

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

Maple Heights Senior Center

February 18, 2015

Council President Jackie Albers called the caucus to order at 6:30 p.m. with the following Council members present: Albers, Adams, Jones, Cefaratti, Jackson, Brownlee, and Agee. Mr. Trojanski was excused. Also present were Assistant Law Director Blair Melling, Finance Director Irene Crowell, Police Chief John Popielarczyk, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat, and Council Clerk Katherine Unger. The legislation and the bill list on the agenda for the meeting were discussed. Ms. Albers announced a Special Meeting of Council to be held on March 11, 2015 at 6:30 p.m. at the Maple Heights Senior Center to consider the 2015 budget. Caucus ended at 7:04 p.m.

Council President called the Regular meeting to order at 7:05 p.m. Councilman Alex Adams of District 1 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, and Edwina Agee. Councilman Richard Trojanski was absent and excused.

Also present were Assistant Law Director Blair Melling, Finance Director Irene Crowell, Police Chief John Popielarczyk, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat, and Council Clerk Katherine Unger. Mayor Jeffrey Lansky was absent and excused.

PUBLIC HEARING:

This Public Hearing was called to order at 7:06 p.m. by Council President Jackie Albers according to Article 16, Section 2 of the Charter and Chapter 1268 of the Codified Ordinances of the City of Maple Heights. Ms. Albers explained that the Public Hearing is to permit the public to speak in opposition or in favor of the proposed zoning amendments requested by the Planning and Zoning Commission, and stated that if any resident wishes to speak in favor or against this recommendation, they must state their name and address for the record and will have 3 minutes to speak.

Council Clerk Katherine Unger read the following:

2014-PZ-13: A recommendation by the Planning and Zoning Commission to City Council, pursuant to Section 1268.04(A) for zoning map amendment(s) and due to the recommendations made by the commission in reviewing 2014-PZ-12 and its findings in said case as well as for maintaining the economic viability of existing land, both developed and undeveloped, and in keeping with the City's overall economic development, to recommend the following zoning map amendment(s):

Dunham Road - Turney Dunham Plaza Area: 20 parcels
Currently General Commercial to be rezoned Neighborhood Commercial:

1. Six (6) Parcels on the east Side of Dunham Road Between Turney Road and Rowena
2. Four (4) parcels on the East Side of Dunham Road Between Shirley and Turney Road
3. One (1) Parcel on the North-West Corner of the Turney Dunham Intersection (6120 Dunham Road
4. One (1) parcel on Turney Road (15003 Turney Road)
5. Two (2) parcels on West Side of Dunham Road Between Turney Road and Maple Heights City Property (6134 -6188 Dunham Road aka Turney Dunham Plaza)

Currently Residential to be rezoned Neighborhood Commercial:

6. Six (6) parcels on the East Side of Dunham Road between Rowena and Mendota

Warrensville Center – Between Libby and Rockside Roads: 9 (11) parcels

Currently Neighborhood Commercial to be rezoned General Commercial:

7. Three (3) Parcels on the West Side of Warrensville Center Road beginning at Stockton Avenue and heading South until reaching current General Commercial zone (5310 -5332 Warrensville Center Road)
8. Six (6) Parcels on the East Side of Warrensville Center Road beginning at Rockside Road and heading North until reaching current General Commercial zone (5601 – 5525 Warrensville Center Road)

Northfield Road between Hillgrove Avenue and Franklin Road: 6 parcels

Currently General Commercial to be rezoned as Neighborhood Commercial:

Six (6) parcels on the West Side of Northfield Road between Hillgrove Avenue and Franklin Road.

Ms. Albers asked three times if there were any proponents to Case number 2014-PZ-13. Ms. Albers asked three times if there were any opponents to Case number 2014-PZ-13. There were no proponents or opponents who spoke, therefore, the Public Hearing was closed at 6:10 p.m.

ADDENDUM: None

MINUTES: None

COMMUNICATIONS:

From the Department of Liquor Control:

The third notice with changes for a “C” liquor license transfer from Bangla Gas Inc. to Ayesha Gas Inc. at 14196 Granger Road, Maple Heights, Ohio.

COMMITTEE REPORTS: None

DEPARTMENT REPORTS:

Fire Department – Chief Vito Kavaliunas reported that the Fire Department received 633 calls for service since January 1st and reminded everyone to check their CO2 meters during the winter due to the furnaces constantly running because of the severe cold spells. The Chief also asked

everyone to check on their neighbors, avoid front bite on unprotected skin, and to shovel around fire hydrants on the tree lawns.

Law Department - Mr. John Montello had no report.

Police Department – Chief John Popielarczyk reported that the Police Department has received 2,714 calls to date this year and announced that two suspects in the R-Bar murder have been arrested by the SWAT Team and were patrons of the bar as seen by the cameras in the bar. The Chief stated that he was quite disturbed that no one in the bar or the parking lot called the police immediately after the shooting so there was a nine minute delay response time, once an off duty police officer called it in. The Chief also reminded everyone that the snow ban is in effect.

Human Service Department – Mrs. Linda Vopat reminded everyone that they are still taking appointments for income tax services until March 30th and that services are provided between 9:00 a.m. and 2:00 p.m. Ms. Vopat announced that the Senior and Adult Services received a forty-seven thousand dollar grant for this year and next from the Cuyahoga County Council. Finally, Ms. Vopat warned everyone about various telephone and email scams

Finance Department – Ms. Irene Crowell explained several aspects of Fiscal Emergency, and stated the following:

On February 13, 2015, Dave Yost, Auditor of State, declared that a fiscal emergency existed at the City of Maple Heights. This declaration was made based on the following conditions:

- 1) The City had not made its semi-annual payments as of January 31, 2015 on three (3) Ohio Water Development Authority (OWDA) Loans totaling \$126,196 under Section 118.03(A)(1) of the Ohio Revised Code (page 7)
- 2) The total unprovided portion of aggregate deficit funds exceeded one-sixth of the total of the general fund budget for that year as defined under Section 118.03(A)(5) of the Ohio Revised Code (page 9)

A financial recovery plan must be submitted within 120 days after the Commission's first meeting. The City has been working with Local Government Services almost on a weekly basis to review the 2014 transactions and make whatever adjustments necessary. The City had not been notified that the process had been completed, nor afforded the opportunity to discuss/review the Analysis before the Declaration of Fiscal Emergency was announced.

The late payments were remitted in full February 11, 2015, check #62660. The aggregate deficit funds include the unadjusted Bond Retirement Fund #390 which is not in deficit. There are adjustments to be made which will result in a positive balance of \$74,357.43. The fund had reflected a deficit because OPWC payments were erroneously charged to this fund since 2012 which should have been paid from the Sewer Maintenance Fund #219 (see IPA's *Notes to the Basic Financial Statements*). After the adjustments to Fund #219, the balance will be \$464,015.81.

When comparing the Fiscal Watch Analysis as of December 31, 2013 and the Fiscal Emergency Analysis as of December 31, 2014 and January 31, 2015:

- 1) There were eight (8) funds in the '*Fiscal Watch Analysis*' with 'Unprovided Portion of Aggregate Deficits' totaling (\$1,487,473) listed on page 7, while only one (1) deficit fund exists in the '*Fiscal Emergency Analysis*' totaling (\$531,115), after adjustments, on page 9.
- 2) In the '*Fiscal Watch Analysis*' on page 8, the Treasury was in deficit (\$16,281), while the Treasury had a surplus of \$597,043 in the '*Fiscal Emergency Analysis*' on page 11.

CITIZENS COMMENTS:

Mr. James Jones, representing ESOP, explained various programs available to residents regarding foreclosures, first time Home Buyers, Personal Budgeting, and avoiding elderly exploitation.

LEGISLATION:

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

Mr. Adams made a motion, seconded by Mr. Jackson to adopt the legislation. ROLLO CALL. Ayes: Adams, Jones, Cefaratti, Jackson and Agee. Nay: Brownlee. The Resolution passed by the vote of 5 ayes and 1 nay.

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 Ordinance had its second reading.

ORDINANCE NO.: 2015-07

AN ORDINANCE AMENDING THE MAPLE HEIGHTS ZONING MAP TO CHANGE THE ZONING DISTRICTS OF 35 PARCELS IN THE CITY UPON THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

This Ordinance had its first reading.

EXPENDITURES OVER \$1,000.00:

Mr. Adams made a motion, seconded by Mr. Jackson to approve the expenditures over \$1,000.00 numbered 2015-13 through 2015-17. All voted aye, none opposed, the motion passed.

MAYOR'S REPORT: The Mayor was not present.

COUNCIL REPORTS:

Councilman Alex Adams, District 1 reported on complaints of missed garbage and snow removal and reminded everyone that the snow that is removed from a property must remain on the same property and not be blown or pushed in the neighbor's yard or across the streets. Mr. Adams reported that one of his Block Watch Captains on Lisa Drive called and reported that people were illegally living in a vacant house behind her and the police were called. Mr. Adams announced that there will be a Fish Fry on Fridays through April 3rd at the American Legion Hall from 4 to 7 p.m. Mr. Adams thanked all of the volunteers who deliver meals to the shut-ins stated that in addition to going out into the cold, they have to trudge through deep snow and icy steps. Regarding the Fiscal Emergency, Mr. Adams stated that all ideas and comments are welcome. Mr. Adams stated that this problem was not created by this Council and that there is plenty of transparency in the city, as he has never been denied any information from any director, especially Ms. Crowell. Mr. Adams stated that many questions that the Council has can be answered if they just ask the Directors before the meeting. Mr. Adams told the residents that if they have any questions, they should call their council person who should get the answers. Mr. Adams warned everyone about a phone scam claiming to be the IRS. Mr. Adams thanked Mr. Jones from ESOP and stated that foreclosures are still a problem. Mr. Adams stated that regarding the Senior Center, the council will have to decide if they want to put another levy on the ballot to keep the Senior Center open.

Councilwoman Toni Jones, District 2 thanked the Finance Director for her explanation of the Fiscal Emergency and the situation in the City. Ms. Jones explained to those residents who came early, that the Council is now having their caucus downstairs, in the caucus meeting where the council has the opportunity to ask questions before the regular meeting about items on the agenda. Ms. Jones thanked the Council for passing the contract with the County for the demolition of homes in the City. Ms. Jones stated that there are about 115 homes that are candidates for demolition, but there is a lot of work that need to be done before a house will qualify. Ms. Jones thanked Mr. Jones from ESOP and stated that there are about 152 homes in foreclosure in Maple Heights, most of them owe taxes that we may never collect.

Councilman Anthony Cefaratti, District 3 stated that he is looking forward as to what the State Auditors are going to say about the Fiscal Emergency but he stated that he is a little irritated with them and feels that the City has asked for help, has made cuts, and the auditors just keep running the numbers. Mr. Cefaratti stated that the governor cut city funds and many cities like Maple Heights are struggling. Mr. Cefaratti stated that he hopes that the council does not have to lay off

Police and Firemen and more City hall workers. Mr. Cefaratti stated that we have tried with levies, tried with lay-offs, cuts in services and he would like to know what the state can do for us.

Councilman Ron Jackson, District 4 reported that the Governor, who wants to run for President, is using the State's Rainy Day fund as his "Claim to Fame" Mr. Jackson explained that the State's Rainy Day fund is composed of billions of tax payer's dollars that were supposed to go to the communities in Ohio to supplement their budgets. Mr. Jackson thanked Mr. Jones from ESOP and stated that he would hope something could be done so the City could recoup some of the back taxes that are owned on the property. Mr. Jackson stated that he gets many calls on garbage being put out too early. Regarding the Fiscal Emergency, he thanked Ms. Crowell for her report and stated that that the City will not get out of it for a while. Mr. Jackson stated that he also received calls about the lack of snow removal. He stated that because of the lack of money there are less working trucks, less employees to plow snow, and no money to buy salt. Mr. Jackson stated that residents should encourage business to clear their own sidewalks.

Councilman Bill Brownlee, District 5 stated that the Fiscal Emergency was no surprise and that the auditors that declared the city in Fiscal Emergency did not create the fiscal problem, but instead, it is the fiscal problems of the City that generated the declaration of fiscal emergency. Mr. Brownlee stated that there is no one to blame for this situation but ourselves. Mr. Brownlee stated that the City has to admit their fault so they can fix the problem. Mr. Brownlee stated that he thinks the declaration of Fiscal Emergency is a good thing because now the City knows where it stands and the City will have additional resources available from the State. Mr. Brownlee stated that the City may need a performance audit to show where money can be saved by changing the way the City operates. Mr. Brownlee stated that the City needs to be willing to do what needs to be done.

Councilman Richard Trojanski District 6 was absent from the meeting.

Councilwoman Edwina Agee, District 7 reported on a situation with one of her residents and stated that Ms. Agee called Ms. Peterson on February 15th and left a message for her to call back, which she did, and they talked about the issue that she had. Ms. Agee stated that she immediately called Councilwoman Jones who helped her obtain the information needed and called Ms. Peterson back. Ms. Agee stated that Ms. Peterson wanted more information but the City Hall was already closed with a holiday on Monday and would not reopen until January 20th. Ms. Agee stated that she called Ms. Peterson back with the information at 4:00 p.m. on January 20th. Ms. Agee explained that she used this instance as an example to show her constituents that she does call back and tries to help people with issues that they have. Ms. Agee commented on the Fiscal Emergency and stated that the Council has some tough decisions to make and there is no room for pettiness and pointing fingers. She stated that everyone must work together to move the City forward. Ms. Agee stated that Radio Shack is going out of business, but Beauty Nook , Temple Fashions, and New York Fashions are coming into Southgate. Also, Ms. Agee reported that Southgate Lanes has been sold and is coming back bigger and better. In honor of Black History month, Ms. Agee stated that on February 18, 2006, John Davis became the first African American to win an individual gold medal in winter Olympics. Ms. Agee stated that she will be having a round table discussion with Maple Heights Senior Students on Thursday March 18th with the Police Department to explain to the students how the law changes once they turn 18.

Council President Jackie Albers reported that there are five snow plows that are presently out of service with only two that are working, so she is asking the residents to be patient. Ms. Albers stated that there were many calls about rubbish not being picked up. Ms. Albers stated that it is much harder for the workers to pick up the rubbish on top of piles of snow or that may be frozen to the ground, so again, she asked the resident to be patient. Ms. Albers asked the Service Director about posting information about delayed rubbish on the Web site for the residents. Ms. Albers also cautioned people, especially students, to at least walk facing traffic when walking in the streets because the sidewalks are not plowed. Ms. Albers asked that residents read the Neighborhood News, as they do a great job and report everything we give them. Ms. Albers announced that there will be a Special Meeting of Council on Wednesday, March 11, 2015 at 7:00 p.m. in the Senior Center where pending legislation will be discussed, including the 2015 budget. Ms. Albers stated that in regards to Mr. Brownlee's comments that the City is stagnating, the City has reached out to the local politicians, the state and the federal politicians; we have had forums with the residents, we have cut staffing, programs and services, but nothing and no one has helped. Ms. Albers stated that we have are also trying to bring in new businesses and keep the others. In the mean time, the Governor's Rainy Day fund has grown to 8 billion dollars with money that was denied to the Cities of Ohio.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 8:20 p.m.

Passed: March 4, 2015

ATTEST:

S/S Katherine M. Unger, CMC