

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

**November 18, 2015**

**MEETING CAUCUS**

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, Trojanski and Agee. Also present were Law Director John Montello, Finance Director Irene Crowell, Police Chief John Popielarczyk, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat and Council Clerk Leonette Cicirella. Mayor Jeff Lansky was not present for the Caucus Meeting. City Engineer Ed Hren was absent and excused.

Ms. Albers said that **Ordinance No. 2015-66** regarding the new municipal income tax effective January 2016 would be on third reading and asked if there were any questions regarding the latest version of the legislation. Councilman Brownlee questioned the fact that the highlighted area regarding the allocation of the income tax was back to the original version of the legislation and not at the City's 2.50%. Finance Director Crowell stated she had not had a chance to review the latest version but that the percentage should be 2.50% and the entire percentage of income tax is to go to the general fund. Ms. Albers asked Law Director Montello about the percentage and the allocation and he said the previous legislation had already been changed to reflect that. Mr. Montello said Council could amend the legislation to make this correction, but asked Ms. Albers to continue with the caucus meeting so he could review the version received from RITA for any other changes.

Regarding **Resolution No. 2015-72** Ms. Albers said this resolution would be on second reading unless Council decided to suspend the rules. It was the consensus of Council to keep the legislation on second reading.

Ms. Albers asked Councilman Cefaratti about the status of **Ordinance No. 2015-74** concerning the zoning text change for the Office/Institutional zoning district since he introduced the legislation. Mr. Cefaratti said he would withdraw the legislation and refer it to the Planning and Zoning Commission. Councilwoman Jones suggested the legislation be sent to committee so council could discuss it with the Planning and Zoning members. Ms. Albers said the City has talked with the building owners who are planning to submit an application to the Planning and Zoning Commission for the zoning change, especially since their buyer is still interested in the building. Mr. Montello said it would be best to withdraw the legislation and refer it to the Planning and Zoning Commission since that process includes a public hearing on the matter. Mr. Cefaratti said he will withdraw the legislation by referral to Planning and Zoning since the building at issue was built for commercial purposes rather than office use and that to retrofit it for that use could cost over \$1 Million Dollars (\$1,000,000.00.)

Mr. Brownlee said this issue of properties no longer useable for purposes for which they were originally built has come up at other Planning and Zoning meetings. He said this zoning district change needs to be addressed for other areas of the city as well and should be resolved as soon as possible. Ms. Jones said the City may need to permit spot zoning, but Ms. Albers said there are problems with doing that sometimes. Ms. Jones asked about the option of a temporary occupancy or conditional use permit for the property. Ms. Albers said both the Building Department and Fire Department, along with the Mayor, have been working with the buyer regarding their inspections and

the code work to be completed and that now it's time for the Planning and Zoning Commission to be involved.

Regarding **Resolution 2015-75**, the water service agreement with the City of Cleveland, Ms. Albers said this legislation comes from City Engineer Ed Hren and is on a first reading. Mr. Brownlee asked if this was the contract the Mayor did not want to sign. Mr. Montello said Mr. Hren is concerned about the City losing a One Hundred Sixty Thousand Dollar (\$160,000.00) grant for repairs if the City doesn't sign this agreement. Ms. Albers said the City is concerned about bills outstanding from the City of Cleveland and asked if the contract needed to be signed in order to get paid. Mr. Montello said the contract gives the City of Cleveland ownership of the water lines so any repairs would be the responsibility of the City of Cleveland. Ms. Jones asked who repaired the street then after the water repairs. Mr. Montello said if Cleveland owns the water lines they would repair the street with Maple Heights completing just the finish work so it should be cheaper for the City.

For **Resolutions 2015-76 and 2015-77**, Ms. Albers asked Fire Chief Kavaliunas to discuss these items of legislation. The Chief stated that Gatchell Grant is the grant company which writes the FEMA grants for the Fire Department. He said the contracts involve two (2) AFG grants the Fire Department applied for last year but did not receive. The Chief said under the grant rules, there is no cost to the City for the grant writer to re-write the grants for the next year, but the grant opening period is current. Ms. Albers asked if the grant contracts are time sensitive to which the Chief answered in the affirmative. Ms. Jones asked if the grants are for 2015. Chief Kavaliunas said the grants are applied for in 2015 but would be awarded in 2016. Council had no concerns passing both items by suspension.

Ms. Albers also asked Chief Kavaliunas to explain **Resolution 2015-78** regarding acceptance of a fire prevention grant. The Chief said the Fire Department received a grant in the amount of Nine Hundred Thirty-Two Dollars and No Cents (\$932.00) from FM Global, an insurance company that insured the Fannie Mae Company. Chief Kavaliunas said the grant will be used to purchase two (2) digital cameras and related equipment which will be used for fire investigations and incident documentation. Ms. Albers asked if Council had any questions and requested that Council pass the resolution by suspension.

Ms. Albers reviewed the list of **Expenditures over \$1,000.00: 2015-96 through 2015-97** asking if there were any questions or comments. Ms. Albers asked about the City's continued use of Finley Repair listed in **Item #96** to which Fire Chief Kavaliunas said it is the only one still doing pumper repairs.

Ms. Albers had the following announcements prior to adjournment:

1. There will be an Orientation Session for all new and returning council members on Monday, December 7<sup>th</sup> at 6:00 p.m. in Room 7. All council members are to attend, as will the mayor-elect.
2. Stafford Shenett, the new District 1 councilman has sent his letter of resignation from the Planning and Zoning Commission effective December 31, 2015. She said the council will be running the required ad and will fill the position before the end of the year.
3. The representative from Waste Management called yesterday to notify the City that the company will be moving the Thursday trash pick-up day to Friday to streamline their work schedule. She said Waste Management will be sending post cards to the residents

notifying them of this change. Councilman Trojanski asked when the post cards will come out. Ms. Albers said the cards will be out by the second week of December with the change scheduled to begin January, 2016.

Ms. Albers asked if there were any other comments to which Councilman Jackson stated the sidewalk repairs on Libby Road still have not been completed. Ms. Albers said Mr. Hren had sent e-mails to the council members regarding these repairs which included a copy of the punch list and timeframe for the work to be completed within two (2) weeks. Mr. Jackson said the sidewalks are actually in worse condition now. Ms. Jones read the e-mail from Mr. Hren including the locations to be repaired.

Mr. Montello said council should hold off discussion and vote on the income tax legislation since the copy received from RITA was not the correct version for the city tax code. Ms. Jones asked if the legislation could wait to be passed to which Mr. Montello responded in the affirmative since it is effective in January, 2016.

Ms. Crowell said she is working on the budget so there may need to be a budget meeting work session, perhaps the first week of December.

The caucus meeting adjourned at 6:57 p.m.

### **REGULAR MEETING OF COUNCIL**

Council President Albers called the meeting to order at 7:05 p.m. with the following Council members present: Albers, Adams, Jones, Cefaratti, Jackson, Brownlee, Trojanski and Agee. Also present were Mayor Jeffrey Lansky, Law Director John Montello, Finance Director Irene Crowell, Police Chief John Popielarczyk, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat and Council Clerk Leonette Cicirella. City Engineer Ed Hren was absent and excused.

Councilman Anthony Cefaratti gave the invocation and led the Pledge of Allegiance to the Flag. Council Clerk Leonette Cicirella called the roll.

**SPECIAL PRESENTATION:** Councilman Alex Adams, District 1; Councilman Ron Jackson, District 4 and Councilwoman Edwina Agee, District 7 presented Letters of Appreciation to six (6) City landscapers for contributing their time and use of equipment to clean-up Stafford Park. The six (6) recipients were: Leon Hines of Sun Valley Landscaping; Chris Parks of Earth Crafters Landscaping; Arthur Gray of Local Lawn Care; Ben Lew of Profile Landscaping; Ozell Dobbs of Dobbs Landscaping; and James Lawn.

Also, The Home Depot Foundation, The Home Depot, Southgate as represented by its Manager, Frank Battaglia and Eminger Roofing were recognized by a special Proclamation thanking them for their work to repair the gazebo at Stafford Park and the Veterans' Honor Roll at City Hall.

Ms. Albers also announced that there is now a ramp at Stafford Park to make it handicap accessible.

**ADDENDUM:** There was no Addendum.

**MINUTES:** Mr. Adams made a motion, seconded by Mr. Trojanski to approve the Regular Council Meeting minutes of November 4, 2015. All voted aye, none opposed, the motion passed.

**COMMUNICATIONS:**

From the State of Ohio Division of Liquor Control:

Notice Regarding the 35% Licensing Fee Distribution to the City of Maple Heights  
in the amount of \$15,199.10

**COMMITTEE REPORTS:** There were no Committee Reports.

**DEPARTMENT REPORTS:**

**Fire Department** – Chief Kavaliunas reported that calls to date for the Fire Department are 4,416 and that the department responded to a fire at the Gazebo at Dunham Park on Sunday, November 15<sup>th</sup>. The Chief said the Gazebo was destroyed by fire which has been ruled as deliberately set and asked anyone with information to please call the Maple Heights Police or Fire Departments. He said the Service Department removed the remnants of the Gazebo.

The Chief also announced that the repairs to the water main under Rockside Road are almost complete and the main is back on. The Chief stated that the temporary main is off and will be removed and the lanes currently closed on Rockside Road will be opened once the concrete repairs are completed.

Chief Kavaliunas was pleased to announce that the Fire Department assisted the Red Cross with their smoke detector program. The Chief said on Saturday, November 14<sup>th</sup> 150 ten-year alarms were installed in forty-four (44) homes and fire safety literature was supplied to one hundred ninety-four (194) homes on Clement Street, Libby Road and Catherine Street which were selected by the Red Cross based upon sections of the City having previous fires and Red Cross assistance in the past. The Chief thanked the volunteers for the Red Cross, Hope Worldwide Church and Councilwoman Agee who represented Councilman Jackson who was unable to attend for all their work to assist the residents. He said he received much positive feedback from the residents and hoped the program would continue next year. Chief Kavaliunas asked residents to remember the Red Cross during the holidays and the services their volunteers provide to people in their greatest time of need. He reminded the residents that the Red Cross provided our firefighters with a warm meal this past Thanksgiving while at the Fannie Mae fire.

The Chief thanked FM Global for its grant to the Fire Department in the amount of Nine Hundred Thirty-Two Dollars and No Cents (\$932.00) for the purchase of digital camera equipment to be used for fire investigation and incident documentation.

Chief Kavaliunas concluded his report by wishing everyone a Safe and Happy Thanksgiving and reminded residents to be careful with holiday food preparations.

**Law Department** - Mr. Montello wished everyone a Happy Thanksgiving and thanked the contractors and workers who helped with the repairs at the park and City Hall.

**Police Department** – Chief Popielarczyk reported that the Police Department responded to 967 calls for service since the last council meeting, bringing the total calls to date to 19, 520. The Chief also reported that the Police Department responded to an incident on Libby Road on November 7<sup>th</sup> in which two (2) people were shot. The Chief said Maple Heights resident Nisa Harrison has been charged in the fatal crash at the intersection of Rockside and Lee Roads that killed pedestrian Kerry Kipfstuhl in August.

Chief Popielarczyk said that on November 12<sup>th</sup>, the Police Department was part of a joint operation with the Cleveland Police Department, the FBI and the Southeast Area Law Enforcement SWAT Team which secured the arrest of ten (10) of fourteen (14) persons wanted for gang-related activities. He said five (5) people were arrested in a home on Steinway Avenue, along with the confiscation of drugs, money and numerous firearms.

The Chief also concluded his report by wishing everyone a Happy Thanksgiving.

**Human Service Department** – Mrs. Vopat thanked Frank Battaglia and all the volunteers from The Home Depot for all their work to repair the memorial areas at Stafford Park and City Hall. She said the project will be completed in the Spring, 2016 and will be dedicated at that time.

Mrs. Vopat announced that the Human Services Department was partnering with Marymount Hospital's Helping Hands Holiday Food Basket Program. She said seventy-five (75) needy families will receive food baskets this year. Mrs. Vopat thanked the members of Helping Hands for this program and wished everyone a Happy and Blessed Thanksgiving Holiday.

**Finance Department** – Ms. Crowell wished everyone Happy Holidays and safe travels during the holiday season.

### **CITIZENS COMMENTS:**

Mr. Gerald Arnold of 20709 Bowling Green Road suggested that since people are concerned with the appearance of the City, but there are limited resources in the Building Department, perhaps each council person could walk or drive their district to check property conditions and let residents know if there are any problems which need to be corrected.

Mr. Willie Hardwick of 16655 Anthony Street said he wanted to let people know that Honey Baked Ham Company which relocated to Southgate is now open for business. He said it was good to have them back in the community.

Mr. Bob Halen of 16226 Maplewood Court said it is very difficult seeing how people treat the City as a wastebasket. He said as a school crossing guard at Libby and Mayville Roads, he's

tired of seeing how people abuse the bus stop over there, leaving garbage, cigarette butts, etc. He said people need to be proud of the City and “police” their areas to keep it clean.

**LEGISLATION:**

**ORDINANCE NO.: 2015-66**

**AN ORDINANCE ENACTING CHAPTER 891 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS REGARDING MUNICIPAL INCOME TAX FOR THE TAX YEARS COMMENCING JANUARY 1, 2016 AND DECLARING AN EMERGENCY.**

This Ordinance had its third reading.

**RESOLUTION NO.: 2015-72**

**A RESOLUTION AUTHORIZING SETTLEMENT OF STATE EX REL JOHN CHAPMAN AND COUNCILMAN WILLIAM BROWNLEE VS. THE CITY OF MAPLE HEIGHTS, OHIO, ET AL, CUYAHOGA COUNTY CASE NUMBER CV-15-839493 AND DECLARING AN EMERGENCY**

This Resolution had its second reading.

**ORDINANCE NO.: 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**

This Ordinance had its second reading. Mr. Cefaratti as the Introducer of this legislation made a motion, seconded by Mr. Jackson, to refer said Ordinance to the City of Maple Heights Planning and Zoning Commission for discussion and public hearing. All voted aye, none opposed, the motion passed.

**RESOLUTION NO.: 2015-75**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO THE RESTATEMENT OF THE WATER SERVICE AGREEMENT WITH THE CITY OF CLEVELAND WATER DEPARTMENT AND DECLARING AN EMERGENCY**

Mr. Adams made a motion, seconded by Ms. Jones to suspend the rules and place the resolution on its third and final reading. All voted aye, none opposed, the motion passed.

Mr. Trojanski made a motion, seconded by Mr. Jackson to adopt the legislation. All voted aye, none opposed, the motion passed. The Resolution passed and will become law upon the Mayor’s signature.

**RESOLUTION NO.: 2015-76**

**A RESOLUTION AUTHORIZING A CONTRACT WITH GATCHELL GRANT RESOURCES, LLC TO DEVELOP AND SUBMIT AN APPLICATION FOR THE 2015 AFG GRANT FOR OPERATIONS AND SAFETY AND DECLARING AN EMERGENCY**

Mr. Jackson made a motion, seconded by Mr. Trojanski to suspend the rules and place the resolution on its third and final reading. All voted aye, none opposed, the motion passed.

Mr. Trojanski made a motion, seconded by Ms. Jones to adopt the legislation. All voted aye, none opposed, the motion passed. The Resolution passed and will become law upon the Mayor's signature.

**RESOLUTION NO.: 2015-77**

**A RESOLUTION AUTHORIZING A CONTRACT WITH GATCHELL GRANT RESOURCES, LLC TO DEVELOP AND SUBMIT AN APPLICATION FOR THE 2015 AFG GRANT FOR VEHICLE ACQUISITION AND DECLARING AN EMERGENCY**

Mr. Adams made a motion, seconded by Mr. Trojanski to suspend the rules and place the resolution on its third and final reading. All voted aye, none opposed, the motion passed.

Mr. Adams made a motion, seconded by Mr. Trojanski to adopt the legislation. All voted aye, none opposed, the motion passed. The Resolution passed and will become law upon the Mayor's signature.

**RESOLUTION NO.: 2015-78**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF THE FM GLOBAL FIRE PREVENTION GRANT IN THE AMOUNT OF \$932.00 AND DECLARING AN EMERGENCY**

Mr. Adams made a motion, seconded by Mr. Trojanski to suspend the rules and place the resolution on its third and final reading. All voted aye, none opposed, the motion passed.

Ms. Jones thanked Fire Chief Kavaliunas for the Fire Department's efforts to pursue grants for their work in the City and to maintain fire services for the residents. Mr. Jackson asked Chief Kavaliunas to explain how the grant funds would be used. Chief Kavaliunas said the grant money would be used to purchase two (2) digital cameras and related equipment for the Fire Department to be used for fire and emergency scene investigations and incident documentation.

Mr. Adams made a motion, seconded by Mr. Jackson to adopt the legislation. All voted aye, none opposed, the motion passed. The Resolution passed and will become law upon the Mayor's signature.

## **EXPENDITURES OVER \$1,000.00: 2015-96 THROUGH 2015-97**

Ms. Albers asked if there were any questions or comments regarding the expenditures over \$1,000.00. There being none, Mr. Adams made a motion, seconded by Mr. Trojanski to approve the expenditures over \$1,000.00 numbered 2015-96 through 2015-97. All voted aye, none opposed, the motion passed.

**MAYOR'S REPORT:** Mayor Lansky said the barrels on Lee Road have been removed because although the City had received funding through a grant to replace the concrete, the City of Cleveland did not approve the maintenance of traffic plan submitted by the City. The Mayor said with the winter weather coming, the City had to cancel the project and delay it until next year if Cleveland will approve the traffic plan at that time. Mayor Lansky also said that the City did not cancel the Libby Road repair project, but that it will commence in the spring with ODOT administering the project. He said this will save the City time and money and is more appropriate since Libby Road is a state route.

Mayor Lansky stated that with the opening of Honey Baked Ham at Southgate, he also wanted to acknowledge other changes occurring at Southgate such as the opening of Forman Mills which is still under construction. He said the City is concerned about the Rite Aid Pharmacy at Southgate however, since WalGreen's has purchased that chain. The Mayor said he hopes the drugstore will stay open as a WalGreen's. Mayor Lansky said that Mr. Chicken will be building a new facility on the corner of Northfield Road and Southgate Park Boulevard and then will tear down its old building.

Mayor Lansky asked the residents to give the new elected officials a chance and work with them to unite under a new government. The Mayor wished everyone and their families a Happy, Healthy and Safe Thanksgiving.

Mayor Lansky concluded his report by requesting to be excused from the rest of the meeting to attend to a family emergency.

## **COUNCIL REPORTS:**

**Councilman Anthony Cefaratti, District 3** thanked Mayor Lansky for his time and efforts during his years of public service and said he should be proud of what he accomplished. Mr. Cefaratti said that although his term as councilman is ending, the work still continues. He asked residents to respond to the problems of the City and thanked the residents for their support. Mr. Cefaratti also thanked all of the companies and the volunteers who worked to repair the pavilion. He said this project showed that teamwork and getting involved accomplishes good things. Mr. Cefaratti concluded his report by wishing everyone a Happy Thanksgiving.

**Councilman Ron Jackson, District 4** thanked the Red Cross for the smoke detector program made available to his district. Mr. Jackson said residents should look at the before and after photos that Mr. Adams took of the flag pole area at Stafford Park to see how well the volunteers improved the area. Mr. Jackson wished everyone and their families a Happy and Safe Thanksgiving.



**Councilman William Brownlee, District 5** said the *Maple Heights News* website is looking for more help. He said it was launched two (2) years ago to provide a forum and present useful information. Mr. Brownlee said it is an opportunity for community involvement. Mr. Brownlee wished everyone a Happy Thanksgiving.

**Councilman Richard Trojanski District 6** thanked residents for attending the meeting and announced he is sponsoring the 2015 Holiday House Decorating Contest to encourage residents to decorate their homes and get into the holiday spirit. He said the top three (3) winners will receive Visa gift cards – a \$150.00 gift card will be awarded to the 1<sup>st</sup> Place winner; a \$100.00 gift card to the 2<sup>nd</sup> Place winner; and a \$50.00 gift card to the 3<sup>rd</sup> Place winner. Mr. Trojanski said the entry forms would be in his November newsletter which will be out shortly; the deadline to enter is Wednesday, December 2<sup>nd</sup>.

Mr. Trojanski said he visited the Capella High School on Warrensville Center Road which started the school year on September 28, 2015 with seventy-eight (78) students. He said he will be working with the school administration in an effort to make other resources available to it. Mr. Trojanski concluded his report by wishing everyone a Happy and Safe Thanksgiving.

**Councilwoman Edwina Agee, District 7** announced the next District 7 Block Watch Meeting and Turkey Giveaway will be held on Thursday, November 19<sup>th</sup> at 6:30 p.m. at the Maple Heights Library auditorium. Ms. Agee wished everyone a Safe and Happy Thanksgiving.

**Councilman Alex Adams, District 1** thanked the Police Department and all the other departments involved in the raid on Steinway Avenue. He said resident involvement is important, especially to report any suspicious activity. Mr. Adams thanked the Fire department for its quick response to contain the fire at Dunham Park caused by vandals and also thanked Dennis Lew and the Service Department for its work to remove the debris. He thanked Home Depot and store manager, Frank Battaglia, the roofing company, all the landscapers and all the volunteers for their work at Stafford Park and the Veterans' Honor Roll. Lastly, Mr. Adams thanked Marymount for the Thanksgiving Basket program and Human Services Director Linda Vopat for facilitating it. Mr. Adams concluded his report by saying Happy Thanksgiving to all.

**Councilwoman Toni Jones, District 2** thanked Police Chief Popielarczyk for making the City safer. She also thanked Home Depot and all the volunteers and applauded them for all their work. Ms. Jones said in response to Mr. Arnold's idea that last year she did drive her district each week and sent letters to landlords if their rental properties had problems or needed some clean-up and found that about 65% voluntarily complied with the letters. She said she didn't send letters to owner occupants though unless it would have been possible to give them information on financial assistance programs for home repairs. Ms. Jones said she also sent letters to people who had well-kept homes, complimenting them on their properties and actually received more calls back from those letters. Ms. Jones wished everyone a Happy Turkey Day!

**Council President Jackie Albers** also thanked Home Depot for its work in the City and the good service available in its store. She also announced that she attended a couple of meetings over the week, including the NOPEC meeting at which a number of resolutions were considered to keep rates down. Ms. Albers said there were several items of literature from the organization

offering ideas on saving energy which were available on the back table. She said there are also a number of energy tips on the NOPEC website.

Ms. Albers said the second meeting she attended was the NOCCA meeting featuring David Gilbert as the guest speaker who spoke on the Republican Convention coming to Cleveland. She said he was very enthusiastic about the Convention and what it will bring to the city and other companies in the area. She said Mr. Gilbert noted that a number of companies providing services during the Convention will not all be from Cleveland. Ms. Albers said there is a website seeking volunteers for the Convention and she would ask the Mayor's Administrative Assistant to put the link on the City website.

Ms. Albers announced that the second Fiscal Emergency Meeting was held on Tuesday, November 17<sup>th</sup> at the Senior Center. She said the City is still waiting for the commission nominations to be made from the Governor's office and that the Finance Director is preparing the 2016 Budget for review by the Commission.

Ms. Albers concluded her report by reminding everyone to enjoy the holiday and their families.

There being no further business to come before this Council, Council President Albers adjourned the meeting at 8:00 p.m.

Passed: December 2, 2015

ATTEST:

S/S Leonette F. Cicirella, Clerk of Council

