

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

December 2, 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, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat and Council Clerk Leonette Cicirella. Mayor Jeff Lansky was not present for the Caucus Meeting. Finance Director Irene Crowell, Police Chief John Popielarczyk and City Engineer Ed Hren were absent and excused.

Ms. Albers announced that there will be a schedule of meetings to be held in December to complete the budgets and the fiscal recovery plan. Ms. Albers also reminded the council members that the next meeting of the Financial Planning Commission will be Thursday, December 17, 2015 at 3:00 p.m. at the Senior Center.

Ms. Albers said **Ordinance No. 2015-66** had one slight text change at the request of RITA so it should be able to pass tonight having had the required three (3) readings.

Regarding **Resolution No. 2015-72** Ms. Albers said this resolution would be on third reading so Council will be voting on it tonight.

Ms. Albers presented **Resolution 2015-79** regarding establishment of a separate fund Number 240 for the funds to be received from the Senior Center levy. Ms. Albers asked that if there were no questions regarding this issue council should pass it on first reading.

Regarding **Resolution 2015-80**, Ms. Albers said she had been advised by Finance Director Crowell that the State Auditor had suggested that the City enter into this contract to keep Mr. Zupka as the City Auditor for the next four (4) years. She said the State made the suggestion based on Mr. Zupka's familiarity with the City finances, especially since the City is in fiscal emergency and will be required to submit a 5-year plan. Ms. Albers asked Council to pass this on first reading also. Mr. Brownlee said this issue had already been discussed with the previous extension of the auditor's contract.

Ms. Albers asked Mr. Brownlee to start the discussion of **Ordinance 2015-81** as sponsor of the legislation. Mr. Brownlee said it was self-explanatory since the validity of interior point of sale inspections is questionable citing the 4th Amendment protection against unlawful searches. He said the 4th Amendment requires a justifiable reason to enter onto personal property and the point of sale inspection does not reach that level. Councilwoman Jones said the property owner has to order the inspection, so that is how the City gets the authority to enter the property.

Ms. Albers said that in 2007-2008 the City stopped the inside inspections and there became a problem with developers coming in and doing the least amount of work on the properties and then renting to unsuspecting tenants. Ms. Albers said the City recognized the privacy concerns, but restored the interior inspections to protect people.

Councilwoman Agee said the inspections are necessary to make sure systems such as heating and plumbing are functioning properly.

Mr. Adams said if the City reduces the inspection requirements, the value of the housing stock will be reduced even more. He said the City should keep the present system, otherwise buyers will be forced to spend additional money on private inspections.

Ms. Jones said almost all suburbs have some form of interior inspection for the primary reason of safety of the property for the benefit of both the seller and buyer. Ms. Jones asked if the legislation could be placed in Committee for a thorough review. She said the inspections are for code purposes only and the consistency of how the building department enforces the codes should be studied.

Ms. Albers agreed that if the legislation would go into Committee, the Building Department could be more involved. Mr. Montello said since the SAFEBuilt contract is being extended this would be something to include in the discussions with SAFEBuilt regarding the services to be covered by their contract.

Councilman Jackson said the City's housing stock is one of the most important issues for the City and it does have to be maintained. He said the interior inspections are a critical part of this maintenance, especially when a landlord is applying for an occupancy permit.

Mr. Brownlee challenged the statements that the interior inspections to check light switches and fixtures, flooring and painting do necessarily improve the housing stock. He also said it limits the ability of investors to do business within the City and said there were landlords whose properties passed CMHA inspections, but not the City inspections.

Ms. Jones said the legality of the point sale inspection has been established, otherwise fifty-nine (59) other communities would not have some form of such inspections. She said it is a question of safe properties being available to buyers and renters. Mr. Montello said that the codes being enforced are actually state building codes which all cities in Ohio must follow.

Ms. Jones asked that the legislation be put into Committee so that a number of stakeholders can be included in the discussion including members of the Building Department, investors, real estate professionals, etc.

Regarding the list of expenditures over \$1,000.00, Ms. Albers stated per the Finance Director there was no list of expenditures over \$1,000.00 for review on this agenda.

Ms. Albers asked if there were any announcements or comments before adjourning the caucus meeting. Mr. Jackson said he was still waiting for the sidewalk work to be completed on Libby Road. He said the time had gone beyond the two week deadline for completion. Ms. Albers said the City Engineer will be contacted and Mr. Montello said he will check to make sure the company has not been paid the balance of their contract. Mr. Adams asked if the City had been given a completion date and if so, he asked Mr. Montello to send a letter demanding the work be completed within 72 hours of receipt of the letter.

The caucus meeting adjourned at 6:55 p.m.

REGULAR MEETING OF COUNCIL

Council President Albers called the meeting to order at 7:00 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, Fire Chief Vito Kavaliunas, Human Services Director Linda Vopat and Council Clerk Leonette Cicirella. Police Captain Todd Hansen represented Police Chief John Popielarczyk. Finance Director Irene Crowell, Police Chief John Popielarczyk and City Engineer Ed Hren were absent and excused.

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

ADDENDUM: There was no Addendum.

MINUTES: Mr. Trojanski made a motion, seconded by Mr. Jackson to approve the Regular Council Meeting minutes of November 18, 2015. All voted aye, none opposed, the motion passed.

COMMUNICATIONS:

From the State of Ohio Division of Liquor Control:

Notice Regarding newly enacted Ohio Revised Code Section 4301.83,
Waiver to serve alcohol at a major event, effective September 29, 2015

COMMITTEE REPORTS: There were no Committee Reports.

DEPARTMENT REPORTS:

Fire Department – Chief Kavaliunas reported the total of calls to date for the Fire Department is 4,614 and that the department swore in five (5) new cadets this past Tuesday. The Chief said one (1) of the cadets will replace a firefighter who recently resigned from the Department and the other four (4) are part of the SAFER Grant. The Chief stated that the Department hoped to complete the hiring process of an additional two (2) cadets this week who would be the remaining firefighters to be hired under the SAFER Grant.

Chief Kavaliunas announced that Geis Construction will be utilizing a helicopter to place cooling units on the roof of 17000 Rockside Road as part of the Fannie Mae rebuilding project on Thursday, December 3rd starting at 10:00 a.m. The Chief said there may be some traffic issues in and around the area from onlookers as a result of this activity so he advised everyone to be cognizant of this situation.

Law Department - Mr. Montello said that the text of **Ordinance No. 2015-66** regarding the New Municipal Income Tax Code required by changes in state law had been approved by RITA. With regards to **Resolution No. 2015-72**, Mr. Montello said it is hoped there can be a resolution of this situation, otherwise the City will need to go through the pre-trial process.

Police Department – Captain Todd Hansen appeared on behalf of Chief Popielarczyk and reported that the Police Department has responded to approximately 1,000 calls for service from the last council meeting.

Captain Hansen also reported that the Police Department is actively recruiting new police officers and encouraged residents to let family and friends know about this employment opportunity.

Human Service Department – Mrs. Vopat said the Senior Center was visited this past week by students from the Destination Imagination Project at Obama Elementary School who volunteered at the Center helping to serve lunch to the seniors and participate in other activities. She said it was very encouraging to see the interaction of the young students and the senior citizens and hoped they would come back again. Mrs. Vopat announced that the Maple Heights High School National Honor Society will be returning for a visit to the Senior Center.

Mrs. Vopat said the Senior Sight Center was sponsoring a raffle of handmade afghans and a Peterson Nut Sale to raise money for their organization. She encouraged residents to support these activities since they had contributed their organization funds to help the Senior Center this year.

Finance Department – No report

CITIZENS COMMENTS:

Ms. Tonya Black of 21414 Hillgrove Avenue said that the house she is living in Maple Heights is a product of the time when the interior inspections were eliminated by the City. She said there had been destruction done in the house which was covered up by the seller. After they purchased the house they discovered all the problems with the associated costs of repair. Ms. Black said it is better to have the inspections so the buyer can be more informed about the property they are interested in purchasing.

Ms. Black also announced that the Lions Club, Maple Heights Chapter will be sponsoring a Shoebox Drive.

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 required three (3) readings as of the last regularly scheduled council meeting. Mayor Lansky asked as a point of clarification whether legislation could have more than three (3) readings. Mr. Montello said that it is not illegal to vote on legislation having more than three (3) readings; legislation does have to have at least three (3) readings unless it is passed under suspension of the rules.

Mr. Jackson made a motion, seconded by Mr. Trojanski to adopt the legislation. ROLL CALL: Adams: Yes; Jones – Yes; Cefaratti – No; Jackson – Yes; Brownlee –Yes; Trojanski – Yes; Agee – Yes. The motion passed by the vote of six (6) ayes to one (1) nay. The Ordinance passed and will become law upon the Mayor’s signature.

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 third reading. Mr. Adams made a motion, seconded by Mr. Trojanski to adopt the legislation. ROLL CALL: Adams – No; Jones – No; Cefaratti – No; Jackson – No; Brownlee – abstain; Trojanski – No; Agee – No. The motion failed by the vote of six (6) nays, one (1) abstention.

RESOLUTION NO.: 2015-79

A RESOLUTION ESTABLISHING A SEPARATE FUND (FUND NUMBER 240) FOR THE ALLOCATION OF THE FUNDS RECEIVED FROM THE SENIOR CENTER LEVY PASSED ON NOVEMBER 3, 2015 AND DECLARING AN EMERGENCY

Mr. Trojanski made a motion, seconded by Mr. Jackson 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. 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.: 2015-80

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JAMES G. ZUPKA, C.P.A., INC. (“ZUPKA”) TO COMPILE THE BASIC FINANCIAL STATEMENTS FOR THE CITY OF MAPLE HEIGHTS FOR THE YEARS ENDING DECEMBER 31, 2015, DECEMBER 31, 2016, DECEMBER 31, 2017 AND DECEMBER 31, 2018 AND DECLARING AN EMERGENCY

Mr. Trojanski made a motion, seconded by Mr. Adams 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 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.

ORDINANCE NO.: 2015-81

AN ORDINANCE AMENDING CHAPTER 1494 RESTRICTING POINT OF SALE INSPECTIONS TO ONLY THE EXTERIOR PORTIONS OF PRIVATE PROPERTY IN THE CITY OF MAPLE HEIGHTS

Mr. Adams made a motion, seconded by Mr. Jackson to suspend the rules and place the ordinance on its third and final reading. ROLL CALL: Adams: Yes; Jones: Yes; Cefaratti – Yes; Jackson – Yes; Brownlee – No; Trojanski – Yes; Agee –Yes. The motion passed by the vote of six (6) ayes to one (1) nay.

Mr. Brownlee asked to make a couple of comments regarding the legislation stating the importance of the 4th Amendment issue involved in the inspection process and also the uncertainty these inspections pose for buyers and sellers.

Mr. Jackson said the 4th Amendment issue wasn't relevant since the inspections were for code violations which posed safety issues. Mr. Jackson reiterated his comment made at caucus that the City's housing stock is one of the most important issues for the City.

Mr. Adams said he thought the legislation was going to be placed in Committee for further review. He said he disagreed with the ordinance and that the inspections were important to keep up the neighborhoods.

Ms. Jones requested that the legislation be put in Committee to be discussed by all the relevant parties and perhaps review other relevant parts of the building and housing code.

Mr. Montello stated that the new administration would like the opportunity to address these issues with council.

Since Mr. Brownlee as sponsor of the legislation did not agree to place it in Committee but the vote to suspend had already been taken, Mr. Adams made a motion, seconded by Mr. Trojanski to adopt the legislation. ROLL CALL: Adams – No; Jones – No; Cefaratti – No; Jackson – No; Brownlee – Yes; Trojanski – No; Agee – No. The motion failed by the vote of six (6) nays to One (1) aye.

EXPENDITURES OVER \$1,000.00: None.

MAYOR'S REPORT: Mayor Lansky reported that the City will receive a grant in the amount of One Hundred Sixty-Nine Thousand Dollars (\$169,000.00) next year for a water line replacement program at Cato Street between Libby Road and North Boulevard. The Mayor said this was in partnership with the City of Cleveland Division of Water and would involve additional road work.

COUNCIL REPORTS:

Councilman Ron Jackson, District 4 said that last year there were problems with businesses in the City not shoveling their walks and asked if the Building Department could send out a reminder letter this year.

Councilman William Brownlee, District 5 said the requirement of sidewalk shoveling also covers residents of the City and not just businesses and that it has not been enforced as it should be. Mr. Brownlee also announced that *The Maple Heights News* is still looking for new people.

Councilman Richard Trojanski District 6 thanked residents for attending the meeting and announced that the last District 6 Community Meeting for this year will be held on Thursday, December 10th at 7:00 p.m. in the Maple Heights Library Auditorium.

Mr. Trojanski said he was invited by the marketing instructor from Maple Heights High School to speak to the students about political campaigns and took this opportunity to get students interested in becoming more involved in the community.

Mr. Trojanski concluded his report by reminding residents of District 6 that today was the deadline for the Holiday Decorating Contest.

Councilwoman Edwina Agee, District 7 had no report.

Councilman Alex Adams, District 1 reported that he has received a number of phone calls regarding pot holes in the City and that there was a break-in reported on Corkhill Road which was reported to the Police Department by the street captain. Mr. Adams reminded residents to look out for their neighbors.

Councilwoman Toni Jones, District 2 had no report but asked the law department for clarification on the voting regarding items 2015-72 and 2015-81.

Councilman Anthony Cefaratti, District 3 said he hoped everyone had a good Thanksgiving holiday. He said he was concerned that the legislation introduced regarding the exterior point of sale inspections only was an ulterior motive to re-establish an in-house Building Department which the City does not have the money to do. Mr. Cefaratti said that all would be better served if the required escrow amount was reduced to maybe sixty-five percent (65%) instead of the current one hundred percent (100%) of repair costs. Mr. Cefaratti said he hoped this would be an issue that would be seriously considered by the new administration and new council.

Council President Jackie Albers said the legislation to change the point of sale inspections was not the right way to correct the issue of discrepancies in inspections. She said the elimination of the interior inspections which occurred in 2007-2008 reduced the value of the housing stock.

Ms. Albers also announced that there will be additional Special Meetings of Council this month due to the budgets and the financial recovery plan. She said the next Regular Council Meeting will be December 16th at 7:00 p.m.

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

Passed: December 16, 2015

ATTEST:

S/S Leonette F. Cicirella, Clerk of Council

