

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

**Maple Height Senior Center**

**March 15, 2023**

**MEETING CAUCUS**

Council President Jackson called the meeting to order at 6:31p.m. with the following Council Members present: Shenett, Jones, Tatum, Anderson, Madden, Trojanski and Agee. Also present were Law Director Frank Consolo, Police Chief Todd Hansen, Fire Chief Vito Kavaliunas, City Engineer Ed Hren and Council Clerk Leonette Cicirella Johnson. Mayor Annette M. Blackwell Human Services Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi and Planning and Development Director Joe Duffy were absent and excused.

Mr. Jackson said there was no Addendum for tonight's meeting and that there were Minutes to be approved and two (2) Communications regarding Planning and Zoning Appeals for which one (1) of the Applicants may be present. Mr. Jackson said there were also two (2) Council Committee Reports from the Community Life and Education Committee and the Housing and Economic Development Committee.

Moving to the Legislation on the Agenda, Mr. Jackson said **Resolution No. 2023-18** would authorize an agreement with the Ohio Auditor of State for the audit of the City's basic financial statements for the year ended December 31, 2022. Mr. Jackson asked Law Director Consolo to discuss this legislation.

In response, Mr. Consolo said that this legislation would authorize the Mayor and Finance Director to execute the annual audit engagement letter for fiscal year 2022. He said that this audit would be performed by the State Auditor's Office. Mr. Consolo said this was an amended or revised audit engagement letter since Finance Director Tillman insisted that the audit be completed by the end of May 2023 rather than September 2023 as proposed by the Auditor's Office. On behalf of the Finance Department Mr. Consolo requested that Council pass this Resolution on emergency at tonight's meeting since the auditors were already working on the audit.

Mr. Jackson asked if there were any questions or comments on this legislation. There being no questions or comments, Mr. Jackson asked Council to vote on **Resolution No. 2023-18** and pass it on emergency as requested at tonight's meeting.

Mr. Jackson said **Resolution No. 2023-19** would authorize a contract with Longino Lawn Care and Snow Plow to install trees on Hansen Road, Watson Road and Raymond Street from Northfield Road to Warrensville Center Road under the Cuyahoga County Healthy Tree Canopy Program (HTCP) Northeast Quadrant Tree Planting Project. He asked City Engineer Ed Hren to discuss this legislation.

In response, Mr. Hren said that this Resolution was the second part of the legislation presented two (2) weeks ago to Council that awarded the contract to the company/nursery that would supply the trees for this project.

Mr. Hren said that for the tree installation project the City solicited eight (8) proposals from various landscapers, but received only two (2) proposals in response. He said the lowest and best proposal was submitted by Longino Lawn Care and Snow Plow as indicated in his letter of recommendation and the bid tabs submitted to Council. Mr. Hren requested that Council pass this Resolution on emergency at tonight's meeting so the Mayor would be able to sign the contract to be awarded which would allow the company to begin this project as soon as possible in the spring.

Mr. Jackson asked if there were any questions regarding **Resolution No. 2023-19**.

Councilman Trojanski asked if this project would be completed before June 30<sup>th</sup> to which Mr. Hren responded in the affirmative. Mr. Hren said the City was attempting to get this project completed by May 31<sup>st</sup>. He said the City was waiting for the trees to be dug-up at the nursery and that the landscaper would be responsible to pick-up the trees for installation. Mr. Hren said these stages of the project were being coordinated in partnership with the Cuyahoga County Planning Commission and their agencies under the Healthy Tree Canopy Program (HTCP).

Mr. Trojanski asked if the installation of the trees would take just a few days to which Mr. Hren responded in the affirmative. Mr. Hren said it would also be done under the supervision of an arborist.

Mr. Trojanski asked to be added as a Co-Sponsor of this legislation.

Mr. Jackson asked if there were any other questions regarding this Resolution.

Councilman Shenett said the name of the contractor sounded familiar and asked Mr. Hren if the City had used this company in the past. Mr. Hren said he did not think that this company had ever been used before on other contracts. He said last year the City awarded the contract to Z-Scape to install the trees on Dunham Road, also under the HTCP grant program.

Mr. Jackson asked if there were any other questions. Mr. Jackson said if there were no objections from Council he would request that Council vote to pass this Resolution on emergency at tonight's meeting. There were no objections from Council.

Moving to **Ordinance No. 2023-20** authorizing the Mayor and Fire Chief to contract with Gatchell Grant Resources, LLC to submit an application for a fiscal year 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant for the hiring of two (2) additional Firefighters/Paramedics, Mr. Jackson asked Fire Chief Kavaliunas to discuss this legislation.

In response, Fire Chief Kavaliunas said that with regards to the SAFER Grant the City had been successful twice before using Gatchell Grant Resources. He said prior SAFER Grants required cities to pay a portion of the later years' expenses, but that after Covid, FEMA, the Federal agency that administered the SAFER Grant, will now pay all expenses. The Fire Chief said there was no longer a City match required. He said the SAFER Grant paid all of the Firefighters/Paramedics pay, benefits and retirement.

Fire Chief Kavaliunas said that when the SAFER Grant was announced approximately 2 ½ weeks ago, he worked with the Mayor and Finance Department to determine if the Fire Department could apply for two (2) Firefighter/Paramedics under the grant. He said these two (2) additional Firefighters/Paramedics would allow the Fire Department to go back up to 12 personnel per shift.

The Fire Chief said his department has used Gatchell before and was successful in receiving grants. He said the company charged a flat fee of Nine Hundred Fifty Dollars and Zero cents (\$950.00) to submit the grant and if successful then the City paid a set administrative fee not to exceed Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00). Fire Chief Kavaliunas requested that Council pass this legislation on emergency at tonight's meeting since the grant was due this Friday.

Mr. Jackson said if there were no objections from Council he would ask that Council vote to pass this Ordinance on emergency at tonight's meeting. There were no objections from Council.

Mr. Jackson asked if there were any questions or comments regarding **Ordinance No. 2023-20**.

Councilwoman Jones said hopefully the grant had already been written.

Mr. Shenett asked if the grant paid for the two (2) Firefighters/Paramedics for the three (3) years, to which Fire Chief Kavaliunas responded in the affirmative.

Ms. Jones asked if there were any stipulations requiring that whomever was hired under the Grant would be required to stay for the full three (3) years to which the Fire Chief responded in the negative. He said the grant award was not attached to any particular person. He said it was a slot in the Fire Department that would need to be filled if the Firefighter/Paramedic left the City. Fire Chief Kavaliunas said it was important for the Fire Department to be able to hire young Firefighters/Paramedics to fill the ranks and be able to move-up within the Department.

Mr. Shenett said hopefully in the three (3) years the City will be able to keep them on staff.

Mr. Jackson asked if there were any other questions or comments on this legislation. There were no other questions or comments.

Mr. Jackson said there were no Expenditure over \$25,000.00, and only (1) Disclosure of Purchase Orders over \$10,000.00 for review at tonight's meeting.

There being no other questions or comments, the Caucus Meeting was adjourned at 6:41 p.m.

### **REGULAR MEETING OF COUNCIL**

Council President Jackson called the meeting to order at 7:00 p.m. with the following Council Members present: Shenett, Jones, Tatum, Anderson, Madden, Trojanski and Agee. Also present were Mayor Annette M. Blackwell, Law Director Frank Consolo, Police Chief Todd Hansen, Fire Chief Vito Kavaliunas and Council Clerk Leonette Cicirella Johnson. Human Services

Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi, Planning and Development Director Joe Duffy and City Engineer Ed Hren were absent and excused.

Councilman Richard Trojanski gave the Invocation and led the Pledge of Allegiance to the Flag. Council Clerk Leonette Cicirella Johnson called the roll.

**ADDENDUM:** There was no Addendum for tonight's meeting.

**MINUTES:** Ms. Anderson made a motion, seconded by Ms. Jones, to approve the Regular Meeting of Council Minutes of March 1, 2023.

ROLL CALL: Mr. Shenett: Yes; Ms. Jones: Yes; Mr. Tatum: Yes; Ms. Anderson: Yes; Ms. Madden: Yes; Mr. Trojanski: Abstain; Ms. Agee: Abstain. The motion passed by the vote of five (5) ayes to zero (0) nays with two (2) abstentions.

**COMMUNICATIONS:** There were two (2) Communications for tonight's meeting:

**Letter of Appeal regarding Planning and Zoning Case No. 2023-PZ-06; Appellant: Bedford Nissan Collision, LLC**

Mr. Jackson asked if the Appellant or anyone on his behalf was present to discuss this Appeal. There was no one present at tonight's meeting.

**Letter of Appeal regarding Planning and Zoning Case No. 2023-PZ-10; Appellant: Michelle Beden-Payne**

Mr. Jackson asked if the Appellant or anyone on her behalf was present to discuss this Appeal.

Appellant Michelle Beden-Payne from Shell's Learning Center and Mr. John Ranucci on behalf of property owner Vito Colonna appeared before Council to appeal the decision of the Planning and Zoning Commission in **Case No. 2023-PZ-10** denying a request for a conditional use permit to operate a child day care center in a Neighborhood Commercial (NC) Zoning District located at 5310 ½ Warrensville Center Road, Maple Heights, Ohio.

Mr. Ranucci said when the Appellant appeared before the Commission at the February 13, 2023 meeting a number of issues were raised with regards to the operation of a child day care center at this location. He said the first concern of the Commission was the use of parking off of Warrensville Center Road in front of the building. Mr. Ranucci said the parking in front of the building would not be used by the Appellant's business and that the parking on the side of the building would be used for the pick-up and drop -off of the children.

Mr. Ranucci said another concern of the Commission was the fact that two (2) similar use businesses had been proposed for both 5310 Warrensville Center Road and 5310 ½ Warrensville Center Road. He said this was no longer a concern since the other tenant at 5310 Warrensville Center Road who had also applied for and also was denied a conditional use permit to operate a child day care center at that location had withdrawn her lease agreement with Mr. Colonna.

Mr. Ranucci said another concern of the Planning and Zoning Commission was the playground area to be located behind the building. He said a ramp will be installed from the building to the playground area so it will be out of the main back area. Mr. Ranucci said the Appellant was also aware that the play area will need to be fenced-in.

With regards to the play area, Appellant Beden-Payne said she would also add bollards or a guardrail to protect the fence surrounding the play area similar to what she has installed at her current child day care center that she was operating at another location.

Mr. Ranucci said the main concern of the Commission was that once the Appellant received approval for a conditional use permit that she would submit drawings by a licensed architect or engineer since there will be interior renovations to the building as per the instructions of the Chief Building Official. Mr. Ranucci said the Appellant will also fulfill this requirement so that all of the conditions of the City will be addressed.

Ms. Beden-Payne said she has worked in child care for 37 years and that this will be her fourth day care center. The Appellant said she had a similar situation regarding the parking at her day care center in Warrensville Heights where she had to install bollards and a STOP sign. She said the proposed day care center at 5310 ½ Warrensville Center Road will have a fenced-in playground area protected by bollards or a guardrail.

The Appellant said she was a good day care provider, was STAR-rated and had won the 2020 Day Care of the Year Award.

Mr. Jackson asked if there were any questions from Council regarding this Appeal. There being no questions or comments, Mr. Jackson advised the Appellant that Council would consider the information presented by the Appellant and render a decision within the timeframe required under the City's Zoning Code.

**COMMITTEE REPORTS:** There were (2) Council Committee Reports for tonight's meeting:

*Community Life and Education Committee*

Ms. Anderson, Chairwoman of the Community Life and Education Committee, said during National Women's History Month this month the Community Life and Education Committee wanted to recognize Dr. Airica Steed, the newly appointed CEO for Metro Health Systems in Cleveland as the first African-American Woman to hold this position.

*Housing and Economic Development Committee*

Ms. Jones, Chairwoman of the Housing and Economic Development Committee, presented the following Committee Report attached hereto and incorporated herein by reference.

**DEPARTMENT REPORTS:** There were no Department Reports for tonight’s meeting due to a change in the meeting format to present Department Reports only the first Council Meeting of the month.

**CITIZENS’ COMMENTS:**

The floor was opened at 7:13 p.m. for Citizens’ Comments.

Ms. Destiny Brown of Camden Avenue asked if there were any grants or funding available for the day care asking to open on Warrenville Center Road. She also said it was good to hear about the recognition of women during National Women’s History Month.

Ms. Brown said she was concerned about the removal of PODS in the City since it would take away options for residents who needed them if they were moving. She also asked what were the side lots mentioned in the Committee Report and asked if they were being offered to residents or were for safety or community policing.

In response, Ms. Jones said the Housing Committee was not looking to remove PODS from the City, but was considering regulations since some of the PODS have been parked in driveways for 8 months or longer. She said proposed regulations would cover the placement of the PODS, perhaps the size of the containers and the period of time the PODS could be used. Ms. Jones said the Building Department would also be able to consider hardship conditions if necessary. Ms. Jones said the City was not looking for permit fees, but was rather looking to receive information as to who owned the PODS within the City and was concerned on the effect of these containers on the neighbors’ quality of life.

With regards to the Side Lot Program, Ms. Jones said the side lots were usually the result of a house having been demolished by the City. She said these vacant lots were located between two (2) other adjacent properties and were able to be purchased from the City by the adjacent property owners.

Ms. Jones said Ms. Brown could also talk with her after tonight’s meeting to discuss any of this information.

The Citizens’ Comments were closed at 7:18 p.m.

**LEGISLATION:**

**RESOLUTION NO. 2023-18**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO AUDITOR OF STATE FOR AN AUDIT OF THE CITY’S BASIC FINANCIAL STATEMENTS AS OF, AND FOR THE YEAR ENDED, DECEMBER 31, 2022, FOR AN AMOUNT NOT TO EXCEED TWENTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY DOLLARS AND ZERO CENTS (\$27,470.00), AND DECLARING AN EMERGENCY.**

Ms. Jones made a motion, seconded by Mr. Trojanski, to suspend the rules and pass this Resolution on emergency. Mr. Jackson asked if there were any questions or discussion on this legislation.

Mr. Tatum asked to be added as a Co-Sponsor of this legislation.

Mr. Jackson asked if there were any other questions or discussion. There being no other questions or discussion, Mr. Jackson asked for the vote to suspend the rules and pass this Resolution on emergency. On the motion to suspend the rules and pass this Resolution on emergency, all voted aye, none opposed, the motion passed.

Mr. Jackson asked if there was any discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote for passage on emergency.

ROLL CALL on the vote for passage on emergency: Trojanski: Yes; Agee: Yes; Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes. The motion passed by the vote of seven (7) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

#### **RESOLUTION NO. 2023-19**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LONGINO LAWN CARE AND SNOW PLOW TO INSTALL TREES ON HANSEN ROAD, WATSON ROAD AND RAYMOND STREET, FROM NORTHFIELD ROAD TO WARRENSVILLE CENTER ROAD, AS PART OF THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM (HTCP) NORTHEAST QUADRANT TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-22-01), AND DECLARING AN EMERGENCY.**

Mr. Trojanski made a motion, seconded by Ms. Jones, to suspend the rules and pass this Resolution on emergency. Mr. Jackson asked if there were any questions or discussion on this legislation.

There being no questions or discussion, Mr. Jackson asked for the vote to suspend the rules and pass this Resolution on emergency. On the motion to suspend the rules and pass this Resolution on emergency, all voted aye, none opposed, the motion passed.

Mr. Jackson asked if there was any discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote for passage on emergency.

ROLL CALL on the vote for passage on emergency: Trojanski: Yes; Agee: Yes; Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes. The motion passed by the vote of seven (7) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

**ORDINANCE NO. 2023-20**

**AN ORDINANCE AUTHORIZING THE MAYOR AND FIRE CHIEF TO CONTRACT WITH GATCHELL GRANT RESOURCES, LLC TO SUBMIT AN APPLICATION FOR A FISCAL YEAR 2022 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT (SAFER GRANT) FOR THE HIRING OF TWO (2) ADDITIONAL FIREFIGHTER/PARAMEDICS, AND IF AWARDED, TO ACCEPT THE SAFER GRANT, WITH NO COST SHARE CONTRIBUTION REQUIRED BY THE CITY, AND DECLARING AN EMERGENCY.**

Mr. Trojanski made a motion, seconded by Mr. Shenett, to suspend the rules and pass this Ordinance on emergency. Mr. Jackson asked if there were any questions or discussion on this legislation.

There being no questions or discussion, Mr. Jackson asked for the vote to suspend the rules and pass this Ordinance on emergency. On the motion to suspend the rules and pass this Ordinance on emergency, all voted aye, none opposed, the motion passed.

Mr. Jackson asked if there was any discussion on this Ordinance.

Mr. Shenett asked to be added as a Co-Sponsor of this legislation.

Mr. Jackson asked if there was any other discussion on this legislation. There being no additional discussion, Mr. Jackson asked for the vote for passage on emergency.

ROLL CALL on the vote for passage on emergency: Trojanski: Yes; Agee: Yes; Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes. The motion passed by the vote of seven (7) ayes to zero (0) nays. The Ordinance passed on emergency and will become law upon the Mayor's signature.

**EXPENDITURES OVER \$25,000.00:**

Mr. Jackson said there were no Expenditures over \$25,000.00, only one (1) Disclosure of Purchase Orders over \$10,000.00 for review at tonight's meeting.

**MAYOR'S REPORT:** Mayor Blackwell thanked everyone for attending tonight's meeting. The Mayor said since the train derailment in East Palestine there has been much discussion of railroad safety in other cities that have railroad tracks running through them. Mayor Blackwell said she would yield her time to ask Fire Chief Kavaliunas to share his commentary on this important issue at tonight's meeting.

Fire Chief Kavaliunas said there has been much concern shared by all cities because of the number of Norfolk Southern train derailments recently. The Fire Chief said that in Maple Heights the railroad tracks go right through the City, dividing it from east side to west side which could make evacuations difficult in such an emergency. Fire Chief Kavaliunas said because of these concerns there was a proposal being discussed that would require railroads to notify the



Fire Chiefs when hazardous chemicals were being transported through their cities. The Fire Chief said presently it was required that this information be included on the manifest given to the conductor and that all tank cars must be marked.

Fire Chief Kavaliunas said safety was paramount in these situations. The Fire Chief said that at the recent warehouse explosion in Oakwood Village fire personnel were withdrawn until the chemical threat could be mitigated. He said mutual aid, the Haz-Met team and EPA personnel were involved.

The Fire Chief said rail carriers also have their own emergency response teams for these emergencies but their evaluations would impact the city. Fire Chief Kavaliunas said that Fire Departments do train on trains on a regular basis. He said that since the intermodal yard in Maple Heights handled a wide array of commodities in the containers the Fire Department was constantly monitoring this situation.

Fire Chief Kavaliunas ended his remarks by stating that the State was very lucky that this train derailment happened in a rural area. He said if it had happened in an urban area, it would have been very difficult to manage.

### **COUNCIL REPORTS:**

**Councilman Richard Trojanski, District 6** announced that he will be hosting a Recycle Right Workshop in partnership with Waste Management to educate residents to recycle correctly. He said it was important to keep recycling items separate from other rubbish and follow the instructions from Waste Management, the City's trash collection company. Mr. Trojanski said this Workshop will be held on Tuesday, April 18<sup>th</sup> from 6:30 p.m. to 7:30 p.m. at Castle High School at 5130 Warrensville Center Road.

**Councilwoman Edwina Agee, District 7** – No Report.

**Councilman Stafford L. Shenett, District 1** asked residents in District 1 to be patient with the infrastructure work being done on Dunham Road. He said the sewer line work was progressing and that the City Engineer and Service Department have been communicating with him with regards to the progress of this project.

Mr. Shenett said he had talked with Huntington Bank management regarding the condition of the Turney Road Branch drive-through. He said the driveway was damaged and that he had been informed that the Bank management had spoken with the plaza owner regarding this matter. Mr. Shenett said the owner had until April to make the repairs and that unfortunately the bank was at the mercy of the property owner regarding this situation.

Mr. Shenett concluded his report by thanking everyone who attended tonight's meeting.

**Councilwoman Toni Jones, District 2** announced that there were flyers on the back table regarding the Traffic Calming Forum that will be held on Monday, March 20, 2023 at the Maple Heights Library at 5:30 p.m. Ms. Jones said representatives from ODOT, NOACA and Chagrin

Valley Engineering will be at this forum to discuss traffic problems in the City and offer suggestions.

Ms. Jones also announced that grants up to \$10,000.00 were still available to assist property owners with delinquent property taxes. She said this grant program had been extended to December 31<sup>st</sup>. Ms. Jones said residents could contact Mrs. Vopat or herself for information regarding this program or apply for it online.

**Councilman Timothy Tatum, District 3** thanked all women for all their hard work in commemoration of March being National Women’s History Month.

**Councilwoman Dana D. Anderson, District 4** said it was very exciting to see the information from the Ohio Secretary of State’s Office regarding the number of new business filings in the State. She said Secretary of State Frank LaRose announced that there were 16,065 new business filings in February 2023 that was the highest number in Ohio history. Ms. Anderson said this new State record showed how important small businesses and business entrepreneurs were to our economy.

Ms. Anderson concluded her report by announcing the District 4 and District 6 Town Hall Meeting will be held in April, with more information to come.

**Councilwoman Tanglyn Madden, District 5** said she had received an update regarding the expansion work at Magic Beauty Supply on Libby Road. She said the electrical permits have been pulled, but the owners were still waiting for the plumbing permits. Ms. Madden said the contractors will be following-up with the concrete work, weather permitting. She said the owners hope to have the work completed within the next two (2) months.

Ms. Madden concluded her report by reminding residents that the District 5 Block Watch Meeting will be held tomorrow, March 16<sup>th</sup> from 6:00 p.m. to 8:00 p.m. at the Maple Heights Library.

**Council President Ron Jackson** thanked everyone for attending tonight’s meeting and said that with March being National Women’s History Month we should appreciate everything all women do and have done.

There being no further business to come before this Council, Council President Jackson adjourned the meeting at 7:34 p.m.

Passed: April 5, 2023

ATTEST:

S/S Leonette Cicirella Johnson  
Leonette Cicirella Johnson, Clerk of Council