

VILLAGE OF NEWBURGH HEIGHTS**MINUTES OF COUNCIL MEETING****HELD 1/19/21****Councilperson Traore called the Regular Session of Council to order at 7:31 PM.**

Roll Call: Kray, Giersz, Traore, Dunman, and Moran present. (All attended via teleconference.)

Also in attendance: Law Director Luke McConville (via teleconference), Fiscal Officer Cathleen Nagorski (via teleconference), Police Chief John Majoy (via teleconference), Chief Higginbotham (via teleconference)

(Due to the Covid-19 health crisis in Ohio, this meeting was broadcast via Facebook Live, encouraging members of the public to attend without compromising the health of the community. In addition, council members and department heads were able to attend via teleconference per adjustments to the Open Meetings Act due to the pandemic. Department heads were excused from presenting reports at this meeting.)

All stood for Pledge of Allegiance. Ms. Traore requested all cell phones and pagers be placed on silent mode.

Good & Welfare:

Mr. Moran motioned to excuse Mayor Elkins, who was not available to attend this meeting. Mrs. Kray seconded. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ms. Traore reminded council members that a committee of the whole meeting is scheduled for tomorrow evening at 6:00 pm.

Ms. Traore asked all in attendance to recognize today's memorial for those who have died from Covid-19, including 400,000 in the US.

Mrs. Kray addressed a Facebook post last week on a group page related to the Village. The group is not sponsored by the Village, and sometimes includes posts that are inaccurate or misleading. This particular post stated that the Village censors or has a "gag order" on employees relating to their social media posts about whether or not Covid-19 exists. She clarified that the Village has no such directive to employees, but hopes that all employees conduct themselves on social media so that the Village, or any employer, would not need to intervene. In addition, she is currently recovering from Covid-19, her husband passed away from complications related to it, and many other employees of the Village have been diagnosed or had family members affected by it; she does not feel it is appropriate for some residents to question the validity of the virus when their neighbors are suffering from it. She hopes that residents will be more respectful on the Facebook group page.

Reading & Disposition of the Minutes:

January 5, 2021 Regular Session of Council

Mr. Moran motioned to approve the minutes as presented. Seconded by Ms. Giersz.
Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Legislation:**ORDINANCE 2021-01****INTRODUCED BY: MAYOR ELKINS**

AN ORDINANCE AMENDING SECTION 613 OF THE PERSONNEL POLICIES MANUAL OF THE VILLAGE OF NEWBURGH HEIGHTS, OHIO, AND REPEALING PRIOR ORDINANCES AND POLICIES.

Mr. Moran motioned to adopt Ordinance 2021-01, rules suspended and that Ordinance 2021-01 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-01 is adopted.

ORDINANCE 2021-02**INTRODUCED BY: MAYOR ELKINS**

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2) POLICE CRUISERS FROM LARKIN GREENEWOOD FORD AT STATE-BID PRICING IN THE AGGREGATE AMOUNT OF \$65,708.60, AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Ordinance 2021-02, rules suspended and that Ordinance 2021-02 is placed on 1st, 2nd, and final reading for immediate adoption. Mrs. Kray seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-02 is adopted.

Ms. Traore notes that the Facebook Live is not broadcasting the meeting. The technology is updated so the broadcast begins. Mr. McConville recapped that he roll was called, the pledge of allegiance recited, good and welfare was shared, and the January 5, 2021 meeting minutes were approved. He advised that the meeting be restarted with the legislation section.

ORDINANCE 2021-01**INTRODUCED BY: MAYOR ELKINS****AN ORDINANCE AMENDING SECTION 613 OF THE PERSONNEL POLICIES MANUAL OF THE VILLAGE OF NEWBURGH HEIGHTS, OHIO, AND REPEALING PRIOR ORDINANCES AND POLICIES.**

Mr. Moran motioned to adopt Ordinance 2021-01, rules suspended and that Ordinance 2021-01 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-01 is adopted.

ORDINANCE 2021-02**INTRODUCED BY: MAYOR ELKINS****AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2) POLICE CRUISERS FROM LARKIN GREENWOOD FORD AT STATE-BID PRICING IN THE AGGREGATE AMOUNT OF \$65,708.60, AND DECLARING AN EMERGENCY.**

Mr. Moran motioned to adopt Ordinance 2021-02, rules suspended and that Ordinance 2021-02 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-02 is adopted.

ORDINANCE 2021-03**INTRODUCED BY: MAYOR ELKINS****AN ORDINANCE AUTHORIZING THE SALE OF A POLICE DEPARTMENT CRUISER TO THE VILLAGE OF NORTH RANDALL, OHIO, FOR THE SUM OF \$6,500.00, AND DECLARING AN EMERGENCY.**

Mr. Moran motioned to adopt Ordinance 2021-03, rules suspended and that Ordinance 2021-03 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-03 is adopted.

ORDINANCE 2021-04**INTRODUCED BY: MAYOR ELKINS****AN ORDINANCE AUTHORIZING THE VILLAGE TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$13,465 FROM FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR THE PURCHASE OF EQUIPMENT, AND DECLARING AN EMERGENCY.**

Mr. Moran motioned to adopt Ordinance 2021-04, rules suspended and that Ordinance 2021-04 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-04 is adopted.

ORDINANCE 2021-05

INTRODUCED BY: MAYOR ELKINS

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR TECHNICAL ASSISTANCE WITH REVIEW AND MANAGEMENT OF STORMWATER ON NEW CONSTRUCTION SITES, AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Ordinance 2021-05, rules suspended and that Ordinance 2021-05 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Ordinance 2021-05 is adopted.

RESOLUTION 20-34

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$250,000.00) FROM THE GENERAL FUND (100) TO THE MUNICIPAL CENTER FUND (415), AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Resolution 20-34. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Resolution 20-34 is adopted.

RESOLUTION 21-01

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION AUTHORIZING THE TRANSFER OF UP TO \$75,000.00 IN FISCAL YEAR 2021, AS NEEDED, TO THE NEWBURGH HEIGHTS COMMUNITY IMPROVEMENT CORPORATION FOR PAYMENT OF COSTS, FEES AND ONGOING OPERATING EXPENSES, AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Resolution 21-01, rules suspended and that Resolution 21-01 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Resolution 21-01 is adopted.

RESOLUTION 21-02

INTRODUCED BY: MAYOR ELKINS

A RESOLUTION AUTHORIZING THE MAYOR TO PLACE A CERTAIN 2002 GMC YUKON DENALI UP FOR SALE ON THE GOVDEALS AUCTION WEBSITE, AND DECLARING AN EMERGENCY.

Resolution 21-02 is placed on 1st reading.

PAYROLL RESOLUTION #4490

INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 12/26/2020

PD. 12/31/2020

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$74,407.30 AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Payroll Resolution #4490, rules suspended and that Payroll Resolution #4490 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Payroll Resolution #4490 is adopted.

PAYROLL RESOLUTION #4491

INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 1/9/2021

PD. 1/15/2021

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$69,467.15 AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Payroll Resolution #4491, rules suspended and that Payroll Resolution #4491 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and

Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Payroll Resolution #4491 is adopted.

PAYROLL RESOLUTION #4492

INTRODUCED BY: COUNCIL

DECEMBER 2020 DISBURSEMENTS

A RESOLUTION AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN BILLS. BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS OF OHIO THAT THE FOLLOWING BILLS BE PAID AND THE SAME ARE HEREBY APPROVED AND THE FISCAL OFFICER AND MAYOR ARE HEREBY RESPECTFULLY AUTHORIZED TO DRAW THEIR WARRANTS AND CHECKS FOR PAYMENT OF SAID BILLS AS SET FORTH ON THE FOLLOWING PAGE(S) IN THE TOTAL AMOUNT OF \$1,118,238.83 AND DECLARING AN EMERGENCY.

Mr. Moran motioned to adopt Payroll Resolution #4492, rules suspended and that Payroll Resolution #4492 is placed on 1st, 2nd, and final reading for immediate adoption. Ms. Giersz seconded. Roll call on suspension of rules: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Roll call on adoption: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Payroll Resolution #4492 is adopted.

Reports:

Mayor:

Mr. McConville presented a review of the recent 8th District Court of Appeals decision in the Village (and others') case vs. the State of Ohio regarding camera enforcement of traffic laws. The decision was very favorable for the Village and consisted of four main parts:

- 1) The Village contested the reduction of local government funding. That reduction was ruled unconstitutional and the Village will continue to receive local government funding.
- 2) The Village contested the mandatory payment of filing fees without a possibility of reimbursement. This was ruled unconstitutional. As in most courts, the filing fee and other court costs will be paid by the party that loses the case. The Village's hearings are based on photo evidence that the driver was breaking the law; it is rare that the Village loses, and would also rarely incur court costs.

- 3) The Village contested the requirement of filing with the court upon issuance of the violation or speeding ticket. It would require the Village to file a case in court even if the driver pays the ticket without requesting a hearing; there would be no case for the court to hear, and yet the Village would have to file with the court. This point was unaddressed by the Court of Appeals and the Village will be filing a motion.
- 4) The Village contested the requirement of hearings for the motorist to be heard by the municipal court. After the Village filed its appeal, this point was addressed by the Ohio Supreme Court as part of another case. The Ohio Supreme Court affirmed the requirement for hearings at the municipal court. As such, the Village's hearings will continue to be held at Garfield Municipal Court.

Mr. McConville also noted that the Mayor intended to make a brief State of the Village address at this meeting. In the past, the Village hosted an "Ask the Mayor" event where he gave an overview of the current Village status before answering questions from residents. A similar event will be planned soon. Tonight, Mr. McConville is presenting a short review to meet the State of the Village requirement. As council members know, the Village's budget is the strongest it has been in decades, which has in turn allowed for a reduction in loan debt and investments to be made in equipment upgrades. Last year, the Village hired an economic development director, which has led to more development activity than we have seen for a while. In addition, based on the success of grant awards for equipment and road replacement in recent years, we will continue to pursue grant funding for similar projects.

Fiscal Officer:

Fiscal Officer Nagorski presented the December 2020 Fund Cash Report:

General Fund MTD Receipts	\$ 748,518.82
General Fund MTD Disbursements	\$ 831,445.18
General Fund Unexpended Balance	\$1,608,641.24
All Funds MTD Receipts	\$1,166,279.26
All Funds MTD Disbursements	\$1,118,238.83
All Funds Unexpended Balance	\$2,159,812.23

Mrs. Kray:

Nothing at this time.

Ms. Giersz:

Nothing at this time.

Ms. Traore:

Nothing at this time.

Mr. Dunman:

Nothing at this time.

Mr. Moran:

Nothing at this time.

Chief Majoy:

December 2020 NHPD report

Chief Higginbotham:

Nothing at this time.

Purchases & Approvals:

- a. Ms. Traore motioned to approve the December 2020 Fund Cash Report. Seconded by Mrs. Kray. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.
- b. Ms. Traore motioned to approve the appointment of Drew Herrage as full-time laborer for the service department. Seconded by Mrs. Kray. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.
- c. Ms. Traore motioned to approve the purchase of new school zone traffic signal equipment from Signal Service at a cost not to exceed \$10,000. Seconded by Mr. Moran.

Ms. Giersz asked about the current school zone traffic signal and why it needs to be replaced. Mrs. Nagorski noted that she was not given details about this expenditure request, but has heard in the past that the current signals are quite old and replacement parts are difficult to procure. Chief Majoy commented that the current signals are functioning, but confirmed that they are older than the ones in surrounding municipalities. He's not aware of the details of this request, either. Mrs. Nagorski shared that Mr. Milano, who likely submitted the request, is currently en route to Village Hall to address an electrical issue on the Covid-19 memorial and must not be available to attend this meeting to answer questions.

Mr. McConville noted that this request can be tabled, if council does not feel they have enough information to approve it. Or they can deny the request. Ms. Traore motioned to withdraw her motion to approve the expense. Seconded by Mrs. Kray. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed. Ms. Traore motioned to table the approval to purchase new school zone traffic signal equipment. Seconded by Mrs. Kray. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

d. Ms. Traore motioned to approve the agreement with Modern Alchemy for website maintenance. Seconded by Mr. Moran.

Ms. Giersz noted that she believes we already have a website maintenance contract with the company that built the website. Chief Majoy confirmed that was the original plan, but we do not have a current agreement. The staff has found that there is some need for a professional to spend time on the things that we do not have the skills or time to complete. This company has done some work for the housing and building department over the past couple of years and they have been pleased with the quality. Mr. McConville also noted that the agreement has a termination provision; if the Village is unhappy with the work done, we have the means to cancel the contract.

Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

e. Ms. Traore motioned to approve the insurance plan for NHFD from Provident at a cost not to exceed \$3,192 each year, for a three-year installment premium. Seconded by Mr. Moran. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

f. Ms. Traore motioned to accept the donation of an EZ-IO infusion system from University Hospitals. Seconded by Mr. Moran. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.


g. Ms. Traore motioned to approve the quote from Samartano Concrete for the installation of protective bollards at the service garage at a cost not to exceed \$2,850. Seconded by Mr. Moran. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

h. Ms. Traore motioned to approve the quote from Top Notch Tree Service for various tree work at a cost not to exceed \$1,850. Seconded by Mr. Moran. Roll call: Kray, Giersz, Traore, Dunman, and Moran voted yes. Motion passed.

Adjournment:

Mr. Moran motioned to adjourn the meeting at 8:44 pm. Seconded by Ms. Giersz. Motion passed 5 yes - 0 no.

Date Approved: 3/2/21

Mayor Trevor Elkins: 

Fiscal Officer Cathleen Nagorski: 