MAPLE HEIGHTS TO ACCEPT THE TITLE TO TWO VACANT PARCELS OF LAND ON SCHREIBER ROAD FOR THE LAND BANK IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY

Mr. Adams made a motion, seconded by Ms. Jones to suspend the rules and place the legislation on its third and final reading. ROLL CALL. Ayes: Agee, Adams, Jones, Cefaratti, Jackson and Trojanski. No: Brownlee. Mr. Adams made a motion, seconded by Ms. Jones to adopt the legislation. All voted aye, none opposed, the motion passed. The Resolution passed by the vote of 7 ayes and 0 nays and will become law upon the Mayor's signature.

EXPENDITURES OVER \$1,000.00:

Mr. Adams made a motion, seconded by Mr. Trojanski to approve the expenditures over \$1,000.00 numbered 2015-09 through 2015-12. ROLL CALL. Ayes: Agee, Adams, Jones, Jackson, and Trojanski. Present: Cefaratti and Brownlee.

MAYOR'S REPORT: Mayor Lansky was not present.

COUNCIL REPORTS:

Councilwoman Edwina Agee, District 7 reported that the Planning and Zoning Commission has approved the application for “Drive Time” to move into District 7. She stated that Drive Time will be replacing Finast Motors at 5578 Warrensville Center Road and that Drive Time is the leading used car vehicle retailer in the United States. Ms. Agee emphasized that Drive Time will be adding an additional 15 jobs to the City, which will help bring in much needed revenue. Ms. Agee also reported on several business moving into Southgate and other business that may be interested in coming into Southgate including Burlington Coat Factory, Five Below, and Chipotle’s Restaurant. Ms. Agee announced that a District 7 Block Watch Meeting will be held on March 19th at 6:30 in the Library. Ms. Agee also stated that if anyone is interested in *Zumba* classes, to contact her directly. Ms. Agee asked everyone to support the Senior Center and Food Pantry in any way that they can. Finally, to support “Black History Month” Ms. Agee informed the audience that on February 4, 1952, Jackie Robertson become the first African American to become an Executive of a major TV Station after accepting the position of Director of Communications for the National Broadcasting Company (NBC).

Councilman Alex Adams, District 1 reported on several issues in District 1 including hanging wires on Corkhill Drive, which turned out to be a telephone line, not an electrical line. Mr. Adams stated that a crossing guard complained about the snow not being shoveled in front of a business, and Mr. Adams stated that he talked to the owner who took care of it so the kids didn’t have to walk in the streets. Mr. Adams once again asked that residents not place garbage out too early. Mr. Adams thanked everyone who donated for the Senior Center and stated that we have to keep the Senior Center opened and the home cooked meals delivered. Mr. Adams commented about putting the Senior Levy back on the ballot and reminded everyone that American Legion Post 309 will be having a Fish Fry this Friday and everyone is welcomed.

Councilwoman Toni Jones, District 2 Ms. Jones reported that the City’s contract for the Demolition program will be on schedule and once again thanked the Police and Fire Departments for their help in determining fire and vandalism damage in several homes and the service department for a listing of boarded up houses. Ms. Jones stated that the County will be taking down 11 homes within the next month due to tax foreclosures and explained how properties move from the county land bank to the city’s land bank. Ms. Jones stated that there may be more lots available for residents who are interested in side lots after the demolitions are completed.

Councilman Anthony Cefaratti, District 3 stated that if any other members of Council are really interested in saving the Senior Center, he asked them to consider placing an income tax credit change or income tax increase on the ballot to obtain much needed funds as fast as possible. Mr. Cefaratti reminded everyone that Council will be working to balance the budget for 2015, but the Council has to start looking long term at 2016 and beyond because the residents have already turned down tax issues on the ballot three times.

Councilman Ron Jackson, District 4 commented that the recent shooting at R-Bar was devastating to both the community and to the owners of the business and suggested a dress code be established at the bar to keep away the non desirables. Mr. Jackson stated that he agrees with Councilwoman Agee and her support for the Senior Center. Mr. Jackson reminded everyone to be careful shoveling snow in the cold weather.

Councilman Bill Brownlee, District 5 reminded everyone that it is Black History month and that on February 17th at 4:30 p.m. in the Library there will be a Rosa Parks presentation for young people and also the Warrensville Road Baptist church will be having another Black History presentation on the Tuskegee Airmen. Mr. Brownlee stated that the transfer of money from the trash fund to the General Fund was an illegal transfer and that when the auditors do their financial analyses, the auditors will require the money to be returned. Mr. Brownlee stated that the Senior Center is the victim of poor planning and their simply is no money to fund the Center and any tax relief that would come would be too late.

Councilman Richard Trojanski District 6 reported that he had numerous constituents who called him upset with the shooting at the R-Bar. Mr. Trojanski stated he is a big proponent of businesses and he wants to work with the businesses but his first concerns are the residents, their safety and their quality of life. Mr. Trojanski stated that he is working with the Police Department and the R-Bar, but he holds R-Bar responsible for what happened on the property. Mr. Trojanski stated that many of his constituents have brought up the idea of drying up the precinct, which was brought up in the past, but there would be convenience stores that would be negatively affected. Mr. Trojanski stated that he may have a forum to see how the residents feel before it would be placed on the ballot, because the residents have a right to have a voice in their community. Mr. Trojanski announced that he is having another Health and Wellness Fair in August with more information to come later.

Council President Jackie Albers announced that there are some snow plow removal listings of contractors and quality of life brochures on the back table for the residents. Ms. Albers also announced that Post 309 had their annual Four Chaplain's service for four chaplains who courageously gave up their lives on a sinking ship to save the sailors. Ms. Albers also announced that the annual "Harvest for Hunger" campaign starts at the end of February and hoped everyone would be generous with this good cause. Finally, Ms. Albers announced that there are tax services available for free at Tri-C for anyone, including those people who are under 60 years old and that she will place the information on the web site.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 7:55 p.m.

Passed: March 4, 2015

ATTEST:

S/S Katherine M. Unger, CMC