

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

Maple Height Senior Center

November 1, 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 and Agee. Councilman Trojanski was absent and excused. Also present were Law Director Frank Consolo, Police Chief Todd Hansen, Fire Chief Dan Sypen, Human Services Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi, Planning and Development Director Joe Duffy and Council Clerk Leonette Cicirella Johnson. Mayor Annette M. Blackwell and City Engineer Ed Hren were absent and excused.

Mr. Jackson said that Councilwoman Anderson 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 a couple of Communications which were two (2) Planning and Zoning Appeals to be heard by Council.

Moving to the legislation on tonight's meeting Agenda, Mr. Jackson said **Resolution No. 2023-92** amending Sect. 220.01(c)(9) of Council's Rules of Order concerning "Comments from City Residents" will be on Second Reading.

Mr. Jackson said **Ordinances No. 2023-94, 2023-95 and 2023-96** amending various Sections of the MH Codified Ordinances to increase the compensation of members of the Civil Service Commission, the Planning and Zoning Commission and the Architectural Review Board respectively, would each be on Second Reading at tonight's meeting.

Mr. Jackson said **Resolution No. 2023-100** authorizing an agreement with James G. Zupka, C.P.A., Inc. to prepare and file the annual GAAP financial statements for the City for the year ended December 31, 2023 had been discussed with Finance Director Tillman at the October 30, 2023 Committee of the Whole Meeting. He asked if there were any additional questions on this legislation. There being no additional questions or discussion on **Resolution No. 2023-100**, Mr. Jackson asked Council to vote on this Resolution at tonight's meeting since the Finance Department was requesting that it be passed on emergency.

Mr. Jackson said **Resolution No. 2023-101** authorizing the contract with the Ohio Auditor of State and Independent Public Auditor Charles E. Harris and Associates, Inc., to audit the City for the fiscal periods January 1, 2023 through December 31, 2027 had also been discussed with Ms. Tillman at the Committee of the Whole Meeting. He asked if there were any additional questions on this legislation. There being no additional questions on **Resolution No. 2023-101**, Mr. Jackson asked Council to vote on this Resolution tonight.

Moving to **Resolution No. 2023-102**, Mr. Jackson said this Resolution concerned the approval of the Amendment to Article (V)(1) of the bylaws of the NORMA Self-Insurance Pool, Inc. and said this legislation was discussed by both the Finance Director and the Law Director at the

Committee of the Whole Meeting. He asked if there were any questions on this legislation. There being no additional questions or discussion on **Resolution No. 2023-102**, Mr. Jackson asked Council to vote on this Resolution at tonight's meeting.

Mr. Jackson asked if there were any other questions or comments regarding **Resolution No. 2023-103** authorizing the Mayor to enter into a competitive retail electric service contract with NextEra Energy Services Ohio, LLC for an initial term of 36 months. Mr. Jackson said this legislation had also been discussed at Monday's Committee of the Whole Meeting. There were no questions from Council. There being no additional questions or discussion on **Resolution No. 2023-103**, Mr. Jackson asked Council to vote on this Resolution at tonight's meeting since passage on emergency had been requested.

Mr. Jackson said **Resolution No. 2023-104** would authorize the City to accept the October 30, 2023 quotation by Valley Freightliner, Inc. for the purchase of a Freightliner 108SD cab and chassis through the ODOT cooperative purchasing program for the Service Department. He asked if there were any questions from Council. There were no questions. Mr. Jackson asked Council to vote on **Resolution No. 2023-104** at tonight's meeting.

Mr. Jackson said **Ordinance No. 2023-105** adding new Sect. 1282.02(O) to the Zoning Code providing for trucking and hauling as a principally permitted use in the Central Business District (CBD) Zoning District will be on First Reading at tonight's meeting, but asked if there were any questions or comments on this legislation. There were no questions or comments from Council.

Mr. Jackson said Council would also be voting on the appeal by Councilwoman Madden of the decision of the Council President to not excuse her absence from the October 17, 2023 Committee of the Whole Meeting.

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.

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 6:38 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 and Agee. Councilman Trojanski was absent and excused. Also present were Law Director Frank Consolo, Police Chief Todd Hansen, Fire Chief Dan Syphen, Human Services Director Linda Vopat, Finance Director Tinita Tillman, Service Director Tony Ciresi, Planning and Development Director Joe Duffy and Council Clerk Leonette Cicirella Johnson. Mayor Annette M. Blackwell and City Engineer Ed Hren were absent and excused.

Councilwoman Dana D. Anderson 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. Tatum, to approve the Regular Meeting of Council Minutes of October 18, 2023.

ROLL CALL: Mr. Shenett: Yes; Ms. Jones: Yes; Mr. Tatum: Yes; Ms. Anderson: Yes; Ms. Madden: Yes; Ms. Agee: Yes. The motion passed by the vote of six (6) ayes to zero (0) nays.

COMMUNICATIONS:

Planning and Zoning Appeal regarding Case No. 2023-PZ-40

Applicant Armar Anderson appeared before Council to present his appeal regarding **Case No. 2023-PZ-40**, requesting approval of Variance from the requirements of Sect. 1272.06 the MH Codified Ordinances to permit an existing shed to remain in place 18 inches from the rear property line on property located in a Residential Single Family- Medium Density (RSF-M) Zoning District at 16005 Corkhill Road, Maple Heights, Ohio.

Mr. Anderson said he had gone through the Planning and Zoning hearing process and tried to keep working with the Building Department regarding his application. He presented pictures to Council of his shed and a similar structure in the City. The Appellant said the shed was not over the other neighbor's property line. He said the variance of 18 inches still kept it within his property line, it would just be closer than the 36 inches required by the City Code.

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

Mr. Shenett asked for clarification regarding the variance of 18 inches and the location of the shed still being within Mr. Anderson's property line, to which the Appellant responded in the affirmative. Mr. Anderson said the shed was not on his neighbor's property.

Mr. Shenett asked how long had Mr. Anderson been working on this matter with the Building Department. In response, Mr. Anderson said this situation had been going on for at least a year. The Appellant said he had tried to go through mediation with the neighbor who said all she wanted was for him to do what the Code required.

Mr. Shenett asked if Law Director Consolo could discuss this matter.

In response, Mr. Consolo said to clarify the issue in this Case the Appellant was requesting a variance of 18 inches since under the Code the shed must be 36 inches off the property line. Mr. Consolo said the Appellant and neighbor met with the Law Department and Mr. Shenett at least two (2) times over the course of the year.

Mr. Consolo said another reason for the Appellant's appeal was that at the October 16, 2023 Planning and Zoning Commission Meeting there were only four (4) Commission Members present resulting in a tie vote of two (2) ayes for approval of the variance to two (2) nays against the approval of the variance.

Mr. Consolo said Mr. Anderson had also been advised by the Building Department that there was an additional requirement that the shed be on a concrete base that he will need to comply with. He said the Building Department also advised him however, to wait to add the concrete slab until the variance had been granted or approved.

Mr. Consolo said he, Mr. Shenett and the Appellant have tried to talk with the neighbor to resolve her objections. He said the neighbor was under the impression that the Appellant's large, three-car garage will go away if the shed is ordered to be removed. Mr. Consolo said the entire garage will not go away. He said the neighbor thought that the entire garage was an obstruction of her view. Mr. Consolo said the added shed was actually lower than the garage.

Mr. Consolo said the Law Department would support the Appeal of Mr. Anderson in **Case No. 2023-PZ-40**.

Mr. Jackson asked if there were any other questions. There were no other questions or comments from Council, but the Appellant asked when would he know about Council's decision. In response, Mr. Jackson said Council would discuss his Appeal at their next Committee of the Whole Meeting and have legislation to consider at their first meeting of December.

Planning and Zoning Appeal regarding Case No. 2023-PZ-44

Mr. Jackson said the Planning and Zoning Appeal regarding **Case No. 2023-PZ-44** will be continued to the November 15, 2023 Council Meeting at the request of the Appellant who was unable to attend tonight's meeting due to a personal family emergency.

COMMITTEE REPORTS: There were no Council Committee Reports for tonight's meeting.

DEPARTMENT REPORTS:

Fire Department – Fire Chief Dan Sypen reported that the total Fire Department calls YTD at the end of October were 5,006 and that total calls for the month of October were 503, including 340 EMS calls and 163 fire calls. The Fire Chief said patients transported to the hospitals by the Fire Department were 267 which was a transport rate of 79%. He also reported that Fire Department personnel participated in 20 training sessions for both Fire and EMS during the month of October that accounted for 319 man-hours of training for October.

Fire Chief Sypen announced that one Firefighter candidate accepted the offer of a position in the Fire Department. He said Christopher Quinones will be sworn in on November 13, 2023 and that details of the swearing in will be provide. The Fire Chief said Mr. Quinones recently completed his paramedic training at Tri-C and did most of his clinical ride time with the MHFD. Fire Chief Sypen said Mr. Quinones' experience during his training was what led him to pursue a position with our Department. He said this new hire will bring the Fire Department up to its budgeted staffing level of thirty-four (34) personnel in the operational division and three (3) personnel in the administrative division.

The Fire Chief said the Fire Department will be continuing to recruit candidates, as there were two (2) FEMA SAFER grant spots to be filled at the beginning of 2024. He said there will be two (2) retirements coming in the first quarter of 2024.

Fire Chief Sypen said that during the month of October Fire Prevention Week was observed from October 8 to October 14. He said this year's Fire Prevention Week™ (FPW) campaign was "Cooking safety starts with YOU. Pay attention to Fire Prevention" worked to educate everyone about simple but important actions they can take to keep themselves and those around them safe when cooking.

The Fire Chief conclude his report by announcing that during the month of October the Fire Department was involved in the following Community Outreach Activities:

- Fire Prevention presentation for grades pre-k through 1 at Lincoln Elementary
- Fire Prevention presentations at several daycares and pre-schools in the City
- October 7 Fall Fest and Faith in Blue
- October 24 Books for Treats at Lincoln Elementary
- October 27 Rising Stars Program at Obama Elementary

Law Department – Law Director Mr. Frank Consolo announced that next week the City will be starting labor negotiations with the bargaining units. He said the City received notices for negotiations and that there were seven (7) bargaining units that represented City employees.

Mr. Consolo said on a sad note the daughter of Judge Jennifer Weiler, Jacqueline Weiler-Adkins, passed away recently. Mr. Consolo said Judge Weiler had retired from Garfield Heights Municipal Court to care for her daughter. He said the services for Ms. Weiler-Adkins will be tomorrow, November 2, 2023 at the Vodrazka Funeral Home in Independence.

Police Department – Police Chief Todd Hansen reported that the Police Department calls for service to date were 25,000 and that during the month of October Police Officers issued approximately 7 tickets per day and made approximately 3 arrests per day.

Police Chief Hansen said the Police Department had been busy with a big change-over in their computer system. He said Chagrin Valley Dispatch was working with the Police Department to work out the kinks. The Police Chief said the Police Department will be posting the police information again as soon as the new system was operational.

Police Chief Hansen said he was proud to announce that today, November 1st, the MHPD received the AAA Gold Traffic Safety Award due to the increased traffic patrols this year. He said the Department moved up to the Gold Award from having received the Silver Award last year.

The Police Chief said there were no major issues on Halloween, but there have been a number of problems with dogs. He said there was a major dog issue on Kenton Avenue that had been take care of. Police Chief Hansen said the Animal Warden and Police Department removed ten (10) dogs from the residence and that legal action will be taken against the owner. He said since

animals were considered property under law the Police Department had to go through the legal process to remove the animals.

Police Chief Hansen concluded his report by reminding everyone about the following upcoming events:

- Daylight Savings Time will begin November 5th so clocks will need to be turned back one hour
- Election Day will be next Tuesday, November 7th. The Chief said the Police Department will be patrolling around the polling locations in the City
- Veterans' Day will be Saturday, November 11th. He announced that the Maple Heights Veterans' Day Ceremony will be held at 11:00 a.m. on November 11th at the Veterans' Memorial at City Hall.
- 24th Annual Mocktail Party & Safe Kids Benefit sponsored by University Hospitals Health Systems and Rainbow Babies and Children's Hospital will be held on Thursday, November 16th from 5:30 p.m. to 8:00 p.m. at the IX Center. The Chief said this annual event raised money for various activities to assist children.

Human Services Department – Human Services Director Mrs. Linda Vopat reported that during the month of October the Maple Heights Food Pantry served the highest number of people. She said 927 people were served which was an increase of 200 people from the prior month. Mrs. Vopat said the Food Pantry's allocation from the Greater Cleveland Food Bank has also increased.

Mrs. Vopat said she wanted to thank the Bedford FOE for another \$1,000.00 donation to the Maple Heights Food Pantry. She said the donation came right in time to be used to purchase a new freezer for the Food Pantry.

Mrs. Vopat announced that the Annual Lighting Ceremony will take place on Sunday, November 26, 2023 from 5:30 p.m. to 7:00 p.m. at City Hall. She said there will be music by Erin Nicole Neal and a visit from Santa. Mrs. Vopat said there will also be hot chocolate and cookies.

Mrs. Vopat invited everyone to attend a Thanksgiving Reflection on Wednesday, November 22nd at 11:30 a.m. at the Senior Center. She said the reflection will be presented by Rev. Juelene Thompson of New Beginnings AME Church. Mrs. Vopat said reservations for this event can be made by calling the Senior Center.

Mrs. Vopat announced that for election day on Tuesday, November 7th the Senior Center vans would be available for trips to the polls.

Mrs. Vopat concluded her report by wishing everyone a Happy and Blessed Thanksgiving!

Finance Department – Finance Director Ms. Tinita Tillman said the Finance Department was working to close the month of October 2023. She reported that for the month ending September 30, 2023 the unexpended balance in the General Fund was \$9,545,425.09 and that the unexpended balance for All Funds was \$21,592,778.22.

Ms. Tillman said the Finance Department was also working on closing 2023 and working on the new budget for 2024. Ms. Tillman said the Directors were working to close out their budgets.

Ms. Tillman said she would be scheduling two (2) or three (3) Council Finance Committee Meetings to finalize the 2023 appropriations and to prepare the 2024 budget.

Service Department – Service Director Mr. Tony Ciresi said he had been working diligently on the sound system in the Senior Center and that at tonight’s meeting two (2) new microphones were being tested by the Council President and Clerk of Council.

Mr. Ciresi said today the Service Department staff were dealing with snow and leaves. He said the Service Department ran the snow plow trucks from 1:00 a.m. to 10:00 a.m. and then the same trucks were changed over to collect leaves. Mr. Ciresi said the westside of the West Side of the City was complete and the eastside of the West Side needed to be finished. He said the leaf truck would then start on Hansen and Watson on the East Side of the City. Mr. Ciresi said residents can call the Service Department at 216-587-9015 for the updated leaf collection schedule.

Mr. Ciresi concluded his report by reminding everyone that any service issues can be reported online to the Service Department at: mapleservice@mapleheightsohio.com.

Planning and Development Director -- Planning and Development Director Mr. Joe Duffy presented the following report to Council which is attached hereto and incorporated herein by reference.

CITIZENS’ COMMENTS: Started at 7:32 p.m.

Mr. Willie Hardwick residing at 16655 Anthony Street, Maple heights, Ohio said he had a complaint about a house on Lee Road in District 5 that had a truck on jacks on the property. He said it looked terrible. Mr. Hardwick said he had also talked with Mr. Jackson about a problem on Anthony Street with cars sitting in the driveway for over 3 months.

Mr. Hardwick said the City was doing a good job in paving other streets in the City, but Anthony Street needed to be paved and also Clement to Lee Road.

Citizens Comments closed at 7:35 p.m.

LEGISLATION:

ORDINANCE NO. 2023-92

AN ORDINANCE AMENDING COUNCIL’S RULES OF ORDER CONCERNING “COMMENTS FROM CITY RESIDENTS” SET FORTH IN SECTION 220.01(c)(9) OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

This Ordinance was on Second Reading.

RDINANCE NO. 2023-94

AN ORDINANCE AMENDING SECTION 276.01 OF THE CITY'S CODIFIED ORDINANCES TO INCREASE THE COMPENSATION FOR MEMBERS OF THE CIVIL SERVICE COMMISSION FROM A RATE OF SEVENTY-FIVE DOLLARS (\$75) PER MEETING TO NINETY DOLLARS (\$90) PER MEETING, EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

This Ordinance was on Second Reading.

ORDINANCE NO. 2023-95

AN ORDINANCE AMENDING SECTION 1262.03(A) OF THE CITY'S CODIFIED ORDINANCES, EFFECTIVE JANUARY 1, 2024, TO INCREASE THE COMPENSATION FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION FROM A RATE OF SEVENTY-FIVE DOLLARS (\$75) PER MEETING TO NINETY DOLLARS (\$90) PER MEETING, AND THE RATE FOR THE CHAIRPERSON FROM EIGHTY-FIVE DOLLARS (\$85) PER MEETING TO ONE HUNDRED DOLLARS (\$100) PER MEETING AND DECLARING AN EMERGENCY.

This Ordinance was on Second Reading.

ORDINANCE NO. 2023-96

AN ORDINANCE AMENDING SECTION 1262.045(B)(2) OF THE CITY'S CODIFIED ORDINANCES TO INCREASE THE COMPENSATION FOR MEMBERS OF THE ARCHITECTURAL REVIEW BOARD FROM A RATE OF SIXTY DOLLARS (\$60) PER HOUR TO NINETY DOLLARS (\$90) PER HOUR, EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

This Ordinance was on Second Reading.

RESOLUTION NO. 2023-100

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH JAMES G. ZUPKA, C.P.A., INC., TO PREPARE AND FILE THE ANNUAL GAAP FINANCIAL STATEMENTS FOR THE CITY FOR THE YEAR ENDED DECEMBER 31, 2023 FOR AN ANTICIPATED TOTAL PROJECT COST OF \$13,600.00, AND DECLARING AN EMERGENCY.

Ms. Jones made a motion, seconded by Mr. Tatum, 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: Anderson: Yes; Madden: Yes; Agee: Yes. Shenett: Yes; Jones: Yes; Tatum: Yes; The motion passed by the vote of six (6) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

RESOLUTION NO. 2023-101

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO AUDITOR OF STATE AND INDEPENDENT PUBLIC AUDITOR CHARLES E. HARRIS & ASSOCIATES, INC., PURSUANT TO R.C. 117.11 AND 117.115, TO AUDIT THE CITY FOR THE FISCAL PERIODS JANUARY 1, 2023 THROUGH DECEMBER 31, 2027, FOR A COMBINED TOTAL FOR ALL PERIODS OF \$125,800.00, AND DECLARING AN EMERGENCY.

Ms. Jones made a motion, seconded by Ms. Anderson, 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: Anderson: Yes; Madden: Yes; Agee: Yes. Shenett: Yes; Jones: Yes; Tatum: Yes; The motion passed by the vote of six (6) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

RESOLUTION NO. 2023-102

A RESOLUTION APPROVING THE AMENDMENT OF ARTICLE V(D) OF THE BY-LAWS OF THE NORMA SELF-INSURANCE POOL, INC., AND DECLARING AN EMERGENCY.

Ms. Jones made a motion, seconded by Ms. Anderson, 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: Anderson: Yes; Madden: Yes; Agee: Yes. Shenett: Yes; Jones: Yes; Tatum: Yes; The motion passed by the vote of six (6) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

RESOLUTION NO. 2023-103

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMPETITIVE RETAIL ELECTRIC SERVICE CONTRACT WITH NEXTERA ENERGY SERVICES OHIO, LLC FOR AN INITIAL TERM OF 36 MONTHS, AND DECLARING AN EMERGENCY.

Ms. Jones made a motion, seconded by Mr. Tatum 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 of 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: Anderson: Yes; Madden: Yes; Agee: Yes. Shenett: Yes; Jones: Yes; Tatum: Yes; The motion passed by the vote of six (6) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

RESOLUTION NO. 2023-104

A RESOLUTION AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ACCEPT THE OCTOBER 30, 2023 QUOTATION BY VALLEY FREIGHTLINER, INC., FOR THE PURCHASE OF A FREIGHTLINER 108SD CAB AND CHASSIS IN THE AMOUNT OF \$109,819.00 THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Ms. Jones made a motion, seconded by Ms. Anderson, 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: Anderson: Yes; Madden: Yes; Agee: Yes. Shenett: Yes; Jones: Yes; Tatum: Yes; The motion passed by the vote of six (6) ayes to zero (0) nays. The Resolution passed on emergency and will become law upon the Mayor's signature.

ORDINANCE NO. 2023-105

AN ORDINANCE ADDING NEW SECTION 1282.02(O) TO THE ZONING CODE OF THE CITY OF MAPLE HEIGHTS PROVIDING FOR TRUCKING AND HAULING AS A PRINCIPALLY PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT, AND DECLARING AN EMERGENCY.

This Ordinance was on First Reading.

APPEAL BY COUNCILWOMAN MADDEN

Appeal by Councilwoman Madden, pursuant to Cod. Ord. Sec. 220.01(c)(5), of the decision of the Council President to not excuse her absence from the October 17, 2023 Committee of the Whole Meeting.

Shall the decision by the Council President to not excuse the absence of Councilwoman Madden from the October 17, 2023 Committee of the Whole Meeting be OVERRULED?

Four or more members must vote "Yes" to OVERRULE the decision.

Mr. Jackson asked Ms. Madden to discuss her Appeal.

In response, Ms. Madden said the basis of her appeal was that she had always notified the Council Clerk via e-mail whenever she needed to be excused from a meeting. With regards to the October 17, 2023 Committee of the Whole Meeting, Ms. Madden said she responded back to the Clerk's meeting notice on October 12, 2023 and said she had hard copies of this e-mail for the Council Members.

Ms. Madden said she knew she would not be available for the October 17th meeting, which was not the usual schedule for Committee of the Whole Meetings, since she and other Council Members were in an organization that had a standard meeting schedule of the third Tuesday of each month.

Ms. Madden said as soon as she realized this conflict, she notified the Clerk promptly and did not neglect her duties as a Councilperson.

ROLL CALL on the Appeal: Shenett: Yes; Jones: No; Tatum: No; Anderson: No; Madden: Yes; Agee: Yes. The vote to overrule the decision of the Council President was tied at three (3) ayes to three (3) nays. The Clerk of Council deferred to the Law Director who stated that the motion to overrule requiring four (4) affirmative votes failed.

Mr. Shenett asked Mr. Consolo for clarification whether the Charter provision that authorized the Council President to vote in the case of a tie applied only to the vote on legislation or would it also apply to votes on motions.

In response, Mr. Consolo said per the Charter the Council President had the right to vote when there was a tie vote.

On the vote regarding Ms. Madden's appeal: Mr. Jackson: No.

The appeal of Ms. Madden to overrule the decision of the Council President failed by the vote of four (4) nays to three (3) ayes.

EXPENDITURES OVER \$25,000.00:

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

MAYOR'S REPORT: There was no Mayor's Report due to the Mayor's absence.

COUNCIL REPORTS:

Councilwoman Dana D. Anderson, District 4 announced that the District 4 and District 6 Town Hall Meeting will be held Thursday, November 2, 2023 at 6:30 p.m. at the Maple Heights Library, Large Meeting Room.

Ms. Anderson said she would defer the remainder of her report time to Ms. Deva Walker, Branch Manager, Maple Heights Reginal Library.

Ms. Walker thanked Ms. Anderson and Council and said she was happy that the Library will be collaborating with the City regarding the Storybook Trail at Stafford Park. Ms. Walker said the Library will select six (6) different books that will be changed throughout the year.

Ms. Walker also announced that on December 16th the Library will be partnering with the Community Life and Education Committee for a Holiday Celebration at the Library.

Ms. Walker said the Library now had a licensed social worker on staff and that those services will be 100% anonymous. She said social workers will be available to help individuals apply for different types of benefits, help with basic needs, housing and substance abuse issues.

Ms. Walker said the Library will also be partnering with Cleveland Network to offer Narcan training on the following dates: November 6th from 11:00 a.m. to 1:00 p.m.
November 20th from 11:00 a.m. to 1:00 p.m.
December 6th from 11:00 a.m. to 1:00 p.m.

Ms. Walker said all activities offered by the Library were free.

Ms. Walker concluded her presentation on a sad note by announcing that a long-time Library employee, Mr. Reginald died on October 11, 2023 in a motorcycle accident.

Councilwoman Tanglyn Madden, District 5 thanked Mr. Hardwick for the information about her District and said that area of District 5 had been problematic. Ms. Madden said she would address this current issue and asked Mr. Hardwick to talk with her after tonight's meeting.

Ms. Madden wished everyone a good evening.

Councilwoman Edwina Agee, District 7 said that last week she had a discussion with a number of young individuals concerning a situation that occurred at Stafford Park. She said these young people were playing basketball when they reported that a man was watching them and asked if they wanted to smoke marijuana. Ms. Agee said she talked with the Police Department regarding this matter.

Ms. Agee reminded residents of District 7 to mark their calendars for Thursday, November 16, 2023 to attend the last District 7 Block Watch Meeting for 2023 to discuss a variety of topics and offer their opinions and suggestions. Ms. Agee said the meeting will be held on November 16th from 6:30 p.m. to 8:30 p.m. at Alpine Senior Living located at 5500 Northfield Road, Maple Heights, Ohio. Ms. Agee said parking was available behind the building.

Councilman Stafford Shenett, District 1 thanked everyone who took the time to come out and attend the annual Trunk or Treat event at Stafford Park on Sunday, October 29th. He said the costume parade was great and everyone had a wonderful time.

Mr. Shenett announced that the next District 1 Block Watch Meeting will be held this Saturday, November 4, 2023 from 12:30 p.m. to 1:30 p.m. at St. Martin of Tours on Turney Road. He said there will be a number of agenda items, including the recent incident at the Plaza, the status of Dollar General, the status of the Police substation at Turney-Dunham Plaza and how that was being manned and safety in the City, both east side and west side.

Mr. Shenett thanked everyone for attending tonight's meeting.

Councilwoman Toni Jones, District 2 said Cleveland Housing Network (CHN) was the organization working to provide the property tax delinquency program to assist homeowners with past due property taxes. She said this grant program will be finishing at the end of this year so the organization will be taking as many applicants as possible before the money runs out.

Ms. Jones announced that the Housing and Economic Development Committee will be scheduling a meeting for some time this month.

Councilman Timothy Tatum, District 3 said the Phase 2 Dunham Road Resurfacing Project has switched over to the other side of the street and will be completed in a couple of weeks. He said Pease Road had also been resurfaced.

Mr. Tatum thanked Nick in the Service Department for his assistance with a problem in his District.

Mr. Tatum announced that Remington College has started a Culinary School in addition to other training programs available in welding, carpentry and cabinetry.

Mr. Tatum said the 2nd Annual District 3 Christmas Party and also the 2nd Annual Senior Winter Wonderland Christmas Party will be taking place.

Council President Ron Jackson said for clarification regarding the Council Appeal, the 220 Rules govern Council and meeting absences needed to be excused by correspondence with the Council President.

Mr. Jackson said next Tuesday, November 7, 2023 was the General Election and urged everyone to exercise their right to vote.

Mr. Jackson concluded his report by asking everyone to pray for our world.

There being no further business to come before this Council, Council President Jackson thanked everyone for attending and adjourned the meeting at 8:06 p.m.

Dated: November 15, 2023

ATTEST:

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