

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

**Maple Height Senior Center**

**January 17, 2024**

**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, Stafford Marbury and Agee. Also present were Law Director Frank Consolo, Police Chief Todd Hansen and Council Clerk Leonette Cicirella Johnson. Mayor Annette M. Blackwell, Fire Chief Dan Syphen, 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.

Mr. Jackson said Councilman Shenett would have the Invocation and lead the Pledge of Allegiance for tonight's meeting. He also said there was no Addendum for tonight's meeting and that the Election of the Council President Pro Tempore would be held over for the Special Meeting to be held next week.

Councilwoman Agee asked why was the Election of the Council President Pro Tempore being held over for the Special Meeting to be held next week when it would need to be done first before the Council Committee appointments.

Councilman Shenett asked Law Director Consolo for clarification of the time to elect the Pro-Temp since the Council President was to discuss the Committee appointments with the Pro Temp. Mr. Shenett said he thought one (1) of the goals of the amended 220 Rules was to create a smoother process for the Committee appointments.

In response, Mr. Consolo said Mr. Shenett's question concerned the suggestion to elect the Council President Pro-Temp tonight in advance of the January 24<sup>th</sup> Special Meeting so that the Council President and Pro-Temp could work together on the Committee appointments. Mr. Consolo said there was nothing wrong with that, but it would be up to the Council President. Mr. Jackson polled Council about voting for the Pro-Temp at tonight's meeting which was approved by a majority of six (6) members of Council.

Mr. Jackson said there were a couple of sets of minutes for Council to approve at tonight's meeting, but no Department Reports since this was the second meeting of the month.

Moving to the legislation on tonight's meeting Agenda, Mr. Jackson said **Ordinance No. 2023-122** waiving the 100% escrow requirement from January 1, 2024 to December 31, 2024 to correct violations resulting from point of sale inspections was on Second Reading and asked if there were any questions on this legislation.

Councilwoman Stafford Marbury asked if the escrow money was not used for the required repairs to which Mr. Jackson responded in the affirmative. Mr. Jackson said this money

remained in a fund so the owner needed to pay when the repairs were completed with other funds, and then receive the money back that was being held in escrow.

Ms. Stafford Marbury asked if the escrow waiver was only for homeowners to which Mr. Jackson responded in the affirmative. She also asked if there was a stipulation as to how long the owner needed to live in the house to which Mr. Consolo responded in the affirmative.

Ms. Stafford Marbury said the legislation was for 100% but asked if it could be for a partial payment instead.

In response, Mr. Consolo said the escrow waiver authorized in **Ordinance No. 2023-122** would allow a homeowner who lived in their house to purchase the home without needing to put money into escrow for the home repairs.

Ms. Stafford Marbury asked if the waiver could be for less than 100%.

In response, Mr. Consolo asked if Ms. Stafford Marbury meant 50% to which Ms. Stafford Marbury responded in the affirmative.

Councilman Shenett said the escrow waiver had always been 100% to benefit the homeowner. Mr. Shenett said he supported this legislation since it helped sell homes in the City. He said realtors have said that these types of programs attracted homeowners to the City and eased some of the burdens to homeowners.

Ms. Stafford Marbury asked if it would be possible that instead of the 100% escrow waiver the repair bills could be paid directly from the escrow accounts.

Mr. Jackson said a number of years ago the City started the escrow waiver program and asked Councilwoman Jones if other communities were also offering escrow waivers.

In response, Ms. Jones responded in the affirmative but that she would need to research the waiver percentages being offered. Ms. Jones said the City had done the original escrow waiver legislation because other cities were already offering it at that time.

Ms. Stafford Marbury asked if anyone from the City was verifying whether the homeowners were staying in the homes over the required period of time to which Mr. Jackson responded in the affirmative. He said the Building Department would be checking that.

Mr. Jackson asked if there were any other questions or comments on **Ordinance No. 2023-122**. There being no other questions or comments, Mr. Jackson said if there were no objections he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

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

Mr. Jackson said **Resolution No. 2023-123** amending Section 1486.02 of the Codified Ordinances concerning renewal of rental registrations and establishing fees will be withdrawn.

Ms. Agee asked why was this legislation was being withdrawn to which Mr. Jackson said he did not know the reason this legislation was being withdrawn at this time.

Mr. Jackson asked if there were any questions on **Ordinance No. 2024-01** amending Section 260.04 of the Codified Ordinances to add Juneteenth as a paid holiday. There being no questions or comments, Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Tatum, Ms. Anderson, Mr. Shenett and Ms. Jones each asked to added as a Co-Sponsor of this legislation.

Moving to **Resolution No. 2024-02** authorizing acceptance of the quote by Precision Pump, Inc. in the amount of \$35,999.00 for the Service Department Underground Storage Tank Removal Project, Mr. Jackson asked if there were any questions on this legislation. There were no questions from Council.

Mr. Jackson asked Council to vote on this legislation tonight since the work on this project needed to be started as soon as possible.

There being no other questions or comments on **Resolution No. 2024-02**. Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Jackson said **Resolution No. 2024-03** authorizing the professional services agreement with CREtelligent in an amount not to exceed \$42,225.00 for closure and project management services for the Service Department Underground Storage Tank Removal Project was the second part concerning the same project in **Resolution No. 2024-02**. Mr. Jackson asked if there were any questions on this legislation. There were no questions from Council. Mr. Jackson asked Council to also vote on this Resolution at tonight's meeting.

Mr. Jackson said **Resolution No. 2024-04** authorized the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local Union No. 507 for the period January 1, 2024 through December 31, 2026 and asked Mr. Consolo to discuss this Resolution.

In response, Mr. Consolo said he had sent a memo to Council discussing all of the collective bargaining agreements on the agenda for tonight's meeting and also talked with each member of Council regarding the same.

Mr. Jackson asked if there were any questions on **Resolution No. 2024-04**.

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

There being no other questions or comments, Mr. Jackson asked Council to vote on this legislation at tonight's meeting.

Mr. Jackson said **Resolution No. 2024-05** authorized the Collective Bargaining Agreement with the International Association of Machinists and Aerospace Workers, Auto Mechanics Local 1363 for the period January 1, 2024 through December 31, 2026. He asked if there were any questions 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 comments. There being no other questions or comments, Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Jackson said **Resolution No. 2024-06** authorized the Collective Bargaining Agreement with the Maple Heights Fire Fighters Association IAFF Local 1184 for the period January 1, 2024 through December 31, 2026 and asked if there were any questions on this legislation.

Mr. Shenett asked to be added as a Co-sponsor of each of the collective bargaining agreement Resolutions.

Mr. Tatum also asked to be added as a Co-sponsor of each of the collective bargaining agreement Resolutions.

Mr. Jackson asked if there were any other questions or comments. There being no other questions or comments, Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Jackson said **Resolution No. 2024-07** authorized Collective Bargaining Agreements with the Ohio Patrolmen's Benevolent Association for the Full-Time Corrections Officers Bargaining Unit and for the Part-Time Corrections Officers Bargaining Unit for the period January 1, 2024 through December 31, 2026 and asked if there were any questions on this legislation.

Ms. Jones asked to be added as a Co-sponsor of each of the collective bargaining agreement Resolutions.

Mr. Jackson asked if there were any other questions or comments. There being no other questions or comments, Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Jackson said **Resolution No. 2024-08** authorized Collective Bargaining Agreements with the Fraternal Order of Police, George Murray Lodge Maple Heights Division for the Patrol Officer/Detective Bargaining Unit and for the Sergeant/Lieutenant Bargaining Unit for the period January 1, 2024 through December 31, 2026 and asked if there were any questions on this legislation.

Ms. Anderson asked to be added as a Co-sponsor of each of the collective bargaining agreement Resolutions.

Mr. Jackson asked if there were any other questions or comments. There being no other questions or comments, Mr. Jackson said if there were no objections, he would ask Council to vote on this legislation at tonight's meeting. There were no objections from Council.

Mr. Jackson said the last item of legislation on the agenda for tonight's meeting was **Resolution No. 2024-09** concerning the Planning and Zoning Appeal by Amarok, LLC in **Case No. 2023-PZ-46** regarding an application for a variance for an electrified fence to be installed on property located at 16008 Libby Road, Maple Heights, Ohio. Mr. Jackson asked if there were any questions on **Resolution No. 2024-09**.

There being no questions, Mr. Jackson said this Resolution will be up for a motion to adopt at tonight's 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 6:51 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, Stafford Marbury and Agee. Also present were Mayor Annette M. Blackwell, Law Director Frank Consolo, Police Chief Todd Hansen and Council Clerk Leonette Cicirella Johnson. Fire Chief Dan Sypen, 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 Stafford L. Shenett 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.

**ELECTION OF COUNCIL PRESIDENT PRO-TEMPORE:** At this time, the floor was opened for nominations for Council President Pro-Tempore.

Ms. Agee nominated Mr. Shenett; nomination was seconded by Ms. Madden.

Mr. Tatum nominated Ms. Agee who declined the nomination.

Ms. Anderson nominated Ms. Jones; nomination was seconded by Mr. Tatum.

Mr. Jackson asked if there were any other nominations. There being no other nominations the nominations for Council President Pro Tempore were closed.

On the election of Mr. Shenett for Council President Pro Tempore, Mr. Jackson asked for a hand vote: Mr. Shenett, Ms. Madden, Ms. Stafford Marbury and Ms. Agee

On the election of Ms. Jones for Council President Pro Tempore, Mr. Jackson asked for a hand vote: Ms. Jones, Mr. Tatum and Ms. Anderson

Mr. Jackson said Mr. Shenett was elected Council President Pro Tempore by the majority of four (4) votes to three (3) votes.

Mr. Shenett thanked Mr. Jackson and Council on his selection as Pro-Temp.

**MINUTES:** Mr. Shenett made a motion, seconded by Ms. Anderson, to approve the Special Meeting of Council Minutes of December 19, 2023.

ROLL CALL: Mr. Shenett: Yes; Ms. Jones: Yes; Mr. Tatum: Yes; Ms. Anderson: Yes; Ms. Madden: Yes; Ms. Stafford Marbury: Abstain; Ms. Agee: Yes. The motion passed by the vote of six (6) ayes to zero (0) nays with one (1) abstention.

Ms. Jones made a motion, seconded by Mr. Tatum, to approve the Regular Meeting of Council Minutes of December 20, 2023.

ROLL CALL: Mr. Shenett: Yes; Ms. Jones: Yes; Mr. Tatum: Yes; Ms. Anderson: Yes; Ms. Madden: Yes; Ms. Stafford Marbury: Abstain; Ms. Agee: Yes. The motion passed by the vote of six (6) ayes to zero (0) nays with one (1) abstention.

**COMMUNICATIONS:** There were no Communications for tonight's meeting:

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

**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:** Started at 7:07 p.m.

Mr. Lawrence Means residing at 5422 Elmwood Avenue, Maple Heights, Ohio said Council needed to work together and needed to be good council people for the City. He said the Mayor can only do what she can do. Mr. Means said no one on Council was a bad person but that they needed to work together and not vote down legislation because of what the Mayor may have said.

In response, Ms. Agee said the comment that she voted down legislation because of what the Mayor said was wrong.

In response, Ms. Madden said that week after week the comment has been made that Council needed to work together but she did not understand the purpose of being a councilperson. Ms. Madden said she was supposed to represent her district and represent the City and that if she felt that something was not right she cannot support it “just because.” Ms. Madden said she always tried to do what was best for the residents.

Mr. Lawrence Lane of 14908 Rockside Road, Maple Heights, Ohio said it was not possible for Council to be on one page and that there were different attitudes and opinions. He said the Charter was designed for a purpose. Mr. Lane said Maple Heights was moving up with new houses being built, new businesses that will increase property values.

In response, Mayor Blackwell said she was looking forward to another four (4) years and that it was not about agreeing with the Mayor. She said the Mayor’s Office introduced about 95% of the legislation but Council as the legislators were the fiduciary part of the City. The Mayor said she respected the comments and thanked people for talking with her.

Mr. Ozell Dobbins, III residing at 19608 Longview Avenue, Maple Heights, Ohio said that what Mr. Means said was not intended to be offensive, but the problem of retaliation was going to show.

Citizens Comments closed at 7:19 p.m.

**LEGISLATION:**

**ORDINANCE NO. 2023-122**

**AN ORDINANCE WAIVING FOR THE TIME PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2024 THE ONE HUNDRED PERCENT (100%) ESCROW REQUIREMENT TO CORRECT VIOLATIONS RESULTING FROM POINT OF SALE INSPECTIONS PER CHAPTER 1494 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS TO OFFER AN INCENTIVE TO INDIVIDUALS WHO PURCHASE RESIDENTIAL PROPERTIES AND OCCUPY SUCH RESIDENTIAL PROPERTIES, AND DECLARING AN EMERGENCY.**

Ms. Jones 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.

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

Mayor Blackwell said the 100% escrow waiver removed a significant barrier to home ownership in Maple Heights. She said the Board of Realtors had made a presentation to the City that escrow requirements were hindering the ability to sell homes in the City. The Mayor said every year this legislation needed to be renewed and encouraged Council to pass this legislation. She asked Mr. Jackson if Ms. Jones could also speak on this legislation.

Ms. Jones said she echoed the Mayor's sentiment and stated that sometimes homes for sale needed updating. She said in Maple Heights with the exterior point-of-sale inspections a new driveway for example could cost anywhere from \$10,000.00 to \$20,000.00 which could make or break the deal. Ms. Jones said the escrow waiver made it easier to help people purchase homes in the City.

Ms. Anderson also asked to be added as a Co-Sponsor.

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 Ordinance on emergency.

ROLL CALL on the motion to suspend the rules and pass this Ordinance on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: No. The motion passed by the vote of six (6) ayes to one (1) nay.

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

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: No; Agee: No. The motion passed by the vote of five (5) ayes to two (2) nays. The Ordinance passed on emergency and will become law upon the Mayor's signature.

**ORDINANCE NO. 2023-123**

**AN ORDINANCE AMENDING SECTION 1486.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING RENEWAL OF RENTAL REGISTRATIONS AND ESTABLISHING FEES, AND DECLARING AN EMERGENCY.**

This Ordinance was withdrawn.

**ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING SECTION 260.04 OF THE CITY'S CODIFIED ORDINANCES TO ADD JUNETEENTH AS A PAID HOLIDAY, AND DECLARING AN EMERGENCY.**

Ms. Anderson made a motion, seconded by Ms. Jones, 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 other discussion on this Ordinance. There being no additional discussion, Mr. Jackson asked for the vote for passage on emergency.

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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.

**RESOLUTION NO. 2024-02**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE QUOTE BY PRECISION PUMP, INC. IN THE AMOUNT OF \$35,999.00 FOR THE SERVICE DEPARTMENT UNDERGROUND STORAGE TANK REMOVAL PROJECT, 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.

Mayor Blackwell said this Resolution addressed an issue at the Service Department regarding the underground storage tanks at the Service Garage that were used for fuel. The Mayor said it was important for the tanks be operable because of the partnership between the City and the School District that filled up the school buses at the Service Garage.

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 other 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: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-03**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CREtelligent (CREt) IN AN AMOUNT NOT TO EXCEED \$42,225.00 FOR CLOSURE AND PROJECT MANAGEMENT SERVICES FOR THE SERVICE DEPARTMENT UNDERGROUND STORAGE TANK REMOVAL PROJECT, 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.

Mayor Blackwell said this legislation was a companion piece to **Resolution No. 2024-02** regarding the Service Department Underground Storage Tank Removal Project.

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 other 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: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-04**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL UNION NO. 507 FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2026, 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.

Mayor Blackwell said **Resolutions Nos. 2024-04 through 2024-08** concerned all of the collective bargaining agreements with the five (5) unions and seven (7) bargaining units that represent some of the City employees. The Mayor said the City had successful bargaining negotiations with the unions and these Resolutions will be to approve these agreements. Mayor Blackwell said the City addressed the equity issues with regards to salaries to be comparable to those of other cities.

Mr. Shenett said he concurred with the Mayor and thanked Mr. Consolo for his expertise to work with the unions and the bargaining units. Mr. Shenett said he knew this was a difficult position and that he was happy the City was able to negotiate these agreements. He thanked the Mayor and the Administration for their work.

Mr. Tatum thanked the negotiating team and the Mayor for the agreements and said this would retain quality employees with the City and attract qualified employees to the City. Mr. Tatum said he was excited about these contracts and said he hoped his colleagues will pass these resolutions.

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 other 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: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-05**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AUTO MECHANICS LOCAL 1363 FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2026, 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 other discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote passage on emergency.

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-06**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE MAPLE HEIGHTS FIRE FIGHTERS ASSOCIATION IAFF LOCAL 1184 FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2026, 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 other discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote passage on emergency.

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-07**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION FOR THE FULL-TIME CORRECTIONS OFFICERS BARGAINING UNIT AND FOR THE PART-TIME CORRECTIONS OFFICERS BARGAINING UNIT, FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2026, AND DECLARING AN EMERGENCY.**

Ms. Jones made a motion, seconded by Mr. Shenett, 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 other discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote passage on emergency.

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-08**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH THE FRATERNAL ORDER OF POLICE, GEORGE MURRAY LODGE MAPLE HEIGHTS DIVISION FOR THE PATROL OFFICER/DETECTIVE BARGAINING UNIT AND FOR THE SERGEANT/LIEUTENANT BARGAINING UNIT, FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2026, 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 other discussion on this Resolution. There being no additional discussion, Mr. Jackson asked for the vote passage on emergency.

ROLL CALL on the vote for passage on emergency: Shenett: Yes; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: Yes; Stafford Marbury: Yes; Agee: 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. 2024-09**

**A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-46 TO DENY THE APPLICATION OF MICHELLE AFFRONTI OF AMAROK, LLC REQUESTING A VARIANCE FROM THE REQUIREMENTS OF SECT. 1298.19(D)(3)(F) OF THE MAPLE HEIGHTS CODIFIED ORDINANCES TO PERMIT THE INSTALLATION OF A 10' TALL 12V/DC NON-PULSE, MONITORED PERIMETER SECURITY SYSTEM, 4" TO 8" BEHIND THE EXISTING PERIMETER FENCE ON PROPERTY LOCATED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT AT 16008 LIBBY ROAD, MAPLE HEIGHTS, OHIO.**

Ms. Jones made a motion, seconded by Mr. Tatum, to approve **Resolution No. 2024-09**.

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

Mr. Shenett said over the past few Council Meetings there had been a number of Planning and Zoning Appeals to Council and that he believed the Commission Members did an excellent job. He said sometimes new information was presented to Council with the appeal, but he was concerned that a number of the appeal presentations were the same as those made to the Planning and Zoning Commission.

Mayor Blackwell said people wanted to be in Maple Heights and the City needed to constantly look at its Zoning Code. The Mayor said businesses provided revenue to the City. She said the biggest source of revenue to the City was income tax revenues. Mayor Blackwell said sometimes the Zoning Code was a barrier. She said the Broadway Corridor Overlay (BCO) Zoning District was changed to the Central Business District (CBD) Zoning District but the City was still seeing problems with the Zoning Code. The Mayor said she was having Planning and Development Director Duffy check the Zoning Code.

The Mayor said the Planning and Zoning Commission followed what was in the Code and sometimes the Code did not permit certain businesses. She said the City needed to compete to keep revenues.

Mayor Blackwell said the second source of City revenue was property tax collections but the City received only approximately 25% of these taxes with the majority going to levies and the schools. The Mayor said the third source of revenue for the City was from the State Local Government Fund that had been reduced to 1.66%. She said Mayors lobbied to increase this fund which was now at 1.71%.

The Mayor said the fourth source of City revenue came from grants which was how the City survived. She said the City needed all revenue sources.

Mayor Blackwell said County Executive Ronayne will be coming to the City on January 24, 2024 for a three-hour tour of the City and he will see all of the vacancies in Maple Heights.

Mr. Shenett thanked the Mayor for her comments and understood the complexities for businesses coming before the Planning and Zoning Commission, but his comment was regarding a procedural issue. Mr. Shenett said he had been on Planning and Zoning and there was always the issue of spot zoning which was not legal under State law. Mr. Shenett said with the Master Plan the City planned for certain things but things changed over time.

Ms. Madden said Council needed to look the Code. She said the Commission had already denied the application because of what the Code said and then the Applicant comes before Council to have this decision overturned even if there was no hardship. Ms. Madden said Council needed to follow the Code too.

Ms. Stafford Marbury said these were all valid points and that when she was a Member of the Planning and Zoning Commission she said it was discussed that the Code needed to be reviewed and that there were barriers sometimes. Ms. Marbury said the Master Plan had cut-out the ability of certain businesses to come to some areas of the City.

Mr. Tatum said the Code should be adjusted so that attracting businesses would be paramount. He said Council should try to do what was right for the community.

Mr. Jackson said he also had been a Member of the Planning and Zoning Commission and the Commission followed the guidelines of the Code but Council had the authority for the betterment of the City to overrule the Planning and Zoning Commission. He said Council was driven by having businesses in the City and wanted residents in houses. Mr. Jackson said rules changed over time and in some instances need to look at overturning decisions.

Ms. Anderson said she agreed that Council needed to look at the Code and that if Council had the opportunity to make these changes and while Council had the authority to overturn a decision it should do that to get businesses.

Mr. Shenett said Council did not have the authority to break the rules established in the Code.

Ms. Stafford Marbury asked a point of clarity that this appeal was for a business to add a fence and not an issue of the City losing a business.

Mr. Consolo said it was the recommendation of the Law Department to allow this fence in this instance. He said this was the second time the application was made and that this fence was electrical but it was different. He said this electrical fence was to trigger an alarm.

Mr. Consolo said the first time the applicant applied for the variance to install an electrified fence it would shock anyone who touched it. Mr. Consolo said it was his interpretation that the fence proposed in the second application did not fall within the spirit of the Code to prohibit electrified fences. Mr. Consolo said he would consider this type of electrical fence to be allowable under our Code.

Ms. Stafford Marbury asked if the Law Department had any opinion with regards to the 10' fence to which Mr. Consolo responded in the negative.

Police Chief Hansen said the Applicant's client was the main towing company in the City and the Police Department wanted to see a 10' fence since there was a history of people scaling the current fence. He said there was not much concern about the height since it will be inside the perimeter of the original fence. The Chief said the client was a good partner of the Police Department since he stored the vehicles there that were towed for the Police Department. He said this fence would be a substantial investment for the property owner.

Ms. Madden said when the Applicant came back to the Commission there was a question about the voltage under the City Ordinance not permitting electrified fences. Ms. Madden said the Applicant advised the Commission that there was still voltage but just not as high as the first fence application and was still within the Code.

Mayor Blackwell said the Law Department had advised Council about this matter and she did not know why Ms. Madden was questioning the Law Department.

In response to Mayor Blackwell, Ms. Madden said she was not questioning the Law Department opinion, rather she just said what was stated at the Commission Meeting. Ms. Madden said she had a right to ask her residents about issues and tried to do what was right. She said the Commission turned down the fence application twice, but she never questioned the Law Director's opinion.

In response to Mayor Blackwell, Ms. Agee said at the last meeting that included the Planning and Zoning Appeal regarding the Doggie Day Care, Mr. Consolo explained everything to Council but the Mayor did not attack Mr. Tatum as the Mayor did towards Ms. Madden. Mayor Blackwell said she had to be a champion for seven districts.

ROLL CALL on the Motion to approve this Resolution: Shenett: Abstain; Jones: Yes; Tatum: Yes; Anderson: Yes; Madden: No; Stafford Marbury: Abstain; Agee: Yes. The motion to overrule **Case No. 2023-PZ-46** requiring five (5) affirmative votes to overrule a decision of the Planning and Zoning Commission pursuant to Sect. 1262.03(F) failed by the vote of four (4)

eyes to one (1) nay with two (2) abstentions. The decision of the Planning and Zoning Commission in **Case No. 2023-PZ-46** will stand.

**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:** Mayor Blackwell said she was excited that the escrow waiver legislation passed tonight and congratulated all the unions. The Mayor thanked Council for the unanimous vote for all the contracts.

Mayor Blackwell thanked Police Chief Hansen for the MHPD Annual Appreciation Dinner which was held on January 11, 2024. The Mayor said all of the Police Officers and staff came together as a team. She said it was good to see all of the Officers and their families. Mayor Blackwell said this event made the Officers feel appreciated and that the safety forces helped the City recruit businesses and attract residents. She said people will choose a City for the people that served them, for good safety forces.

**COUNCIL REPORTS:**

**Councilman Stafford L. Shenett, District 1** thanked the Mayor and the Service Department for updating the aging STOP and No Trucks traffic signs in District 1. He also thanked the Building Department for assisting with fallen trees in the area. Mr. Shenett asked residents to maintain their trees and trim them if necessary, especially if a tree limb was broken.

Mr. Shenett concluded his report by thanking everyone for attending tonight's meeting.

**Councilwoman Toni Jones, District 2** said she had just seen the announcement that the Maple Heights Firefighters will be participating in the American Lung Association Fight For Air Climb to be held at Key Tower on March 3, 2024. Ms. Jones said participants will climb 52 stories/floors with full gear. She said the Fire Department was trying to raise \$2,500.00 this year and asked anyone interested in supporting this event to please contact the Fire Department.

Ms. Jones said that last week the Ohio Senate Housing Committee held hearings in Cleveland regarding housing issues and that she spoke at these hearings which included eight (8) hours of testimony from various cities and organizations including the First Suburbs Consortium (FSC), etc. She said the predominant themes were affordable housing, property tax relief, disclosure requirements for LLC investors and continuing rental support.

Ms. Jones said testimony presented by VAPAC (Vacant and Abandoned Property Action Council) showed that a disproportionate amount of rent was being charged on the westside of Cleveland compared to the eastside and also discussed the grading of the condition of properties on a scale from A to F. Ms. Jones said the study found that tenants in properties graded C, D or F were paying higher rent for substandard properties.



Ms. Jones said the Senate Sub-Committee will begin to analyze the data and propose housing policies.

**Councilman Timothy Tatum, District 3** thanked his colleagues for approving the collective bargaining agreements legislation.

Mr. Tatum said he attended a Black History Month Program on MLK Day where Mayor Blackwell spoke.

Mr. Tatum said he will be sponsoring a Neighbors on Duty Block Watch group in February and there will be a District 3 Chat and Chew.

Mr. Tatum said Council was a family and needed to respect each other and needed to work together for the City and to move the City forward.

**Councilwoman Dana D. Anderson, District 4** announced that Ohio Means Jobs located at 1910 Carnegie Avenue, Cleveland, Ohio will be holding Open Houses every Tuesday at 10:00 a.m. for young people 14 to 24 years of age who were not in school. Ms. Anderson said this program helped young people to develop skills and to prepare for job opportunities. She said more information on this program was available online at the Ohio Means Jobs website.

**Councilwoman Tanglyn Madden, District 5** thanked everyone for attending tonight's meeting and wished everyone a wonderful and safe year.

**Councilwoman Tina Stafford Marbury, District 6** thanked everyone for attending tonight's meeting and announced that the first District Meeting for District 6 will be held on Thursday, February 22, 2024 at 6:30 p.m. at the Maple Heights Library.

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

**Council President Ron Jackson** announced that the Mayor will be hosting a Town Hall Meeting on Tuesday, January 30, 2024 at 6:00 p.m. at the Maple Heights Library. He said Directors will be in attendance at this meeting along with Ohio House Rep. Darnell T. Brewer.

There being no further business to come before this Council, Council President Jackson thanked everyone for attending and adjourned the meeting at 8:29 p.m.

Dated: February 7, 2024

ATTEST:

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