

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

Maple Heights Senior Center

September 20, 2023

MEETING CAUCUS

Council President Jackson called the meeting to order at 6:30 p.m. with the following Council Members present: Jackson, Shenett, Jones, Tatum, Anderson, Madden, Trojanski and Agee. Also present were Law Director Frank Consolo, Planning and Development Director Joe Duffy and Council Clerk Leonette Cicirella Johnson. Mayor Annette M. Blackwell, Fire Chief Dan Syphen, Police Chief Todd Hansen, Human Services Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi and City Engineer Ed Hren were absent and excused.

Mr. Jackson said that Councilwoman Jones would have the Invocation and lead the Pledge of Allegiance for tonight's meeting. He also said there were minutes for Council to approve and one (1) Communication which was a Planning and Zoning Appeal.

Moving to the legislation on tonight's meeting Agenda, Mr. Jackson said **Resolution No. 2023-76** regarding the amendment to the SafeBuilt contract was on Third Reading and asked if there were any other questions or discussion regarding this legislation. There being no questions on **Resolution No. 2023-76**, Mr. Jackson asked Council to vote on this Resolution at tonight's meeting.

Mr. Jackson said **Resolution No. 2023-83** permitting an exception to the employee vacation schedule for Service Director Ciresi was on Second Reading and asked if there were any additional questions on this legislation. Mr. Jackson said if there were any other questions, Council would move discussion on this legislation to later in the meeting when the Mayor would be present.

Councilwoman Jones asked Mr. Jackson to poll Council to see if everyone was prepared to vote on this Resolution at tonight's meeting. Mr. Jackson polled the Members of Council and it was unanimous that all were prepared to vote on **Resolution No. 2023-83**.

Mr. Jackson said **Resolution No. 2023-87** authorizing the contract with the Cuyahoga County Board of Health to provide health services for the City for the years 2024 and 2025 was on First Reading at tonight's meeting but if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Moving to **Resolution No. 2023-81** authorizing the Mayor to enter into an agreement with the Cuyahoga County Board of Health (CCBH) as a sub-recipient of a \$25,000.00 grant awarded to the CCBH from the Ohio Department of Natural Resources (ODNR) Division of Forestry for an Urban Tree Canopy Restoration Project, Mr. Jackson asked if there were any questions on this Resolution.

Councilwoman Madden said she had a question as to the placing of the trees and asked how would that decision be made. She asked if the trees would be just by the park trails or would residents be able to request trees.

In response, Mr. Consolo said this decision was at the discretion of the Service Director and said that in Mr. Hren's letter to Council regarding this legislation the placement of the trees with this specific grant would be around the trails at Stafford Park.

Ms. Madden said so this Tree Canopy Program had nothing to do with trees planted on City tree lawns, to which Mr. Consolo responded in the affirmative.

Mr. Jackson asked if there were any other questions. There were no other questions. Mr. Jackson said if there were no objections from Council, he would ask that Council vote on **Resolution No. 2023-88** at tonight's meeting. There were no objections from Council.

Mr. Jackson asked if there were any questions or discussion regarding **Resolution No. 2023-89** regarding the Planning and Zoning Appeal in **Case No. 2023-PZ-36**.

Councilman Tatum said this Case was denied at the Planning and Zoning Commission level and that he was totally against the Applicants' request for a variance to not have to rebuild the garage on their property after it had been torn down.

Mr. Shenett said if he remembered correctly the garage was torn down without a permit. Mr. Shenett said if a permit had been pulled, the Applicant would have been advised by the Building Department that they needed to build a new garage.

Ms. Jones asked Mr. Duffy if the Applicant had pulled a permit since that would take it off the property tax bill. In response, Mr. Duffy said he would need to check the Building Department records.

Mr. Duffy said with this Resolution Council needed to considered the question of how much do they want the Zoning Code implemented and acted upon. He said the Zoning Code had the requirement for garages to be on all single-family dwellings.

Mr. Jackson said he would request that this Resolution be voted on at tonight's meeting.

Mr. Consolo reminded Council that the vote on **Resolution No. 2023-89** would be a motion to adopt and if they voted "Yes" then the decision of the Planning and Zoning Commission will be overruled. He said if Council did not want to overrule the decision of the Planning and Zoning Commission then they would vote "No" on the Resolution.

Mr. Jackson asked if there were any questions on **Resolution No. 2023-90** authorizing the Mayor to apply for a grant from the Northeast Ohio Areawide Coordinating Agency (NOACA) through the Transportation for Livable Communities Initiative (TLCI) Implementation Program.

There being no questions, Mr. Jackson said if there were no objections from Council, he would request that this legislation be voted on at tonight's meeting. There were no objections from Council.

Mr. Jackson said there were no Expenditure over \$25,000.00 or Disclosures of Purchase Orders over \$10,000.00 for review at tonight's meeting.

Mr. Jackson asked if there were any other questions or comments from Council.

There being no other questions or comments, the Caucus Meeting was adjourned at 6:40 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: Jackson, Shenett, Jones, Tatum, Anderson, Madden, Trojanski and Agee. Also present were Mayor Annette M. Blackwell, Law Director Frank Consolo, Police Chief Todd Hansen, Planning and Development Director Joe Duffy and Council Clerk Leonette Cicirella Johnson. Fire Chief Dan Syphen, Human Services Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi and City Engineer Ed Hren were absent and excused.

Councilwoman Toni Jones 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 Mr. Trojanski, to approve the Regular Meeting of Council Minutes of September 6, 2023.

ROLL CALL: Mr. Shenett: Yes; Ms. Jones: Yes; Mr. Tatum: Yes; Ms. Anderson: Yes; Ms. Madden: Yes; Mr. Trojanski: Yes; Ms. Agee: Yes. The motion passed by the vote of seven (7) ayes to zero (0) nays.

COMMUNICATIONS: There was one (1) Communications for tonight's meeting.

Planning and Zoning Appeal, Case no. 2023-PZ-37

Applicant Mr. Harry Pratt of Pratt Trucking LLC and attorney Mr. Michael Schildhouse appeared before Council to present his appeal regarding **Case No. 2023-PZ-37**, requesting approval of a Conditional Use Permit under Sect. 1282.04 of the MH Codified Ordinances to operate a Trucking and Hauling Business which is not specifically listed as a conditionally permitted use in the Central Business District (CBD) Zoning District at 16514 Broadway Avenue, Maple Heights, Ohio.

Mr. Michael Schildhouse, representing Mr. Pratt, said his client had established his limited liability company in 2017 and now owned ten (10) trucks for hauling debris. He said his client

was looking to buy the property to move his trucking and hauling business to that location. Mr. Schildhouse said Mr. Pratt was denied by the Planning and Zoning Commission at their August 28, 2023 meeting so his client timely filed this notice of appeal to Council.

Mr. Schildhouse said the property will only be used for parking their trucks and that there would not be any storage on site and no hauling would occur on the property. He said the regular hours of operation for the business will be 8:00 am to 5:00 p.m.

Mr. Schildhouse said the fleet of ten (10) trucks were all within five (5) years of age and were operated by high efficiency diesel engines. He said his client would have the equivalent of twenty (20) full time employees and with the 1.68-acre property they could expand their business and increase their number of employees.

Mr. Jackson asked if there were any questions from Council.

Ms. Anderson asked if the trucks would be specifically for this business only or would other trucks use it to which the Appellant responded that it would be used for his company trucks only.

Mr. Schildhouse said there was a fence on the property so people will not see activity from the road.

Mr. Shenett asked Mr. Consolo why the application had been denied by the Planning and Zoning Commission.

In response, Mr. Consolo said the use was not a principally permitted or conditionally permitted use in the Central Business District under the Zoning Code.

Mr. Shenett asked the Appellant how did he become aware of the property.

In response, Mr. Schildhouse said it was found by a real estate brokerage. He said his client will be bringing jobs and income to the City.

Mr. Shenett said he asked about how the Appellant found the property because he was concerned that the broker introduced him to this property when it was not zoned for this use.

In response, Mr. Schildhouse said the money for the purchase of the property was in escrow, but they have not yet overcome the contingencies,

Mr. Shenett said he was concerned about this and did not want other people to have to go through this type of issue.

Ms. Madden said she would welcome the new business with a number of employees but with the change in the Zoning Code this area was not suitable for this use. Ms. Madden asked if the Appellant would consider other properties in the City if the Planning and Development Director would work with them, to which the Appellant responded in the affirmative.

Mr. Schildhouse said the particular site was fenced in or closed in and the building met his client's needs, including room to provide minor truck maintenance. He said there would be no constant activity. Mr. Schildhouse said the trucks will leave in the morning and then come back at night. He said the area also gave them access to I-480.

Mr. Schildhouse said his client was sensitive to the fact that the City had a vision for this area and they will take care of the property.

Mr. Jackson asked if there were any other questions. There were no other questions.

Mr. Jackson said Council would consider this appeal at their next Committee of the Whole Meeting and then consider legislation on this matter at a later meeting.

COMMITTEE REPORTS: There was one (1) Council Committee Report for tonight's meeting.

Public Works and Safety Committee

Councilman Richard Trojanski, Chairman of the Public Works and Safety Committee, reported that Committee Members Trojanski, Anderson and Jones met on Thursday, September 7, 2023 at 6:30 p.m. in Room 7, Maple Heights City Hall. Mr. Trojanski said a motion was passed to amend the agenda for this meeting to discuss the purchase of knock boxes. He said the Committee discussed the allocation of Public Works and Safety Committee funds in the amount of \$300.00 to be used for the resident address safety initiative.

Mr. Trojanski said the Committee agreed to table the topic of residential knock boxes because of the cost of that program.

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.

COMMENTS FROM CITY RESIDENTS: Comments from City Residents opened at 7:13 p.m.

Mr. McKenney residing at 5607 South Boulevard said one suggestion with regards to the problem of crime in the City would be that people who work night shifts should get their gasoline during the day. He said a lot of crime was occurring at 24-hour gas stations.

Mr. McKenney said the property next door to him was an eyesore and has been for 16 or 17 years. He said the landlord has kept renting the property every six (6) months when the tenants move out. Mr. McKenney said he never saw a Building Inspector at the property. He said the garage had been destroyed and that he did not want that type of property next door to him and that he feared for his safety. Mr. McKenney said the tenants have been good people but had bad relatives and friends. He asked if a Building Inspector could come to inspect this property.

Mr. Jackson asked what was the address of the property to which the resident responded 5611 South Boulevard.

Mr. Mark J. Gabor residing at 5374 Lee Road said he could not stay silent about a dangerous issue that occurred on Libby and Lee Roads and wanted to publicly thank Ex. Lt. Kevern for his handling of the situation. Mr. Gabor said Ex. Lt. Kevern responded from the Police Department. He said the Ex. Lt. came out professionally but casually and walked with him to the scene where the Ex. Lt. took possession of the dangerous ordinance and disposed of it appropriately.

Comments from City Residents closed at 7:21 p.m.

LEGISLATION:

RESOLUTION NO. 2023-76

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT TWO TO THE PROFESSIONAL SERVICES AGREEMENT WITH SAFE BUILT OHIO, LLC TO PROVIDE CONSULTING SERVICES IN CONNECTION WITH THE CITY'S BUILDING AND ZONING CODES, 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: Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Trojanski: Yes; Agee: Yes; Shenett: 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. 2023-83

A RESOLUTION PERMITTING AN EXCEPTION TO THE EMPLOYEE VACATION SCHEDULE SET FORTH IN COD. ORD. SECT. 260.05 AND AUTHORIZING THE MAYOR TO INCREASE THE VACATION TIME FOR SERVICE DIRECTOR CIRESI FROM TWO (2) WEEKS TO FOUR (4) WEEKS, EFFECTIVE JANUARY 1, 2024, WITH FUTURE INCREASES IN WEEKS OF VACATION TIME, NOT COVERED BY THE SCHEDULE SET FORTH IN COD. ORD. SECT. 260.05, BEING SUBJECT TO APPROVAL BY THE MAYOR AND COUNCIL, 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.

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: Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Trojanski: Yes; Agee: Yes; Shenett: 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. 2023-87

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH TO PROVIDE HEALTH SERVICES FOR THE CITY OF MAPLE HEIGHTS FOR THE YEARS 2024 AND 2025, 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.

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: Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Trojanski: Yes; Agee: Yes; Shenett: 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. 2023-88

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH (CCBH) AS A SUB-RECIPIENT OF A \$25,000.00 GRANT AWARDED TO CCBH BY THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), DIVISION OF FORESTRY,

FOR AN URBAN TREE CANOPY RESTORATION PROJECT TO EXPAND THE TREE CANOPY IN THE CITY OF MAPLE HEIGHTS, 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 Resolution.

Ms. Madden said the legislation stated that the tree canopy program was for trees to be planted at Stafford Park and asked the Mayor if any trees would be planted on residential tree lawns.

Mayor Blackwell said Maple Heights was the first community to partner with the CCBH this year so it was decided to just install trees along the trails at Stafford Park.

Mr. Jackson asked if there were any other questions or discussion. 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: Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Trojanski: Yes; Agee: Yes; Shenett: 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. 2023-89

A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-36 WHICH DENIED THE APPLICATION OF KEN KRAYNAK AND LINDA LUKAT OF 14207 KREMS AVENUE FOR A VARIANCE FROM THE REQUIREMENTS OF SECT. 1290.06 OF THE MAPLE HEIGHTS CODIFIED ORDINANCES THAT SINGLE-FAMILY DWELLING UNITS MUST HAVE A GARAGE FOR OFF-STREET PARKING.

Ms. Jones made a motion, seconded by Ms. Anderson, to approve **Resolution No. 2023-89**.

ROLL CALL on the Motion to approve this Resolution: Jones: No; Tatum: No; Anderson: No; Madden: No; Trojanski: No; Agee: No; Shenett: Abstain. The motion to overrule **Case No. 2023-PZ-36** failed by the vote of six (6) ayes to zero (0) nays with one (1) abstention and pursuant to Sect. 1262.03(F) of the MH Codified Ordinances this Resolution shall take effect and

be in force immediately upon its passage by Council. The decision of the Planning and Zoning Commission in **Case No. 2023-PZ-36** will stand.

RESOLUTION NO. 2023-90

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT FROM THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) THROUGH THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION PROGRAM, 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.

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: Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Trojanski: Yes; Agee: Yes; Shenett: 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.

EXPENDITURES OVER \$25,000.00:

Mr. Jackson said there were no Expenditures over \$25,000.00 or Disclosures of Purchase Orders over \$10,000.00 for review at tonight's meeting.

MAYOR'S REPORT: The Mayor thanked the residents for their comments and said residents needed to know that Building Inspectors had limitations getting into homes for inspections.

Mayor Blackwell announced that the Annual Joint State of the City and Schools Address will be held on September 26, 2023 at 5:30 p.m. at Milkovich Middle School. The Mayor said School Superintendent Dr. Charles Keenan will be first on the agenda with the State of the Schools address, followed by the Mayor with the State of the City. She said refreshments will be served but reservations were needed. The Mayor said the public can come hear the presentation if they do not want refreshments and it will also be available on YouTube.

The Mayor said the City will be hosting a Fall Festival with the Community Life and Education Committee which will be a 2-day event at Stafford Park on Friday, October 6, 2023 starting at

5:30 p.m. and on Saturday, October 7, 2023 from Noon to 3:00 p.m. Mayor Blackwell said Discount Drug Mart has donated the food for a hot dog and potato chip lunch at this event.

Mayor Blackwell said the 2023 Road Repair Program that was approved earlier this year was tentatively scheduled to begin on September 24, 2023. She said the first phase of chip and seal would be starting and that each Council member received a list of the streets in their respective districts.

COUNCIL REPORTS:

Councilwoman Toni Jones, District 2 said the District 2 Newsletter will be out this week and that the streets in District 2 that will be repaired under the 2023 Road Repair Program were South and East Glenn, Glenwood and Eastwood.

Councilman Timothy Tatum, District 3 thanked Code Enforcement Officer Carrington for his assistance with a situation in his district.

Mr. Tatum said he was excited about the Road Repair Program and that Pease Road would be repaired this year. He said Phase 2 of Dunham Road would be started as well.

Mr. Tatum concluded his report by stating that the District 3 Newsletter would be out in about a week.

Councilwoman Dana D. Anderson, District 4 said she had received a number of calls and e-mails from residents interested in starting a Block Watch group so she will talk with Chief Hansen regarding this program.

Ms. Anderson said the District 4 and District 6 Town Hall Meeting will be held next month with more information to come.

Councilwoman Tanglyn Madden, District 5 asked Mr. McKenney to stay after the meeting to talk with her regarding the property on South Boulevard.

Ms. Madden said repair work under the City's 2023 Road Repair Program will be starting soon for the three (3) streets selected in District 5.

Councilman Richard Trojanski, District 6 said District 6 had various streets including Hansen, Watson, Raymond and Franklin repaired under funding from the Northeast Ohio Regional Sewer District (NEORSB).

Mr. Trojanski said that the first meeting of the Maple Heights Citizens Community will be held at the Maple Heights Library from 6:30 p.m. to 8:30 p.m.

Mr. Trojanski announced that the District 6 Clean Up Day will be held on Saturday, September 30, 2023 and asked volunteers to meet at Castle High School on Warrensville Center Road.

Councilwoman Edwina Agee, District 7 - No Report.

Councilman Stafford Shenett, District 1 thanked the Maple Heights School District and the Police Department for their assistance to rectify the school traffic problem affecting residents on Rochelle Drive. He said a number of residents had complained about cars blocking their driveways.

Mr. Shenett said the work on E. 140th was tentatively scheduled to begin on September 26, 2023.

Council President Ron Jackson said he looked forward to seeing everyone at the Fall Festival in a few weeks.

Mr. Jackson thanked everyone for attending tonight's meeting and to drive safely.

There being no further business to come before this Council, Council President Jackson thanked everyone for attending and adjourned the meeting at 7:39 p.m.

Dated: October 18, 2023

ATTEST:

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