

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

**Maple Heights City Hall**

**November 10, 2015**

Council President Jackie Albers called the meeting to order at 7:02 p.m. Council Clerk Leonette Cicirella called the roll.

**ROLL CALL:** Those present were Council President Jackie Albers, Council Members Alex Adams, Anthony Cefaratti, Ron Jackson, Bill Brownlee, and Edwina Agee. Toni Jones was absent and excused. Richard Trojanski was absent but not excused. Also present were Mayor Jeff Lansky, Law Director John Montello, Finance Director Irene Crowell, Police Chief John Popielarczyk, Human Services Director Linda Vopat and Council Clerk Leonette Cicirella. Fire Chief Vito Kavaliunas and City Engineer Ed Hren were absent and excused.

Also present were the following representatives from AMCLO Group Incorporated: William W. Harkins, Karl F. Morgenthaler and Roy K. Napoli

Mr. Adams made a motion, seconded by Mr. Jackson to suspend all regular items and reports from the meeting except for the legislation. ROLL CALL: Ayes: Adams, Cefaratti, Jackson and Agee. Present: Brownlee. The motion passed by the vote of four (4) ayes, one (1) present.

**LEGISLATION:**

**2015-73 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER**

Ms. Albers asked Finance Director Crowell to explain the necessity of **Resolution 2015-73** and if there were any time constraints regarding it. Ms. Crowell said the resolution was a revision of the previously passed tax levy legislation. She said that legislation was passed as required by the budget commission in September, 2015, but with the passage of the Senior Levy adjustments would be need to be made to the tax bills. Ms. Crowell stated time was of the essence in this matter in order to be able to get the correct Senior Levy amount included on the property tax duplicates which are processed in December. Ms. Crowell stressed the importance of getting the approved resolution down to the budget commission as soon as possible so the City would be able to receive the funds for the Senior Center operations.

Law Director Montello stated that without Councilman Trojanski present however, there are not the six (6) members of council needed to vote to suspend the rules and put the resolution on its third and final reading. Ms. Albers said she had not heard from Mr. Trojanski requesting to be excused from the meeting, nor had he contacted the Council Clerk to say he would not be present.

Councilman Jackson asked Ms. Crowell when the resolution had to be returned to the budget commission to which Ms. Crowell answered as soon as possible. Councilman Cefaratti asked

Ms. Crowell if it could wait until the next regular council meeting on November 18<sup>th</sup>. Ms. Crowell said she could call the budget commission, but she is concerned that there is more to the process after receipt of the legislation by the commission. Ms. Crowell said that department needs time to complete the process and forward it on to the appropriate county departments.

**2015-74 AN ORDINANCE AMENDING SECTION 1286.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS BY ADDING A ZONING TEXT CHANGE TO THE CODIFIED ORDINANCES TO PERMIT INDUSTRIAL USES FOR THOSE STRUCTURES THAT ARE SPECIFICALLY DESIGNED FOR COMMERCIAL PURPOSES IN THE OFFICE/INSTITUTIONAL ZONING DISTRICT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY**

Ms. Albers presented this ordinance regarding a zoning text change to Section 1286.02 of the Codified Ordinances. Ms. Albers said due to Mr. Trojanski's continued absence from the meeting there was not the required number of members to suspend the rules despite any urgency in this matter. Ms. Albers asked the representatives from AmClo Group Inc. who were in attendance at the meeting to discuss their interest in the legislation. Mr. Napoli introduced the company representatives and gave a brief description of their business as a metal-stamping and plastic injection-molding company. He said the company specializes in closures for the paper tube and can industry and averaged approximately Two Million Dollars (\$2,000,000.00) annual revenue over the last four (4) years.

Mr. Napoli stated the company is in the process of purchasing the building at 14901 Broadway Avenue with the closing scheduled for November 19, 2015. He said the company found out late last week that there had been a zoning change which would no longer permit their industrial/commercial use of the building which is what it had originally been designed for. He said that was the reason the company contacted the City now for help in this matter.

Mr. Montello said that under Article XVI, Section 3 of the City Charter, council could waive the requirement of a mandatory referral if this situation to the Planning & Zoning Commission which was the basis of the Ordinance before Council. Councilman Brownlee said that was not correct, that all such issues need to go to Planning & Zoning who then makes recommendations to Council. Mr. Montello disputed that interpretation of the Charter and said that an additional problem to be considered is that the company is being displaced from its present location because of the ODOT expansion, so time is of the essence for this transaction. Mr. Brownlee said there would still need to be a public hearing.

Councilman Adams asked Mr. Napoli about the noise level at the company. Mr. Napoli said the maximum noise level at the nearest property line is sixty (60) decibels. Mr. Adams asked about noxious fumes or smells as a result of their manufacturing processes to which Mr. Napoli said this is not an issue as a result of their processes.

Mr. Cefaratti said he introduced the legislation because he has no objections to the company using the building and that the City needs to work with businesses. He asked how the company brought-in its raw materials. Mr. Napoli said semi-trucks deliver the raw materials and the trucks dock at the side of the building. Mr. Napoli said the company also loads and ships their

products daily. Mr. Adams asked how many truck lines are used to do this. Mr. Napoli said it depends on their customer orders.

Mr. Cefaratti asked how many employees would be working at the company to which Mr. Napoli said eight (8) employees currently.

Councilman Jackson asked if the company used any toxic/flammable chemicals. Mr. Napoli said the company uses oils which are water soluble.

Mr. Montello asked what the property was used for previously. Mr. Harkin said he had been told that the previous manufacturer was a specialty lighting fixture company.

The resident from 5144 Greenhurst Drive said he was concerned that the use of the building as a manufacturing company would affect the value of his property. Mr. Adams asked the resident why he was concerned about this use. The resident said he was concerned about noise at night and if there would be any odors. Mr. Harkin said the largest stamping machine used is 60 ton for light metal stamping so the noise would not be above the City noise ordinance. Mr. Napoli said the only smell is that of the oil for the machines. Mr. Adams asked if the company opens its windows and doors to which Mr. Napoli answered in the affirmative, but that the layout of the company has the production done at the back  $\frac{3}{4}$  of the building and then moves to the dock which is at the front, opposite of the houses.

Mr. Brownlee said there still needs to be a public hearing on this matter which would be part of the planning and zoning process.

Mr. Cefaratti said this issue could get on the agenda for the next planning and zoning meeting scheduled for December 14<sup>th</sup> so he would refer the legislation to the commission for their review.

Mr. Adams thanked the company for attending the special meeting of council to answer council's questions.

Ms. Albers also thanked the company for attending and for their interest in Maple Heights. She said the council would work with planning and zoning to try and streamline the process in this matter.

Ms. Albers stated for the record that she was very disappointed in Mr. Trojanski for not attending the meeting and not informing either herself or the council clerk of his absence.

There being no further business to come before this Council, Council President Jackie Albers adjourned the meeting at 7:43 p.m.

Passed: December 16, 2015

ATTEST:

S/S Leonette F. Cicirella, Clerk of Council

