

**Village of Newburgh Heights
3801 Harvard Avenue
Newburgh Hts., Ohio 44105**

**MINUTES OF COUNCIL MEETING - AMENDED
HELD 12/6/2022**

Mayor Traore called the meeting to order at 7:07 PM.

Roll Call: Graora, Moran, Dunman and Giersz; Kray Absent.

Also in attendance: John Moenk (for absent law director Luke McConville), Fiscal Officer Cathleen Nagorski.

Mr. Moran motioned to enter executive session. Ms. Giersz seconded. Motion passed 4 yes – 0 no.

Executive session began at 7:08 PM

Discussion of personnel issues (to consider appointment, employment, discipline, or compensation of a public employee or official), pending/potential litigation, and property acquisitions if necessary.

Mr. Moran motioned to exit executive session at 7:29pm. Ms. Giersz seconded. Motion passed 4 yes – 0 no.

Regular Session of Council at 7:37 PM

Mayor Traore called the Regular Session of Council to order at 7:30 PM.

Roll Call Graora, Moran, Dunman and Giersz; Kray Absent.

A Motion was made by Mr. Moran to excuse Councilperson Kray. Mr. Dunman seconded. Motion passed.

Also in attendance: John Moenk (for absent law director Luke McConville), Fiscal Officer Cathleen Nagorski, Chief Majoy, Chief Higginbotham, Engineer James Sickels and Inspector Hilary Schickler.

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

Good and Welfare

Mayor Traore passed on the remarks of thanks and appreciation from the Perez and Green families as well as other residents for the Giant Eagle gift cards that were distributed.

The mayor also recognized our Fire Department for their participation in covering Cleveland Firehouse #24 during Firefighter John Tetrick's funeral.

Mayor Traore received an email commending Officers Veverka and Hackney for their helpfulness with a stranded motorist.

The mayor took this time to thank those that took the time to send her birthday cards and holiday cards.

Fraternal Order of Police Presentation

The presentation was opened by Ray Sorace, President of FOP 67. He gave a little background on their organization and highlighted the reasons why a collective bargaining agreement is beneficial to both the officers and management. Fourteen Newburgh Heights officers are current members of FOP 67. He then turned the floor over to Ray Wolske, the President of the State of Ohio Fraternal Order of Police.

Reading & Disposition of the Minutes

Mr. Dunman motioned to approve the minutes from November 1, 2022 as presented. Seconded by Mrs. Graora. Roll call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Mr. Dunman motioned to approve the minutes from the Standards and Policies Committee meeting held October 12, 2022 as presented. Seconded by Mrs. Graora. Roll call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Public Comment

Mr. Andexler of Harvard Avenue mentioned that he is a retired union worker and feels we don't need a union here as it will tie the Chief's hands in certain situations. He asked Council to be careful when considering this.

Robin Corkhill of Pearse Avenue voiced her concern over out of state property owners raising rents and making no improvements to their properties. She feels this is chasing away tenants and that Council needed to be made aware of this.

Joe Oravec of East 29th Street shared that he is in full support of collective bargaining for the police department. He also stated he feels it is Council's fault that the police are looking into collective bargaining. He notes that this all came about due to the Covid-19 vaccination requirement. Mayor Traore, Council Pro-Tempore Dunman and Councilperson Moran each contributed to clarifying what was required of employees at that time, that each employee had a choice as to whether to get vaccinated and that there was a \$500 incentive to get the vaccine. Council made it clear no one was fired for not getting vaccinated.

Jodi Reiner of East 41st Street thanked council for the Thanksgiving gift card she received. She also thanked the police department for taking action in regard to calls about the stop sign at 41st and Beta.

Legislation:

Ordinance 2022-54, as amended

Introduced by Councilwoman Graora

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 131.05 ENTITLED “GRANT APPLICATIONS AND REPORTING,” TO CREATE A SYSTEM FOR APPROVAL OF GRANT APPLICATIONS AND RELATED REPORTING REQUIREMENTS, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-54 and that Ordinance 2022-54 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-54 is adopted.

Ordinance 2022-63

Introduced by Council Pro Tempore Dunman

AN ORDINANCE WAIVING THE VILLAGE’S EXEMPTION UNDER CHAPTER 4117 OF THE OHIO REVISED CODE RELATING TO PUBLIC EMPLOYEES’ COLLECTIVE BARGAINING, AND DECLARING AN EMERGENCY

Ordinance 2022-63 is placed on 2nd reading.

Ordinance 2022-69

Introduced by Mayor Gigi Traore

AN ORDINANCE AMENDING PERSONNEL POLICY MANUAL SECTION 401 ENTITLED “EMPLOYEE BENEFITS”, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to amend Ordinance 2022-69, Exhibit A. [add how it was amended] Councilperson Graora seconded. Roll call on amendment: Graora, Moran, Dunman and Giersz voted yes. Council Pro Tempore Dunman motioned to adopt Ordinance 2022-69, as amended, and that Ordinance 2022-69 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-69 is adopted.

Ordinance 2022-70

Introduced by All of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ATTORNEY LUKE F. McCONVILLE TO PERFORM SERVICES AS SOLICITOR FOR THE VILLAGE OF NEWBURGH HEIGHTS, OHIO FOR THE PERIOD OF JANUARY 1, 2023 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-70 and that Ordinance 2022-70 is placed on 1st, 2nd, and final reading for adoption. Councilperson Moran seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-70 is adopted.

Ordinance 2022-71

Introduced by Mayor Gigi Traore

AN ORDINANCE AUTHORIZING THE VILLAGE TO RENEW ITS VISION HEALTH INSURANCE BENEFIT PLAN WITH ANTHEM BLUE CROSS & BLUE SHIELD, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-71 and that Ordinance 2022-71 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-71 is adopted.

Ordinance 2022-72

Introduced by All of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW GROUP DENTAL COVERAGE WITH MEDICAL MUTUAL OF OHIO KNOWN AS "MEDICAL MUTUAL DENTAL PLAN 4," AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-72 and that Ordinance 2022-72 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-72 is adopted.

Ordinance 2022-73

Introduced by All of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO PROCURE GROUP MEDICAL INSURANCE COVERAGE WITH MEDICAL MUTUAL OF OHIO KNOWN AS "COSE MEWA 3020-2000, W RX, WITH EMPLOYER HRA FUNDING OPTION 1" AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-73 and that Ordinance 2022-73 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-73 is adopted.

Ordinance 2022-74

Introduced by Mayor Gigi Traore

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE REAL PROPERTY AND IMPROVEMENTS AT 3937 E. 53rd STREET TO THE NEWBURGH HEIGHTS COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Ordinance 2022-74 and that Ordinance 2022-74 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora

seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Ordinance 2022-74 is adopted.

Resolution 22-15

Introduced by Mayor Gigi Traore & All of Council

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Resolution 22-15, and that Resolution 22-15 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Resolution 22-15 is adopted.

Resolution 22-16

Introduced by Mayor Gigi Traore & All of Council

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT (CDSG), AND DECLARING AN EMERGENCY.

Resolution 22-16 is placed on first reading.

Resolution 22-17

Introduced by Mayor Gigi Traore

A RESOLUTION AUTHORIZING THE VILLAGE TO ACCEPT A GIFT OF \$250.00 FROM ORCHARD, HILTZ & MCCLIMENT INC. FOR THE BENEFIT OF THE VILLAGE'S SANTA VISIT, AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Resolution 22-17, and that Resolution 22-17 is placed on 1st, 2nd, and final reading for adoption. Councilperson Graora seconded. Roll call on suspension: Graora, Moran, Dunman and Giersz voted yes. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

Resolution 22-15 is adopted.

PAYROLL RESOLUTION #4560

INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 10/29/2022

PD. 11/4/2022

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 \$92,926.97 AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Payroll Resolution #4560, rules suspended, and that Payroll Resolution #4560 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Graora seconded. Roll call on suspension of rules: Graora, Moran, Dunman and Giersz voted yes. Motion passed. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes.

Payroll Resolution #4560 is adopted.

PAYROLL RESOLUTION #4561 INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 11/12/2022 PD. 11/18/2022

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 \$107,959.82 AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Payroll Resolution #4561, rules suspended, and that Payroll Resolution #4561 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Graora seconded. Roll call on suspension of rules: Graora, Moran, Dunman and Giersz voted yes. Motion passed. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes.

Payroll Resolution #4561 is adopted.

PAYROLL RESOLUTION #4562 INTRODUCED BY: COUNCIL

EMPLOYEE PAYROLL P/E. 11/26/2022 PD. 12/2/2022

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 \$95,349.97 AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Payroll Resolution #4562, rules suspended, and that Payroll Resolution #4562 is placed on 1st, 2nd, and final reading for

immediate adoption. Councilperson Graora seconded. Roll call on suspension of rules: Graora, Moran, Dunman and Giersz voted yes. Motion passed. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes.
Payroll Resolution #4562 is adopted.

PAYROLL RESOLUTION #4563

INTRODUCED BY: COUNCIL

OCTOBER 2022 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 \$494,995.25 AND DECLARING AN EMERGENCY.

Council Pro Tempore Dunman motioned to adopt Payroll Resolution #4563, rules suspended, and that Payroll Resolution #4563 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Graora seconded. Roll call on suspension of rules: Graora, Moran, Dunman and Giersz voted yes. Motion passed. Roll call on adoption: Graora, Moran, Dunman and Giersz voted yes.

Payroll Resolution #4563 is adopted.

Reports:

Fiscal Officer:

The Fiscal Officer presented the October 2022 Fund Cash Report:

General Fund MTD Receipts	\$ 285,669.94
General Fund MTD Disbursements	\$ 345,166.94
General Fund Unexpended Balance	\$ 1,338,996.99
All Funds MTD Receipts	\$ 328,012.31
All Funds MTD Disbursements	\$ 494,995.25
All Funds Unexpended Balance	\$ 1,880,808.57

Rumpke Report: November 2022

RITA Report: November 2022

(please see attached reports)

Fiscal Officer Nagorski announced that she has been working with the mayor on the budget. A special meeting will be held on Tuesday December 20, 2022, at a time to be determined, to discuss and approve appropriations.

Clerk of Courts:

Cash Flow Report October 2022

(please see attached reports)

Council Pro Tempore Dunman:

Mr. Dunman inquired upon the status of the damaged police cruiser. Discussion occurred. He also asked where we stand on hiring a Service Director. Mayor Traore stated that interviews were still being conducted and that Finance Clerk Bolin has been helping with the administrative duties in the Service Department. Ms. Giersz asked about the Service Department budget who prepared it. The mayor noted their budget was turned in and that it was prepared by Ms. Bolin. That statement was corrected to reflect that Jerry Coburn prepared and turned in the budget.

Councilperson Graora:

Mrs. Graora mentioned she has received complaints regarding the “perpetual yard sale” 2711 Harvard Avenue. Discussion occurred. Mrs. Graora also stressed that council agenda packets please be printed double-sided to save on paper and waste. The mayor assured her that moving forward the packets would be printed on both sides of the paper however the agenda itself must remain single-sided. Mrs. Graora requested collaboration on grant selection. Discussion ensued. The property at 4048 Washington Park Blvd. complaints were next. The mayor let those in attendance know that we are going through the proper channels. A reinspection had been done and a report is being sent to the owner.

Councilperson Moran:

Mr. Moran has had calls concerning the Library Lockers. Mayor Traore explained that progress is being made on getting these back online. He also asked about the sound system in council chambers. There is no update at this time.

Councilperson Giersz:

Ms. Giersz wanted to mention what a great job the police department and the 49th Street Tavern did with this year’s Shop with a Cop.

Chief Majoy:

NHPD Monthly Report: October 2022 (please see attached)

Chief Majoy wanted to thank the American Legion Post 627 for their \$500 donation to the Shop with a Cop program this year. He also thanked the 49th Street Tavern for hosting the lunch. There were 16 children signed up for the event. It went great.

Chief Majoy also mentioned the Kia and Hyundai thefts that are going on in the area. One was stolen from the Village last night. Please lock your cars and remove any valuables you may have in it.

Lt. Frohwerk is retiring from the Police Department at the end of the year. Chief Majoy is going to honor him at January’s meeting. The lieutenant has been with Newburgh Heights since 1976.

In reference to the cruiser repair, Chief noted that it has been 100 days since the accident, and he disagrees with the insurance company about fixing it.

Chief Higginbotham:

Chief Higginbotham and other members of our Fire Department volunteered to cover shifts at Cleveland Firehouse #24 so its crews could attend Firefighter John Tetrick's funeral.

In response to Mrs. Graora's request for inclusion on grant selection he mentioned that he is currently working on securing two different grants. One being the AFG (Assistance to Firefighters Grant) and the S.A.F.E.R. (Safe & Adequate Fire Emergency Response) grant through FEMA.

Mr. Sickels:

Engineer's Report: (please see attached report)

Mr. Sickels noted that they were moving forward with the electrical work at the 42nd Street Plaza. Concerning the project at E. 43rd and Alpha Ave., the contractor has the pipe but not all the fittings. The Sewer Separation plans for the area of the "20s" has been sent in for utility reviews.

Mr. Moran requested that the engineering firm, Service Department and the mayor visit East 44th Street to look at the cracks that have formed in the new pavement.

Mrs. Graora asked about recent, multiple power outages the Village has experienced. Mr. Sickels noted this is not something in his purview. Chief Higginbotham stated that he has been in contact with the Illuminating Company, noted power is delivered to the Village from three different sources and that response from the electric company has been much faster. Discussion ensued.

Purchases & Approvals:

- a. Council Pro Tempore Dunman motioned to approve the payment to the Ohio Bureau of Workers' Compensation in an amount not to exceed \$26,252.00. Councilperson Graora seconded the motion. Roll Call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.
- b. Council Pro Tempore Dunman motioned to approve repairs to the East 53rd Street sinkhole, performed by SAMCO, at a cost not to exceed \$7,100.00. Councilperson Graora seconded the motion. Roll Call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.
- c. Council Pro Tempore Dunman motioned to approve Mr. Brian Wright to the Planning Commission for the term expiring December 2026. Councilperson Graora seconded the motion. Roll Call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.
- d. Council Pro Tempore Dunman motioned to approve the repairs to three catch basins at East 42nd St. and Alpha Avenue, performed by SAMCO, at a cost not to exceed \$6,600.00. Councilperson Graora seconded the motion. Roll Call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

e. Council Pro Tempore motioned approve a contract with OBM for copier services at a cost not to exceed the annual fee of \$13,260.00. Councilperson Graora seconded the motion. Roll Call: Graora, Moran, Dunman and Giersz voted yes. Motion passed.

f. Council Pro Tempore Dunman motioned to donate five \$100 Giant Eagle gift cards from the Thanksgiving Dinner Program to the Southeast Cleveland Resource Center of Fleet Avenue. Discussion occurred. Councilperson Graora seconded the motion. Roll Call: Graora, Dunman and Giersz voted yes, Moran voted no. Motion passed.

Council Pro Tempore Dunman wanted to mention the Children’s Christmas Party on Saturday December 10th. It will be held from noon until 4pm at the Service Department.

Public Comment:

Mr. Newby of McGregor Ave. expressed his viewpoint on working with the Housing and Building Department. He voiced his concerns and issues and feels there have been no improvements within the department. They do not respond to the community; provide updates to those they are working with and he feels they are not very businesslike. The mayor mentioned a few things they’ve talked about and had more to discuss with him after the meeting.

Resident Trevor Elkins of East 43rd Street addressed the topic of the “yard sale” on Harvard. The resident there has two parcels. One is zoned residential and the other is zoned commercial. He noted that the items put out for sale are on the commercial property. He also stated that some time ago Council amended the ordinance that pertains to yard sales and the number of items one can sell without a permit.

Robin McCorkill of Pearse Ave. also mentioned the items for sale and noted that there are more important things to worry about than items one is selling in their yard.

Mr. Joseph Oravec of East 29th Street spoke of his concerns with the power outages the Village keeps having. He is concerned for those residents who rely on electricity for their medical equipment. He suggested having a grant or some other program in place for qualifying residents to get a free generator.

Resident Brian Wright commented that the “yard sale” items were too expensive and then wished everyone Happy Holidays.

Adjournment:

Mrs. Graora made a motion to adjourn at 8:29:47 pm. Seconded by Ms. Giersz. with a second from Mr. Dunman. Roll call: Graora, Moran, Dunman and Giersz voted yes. Motion passed 4 yes – 0 no.

Date Approved: 2/7/23

Mayor Gigi Traore: 

Fiscal Officer Cathleen Nagorski: 