

**City of Maple Heights
Special Council Meeting Minutes**

Maple Heights Senior Center

July 23, 2014

Council President Jackie Albers called the meeting to order at 6:06 p.m. in the Maple Heights Senior Center. 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, Bill Brownlee, Richard Trojanski and Edwina Agee. Council member Ron Jackson was excused from the meeting.

Also present were Mayor Jeffrey Lansky, Mr. John Montello, Assistant Law Director Blair Melling, Finance Director Irene Crowell, Acting Chief John Popielarczyk, and Fire Chief John Drsek and Human Services Director Linda Vopat.

Mr. Trojanski made a motion, seconded by Ms. Jones to suspend all regular items and reports from the meeting except the legislation. ROLL CALL. Ayes: Adams, Jones, Cefaratti, Trojanski and Agee. Present: Brownlee. The motion passed.

Ms. Jones made a motion, seconded by Mr. Adams to take Ordinance Number 2014-36 out of Committee and placed on the agenda. Roll Call. Ayes: Adams. Mr. Brownlee interrupted the roll call to make a comment. Ms. Albers stated that this roll call is only to bring the legislation out of committee and that his comments about the legislation could be made when the vote was taken to adopt the legislation. Mr. Brownlee continued to talk and stated that he felt that the legislation needed more time in committee for Council to discuss it. Ms. Albers reminded the Council that this item has been in committee for almost five months. The Clerk stated that the role call is to take Ordinance number 2014-36 out of committee and place it on the agenda. Ayes: Adams, Jones, Cefaratti, Trojanski and Agee. Nay: Brownlee. The motion passed.

LEGISLATION:

ORDINANCE NO.: 2014-36

AN ORDINANCE REPEALING CHAPTER 1487 OF THE CODIFIED ORDINANCES REGARDING CERTIFICATES OF RENTAL COMPLIANCE AND AMENDING CHAPTER 1486 REGARDING THE REGISTRATION OF RENTAL PROPERTIES IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

Ms. Albers stated that this Ordinance is on its third and final reading and that there has been previous discussion in two council meetings and one committee meeting. Ms. Jones made a motion, seconded by Mr. Trojanski to adopt the legislation. Mr. Brownlee made a motion for discussion. There was no second.

Mr. Brownlee made a motion to appeal to the chair. Ms. Agee seconded the motion. Mr. Melling stated that the chair would defend her decision and Mr. Brownlee would state his reasons for the appeal, and the Council would decide which way they want to go. Mr. Brownlee stated that regardless of the reading, every council member should have the right to comment on the legislation. Ms. Albers stated that Mr. Brownlee has already made several comments at three

meetings, and this legislation has been in committee for almost five months. Ms. Albers stated that rather than Mr. Brownlee continuing to want more and more discussion, the other members who want to vote on the legislation should also be given the right to vote and move on. The Clerk announced that the following roll call will be to appeal the chair for more discussion. Mr. Melling stated that a “yes” vote is for more discussion and “no” vote would require the roll to be called for the adoption on the Ordinance. Mr. Brownlee disagreed and stated that the proper wordage is, “Shall the decision of the chair stand?”. The Clerk stated, “Shall the decision of the chair stand?” Roll Call. Ayes: Adams, Jones. Nays: Cefaratti, Brownlee, Trojanski, Agee. The motion failed therefore Mr. Brownlee was allowed to discuss the Ordinance.

Mr. Brownlee stated that 2014-61 was cut short and not placed into committee. Mr. Brownlee continued and stated that Ordinance number 2104-61 was changed in the winter to a \$500.00 fee and now it is being changed again. Mr. Brownlee objected to the lack of discussion on Ordinance number 2014-36 and thought that it needed more time. Ms. Jones stated that there was a lot of discussion on both Ordinances and stated that the City is trying to streamline the procedures for both the landlords and the Building Department. Ms. Jones stated that Mr. Brownlee had ample time to ask questions to Mr. Loconti and that there is no reason to delay the process any longer. Mr. Adams stated that the council should respect the opinion and suggestions of the Building Commissioner and if this legislation will help the Building Department, we should move forward with it. Mr. Brownlee stated that the Ordinance as written is not what was talked about in the committee. Ms. Agee asked Ms. Jones to clarify. Ms. Jones stated that she feels that the Ordinance is correct. Ms. Unger stated that the fees in the Ordinance are not mentioned separately, but referred to in the fee Ordinance. Ms. Unger also stated that the Rental Registration Fees are exactly what is presently being charged, including the inspection fee, which the landlord paid separately at the building department window, and was not mentioned in the previous ordinance. Ms. Albers stated that the Building Official should have the authority to suggest legislation as he feels will benefit the department that he is running. In addition, she stated that this legislation went to committee to make sure that it was fair, just and still brought in what the City needed, so for us to sit here and talk about going back to committee because Mr. Brownlee just doesn’t agree, is very negative. Mr. Cefaratti asked if the Committee voted or agreed to send the legislation back to council for a vote. Ms. Jones stated that after Rick explained everything at the committee meeting, no one had any further questions.

Ms. Albers called for the Clerk to call the roll on adoption. ROLL CALL. Ayes: Trojanski, Agee, Adams, Jones, and Cefaratti. Nay: Brownlee.

ORDINANCE NO.: 2014-60

AN EMERGENCY ORDINANCE APPROVING THE MAYOR’S 2014 FINANCIAL RECOVERY PLAN AND DIRECTING THAT THE PLAN BE SUBMITTED TO THE FINANCIAL PLANNING AND SUPERVISION COMMISSION AT THEIR FIRST MEETING OF THE FINANCIAL PLANNING AND SUPERVISION COMMISSION FOR THE CITY OF MAPLE HEIGHTS, OHIO

This Ordinance had its second reading.

Finance Director Irene Crowell stated that from the discussion that she had with Council on the previous night, there would be a few minor revisions to the five year forecast. Ms. Crowell presented the new items to make the fiscal plan complete for submission to the State Auditors, including the Mayor's pay change in 2016, health insurance items, both contributions and benefit differences, and finally, the savings predicted with a reduction in the members of Council. Ms. Crowell stated that unless there are other savings presented, the plan is complete. Mr. Trojanski commented that if the Council President is eliminated, the savings would also not take effect until 2016. Mr. Brownlee began asking Ms. Crowell questions that she stated were already discussed at the meeting on the previous evening. Mr. Brownlee was asked by Assistant Law Director Blair Melling to direct his questions to the chair and not to the Finance Director. Ms. Albers stated that the Council will be looking at the plan again on July 28th at a Special Meeting before passage. Ms. Crowell also explained that the final appropriations and the temporary budget would have to be adjusted before the end of the year. Mr. Cefaratti suggested that the legislation be presented by the second meeting in November to give the Council time to discuss the budget and have three readings before the end of the year.

ORDINANCE NO.: 2014-61

AN ORDINANCE AMENDING SECTION 1484.04 AND 1484.05 OF THE CODIFIED ORDINANCES DECREASING THE FEES FOR NOTICE OF FORECLOSED PROPERTIES IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

This Ordinance had its second reading. Mr. Brownlee asked Ms. Jones what prompted her to bring this legislation forward. Ms. Jones stated that only the largest cities have fees at \$500.00 and that the price needs to be lower to mirror other cities that are the same size as Maple Hts. Mr. Adams made a motion, seconded by Ms. Jones to suspend the rules and place the Ordinance on its third and final reading. All voted aye, none opposed, the motion passed. Mr. Brownlee stated that the price is in line with other cities. Mr. Adams made a motion, seconded by Mr. Trojanski to adopt the legislation. All voted aye, none opposed, the motion passed. The Ordinance passed by the vote of 6 ayes and 0 nays, and will become law upon the signature of the Mayor.

RESOLUTION NO.: 2014-62

A RESOLUTION AUTORIZING THE MAYOR AND THE LAW DIRECTOR TO NEGOTIATE A LEASE CONTRACT WITH SBA TOWERS V, LLC FOR A PERPETUAL EASEMENT AGREEMENT OF A CELLULAR TOWER SITE AT DUNHAM PARK IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

This Resolution had its second reading. Ms. Albers asked Mr. Montello if he checked on the guide wires. Mr. Montello stated that the representative stated that he believes that there would not be guide wires, but if they were needed, the company would comply with the city ordinances. Mr. Brownlee stated that he thinks the Ordinance should wait for a vote. Ms. Albers stated that the Ordinance would remain on its second reading until the Council gets an answer on the guide wires. Mr. Cefaratti stated that if there are any questions on the project, it should go to Planning

& Zoning instead of waiving that requirement as stated in Section 2 in the Resolution. Ms. Albers stated that the City Engineer has already approved it, so she sees no reason to delay it with another meeting.

RESOLUTION NO.: 2014-63

A RESOLUTION URGING THE CUYAHOGA COUNTY COUNCIL TO PASS ORDINANCE NO. 02014-0014, AN ORDINANCE INTRODUCED BY CUYAHOGA COUNTY EXECUTIVE EDWARD FITZGERALD ESTABLISHING THE CUYAHOGA COUNTY PROPERTY DEMOLITION FUND TO ELIMINATE ABANDONED AND BLIGHTED PROPERTIES IN CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY

This Resolution had its second reading. Mr. Trojanski stated that he introduced this legislation because the County wants to create a program to tear down blighted houses and he believes that Maple Heights would benefit from it with funds to demolish homes in Maple Heights. Ms. Jones stated that she attended the County Council meeting and that Council has several ways that the money would be distributed through the County Land Bank and Maple Heights needs to go after this money. Ms. Jones, Ms. Albers, Ms. Agee and Mr. Adams asked to be co-sponsors of the legislation. Mr. Cefaratti asked how the County would fund this program and what will be the formula to determine how the money is distributed and who gets the money because he knows it is often political. Ms. Jones stated that Maple Heights needs to start complying a list for demolition because there will be a lot of competition from other cities to obtain the money. Mr. Brownlee stated that the Council doesn't even have the County Ordinance to look at. Mr. Adams made a motion, seconded by Ms. Jones to suspend the rules and place the Resolution on its third and final reading. ROLL CALL. Ayes: Trojanski, Agee, Adams, Jones, and Cefaratti. Nay: Brownlee. As there are six votes needed to suspend the rules, the motion failed and the Resolution remained on its second reading.

RESOLUTION NO.: 2014-64

A RESOLUTION REPEALING RESOLUTION NUMBER 2014-46, WHICH WOULD REQUIRE THE TRANSFER OF ALL EXISTING AND FUTURE FUNDS ASSESSED AND COLLECTED FOR GARBAGE AND RUBBISH COLLECTIONS IN THE CITY FROM THE SOLID WASTE COLLECTION FUND TO THE GENERAL FUND AND DECLARING AN EMERGENCY

This Resolution had its first reading.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 7:40 p.m.

Passed: _____, 2014

ATTEST:

Katherine M. Unger, CMC