

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

**MINUTES OF COUNCIL MEETING  
HELD 4/4/2023**

**Mayor Traore called the meeting to order at 7:32pm.**

Roll Call: Graora, Moran, Dunman, Giersz and Kray present.

Also in attendance: Law Director Luke McConville, Fiscal Officer Cathleen Nagorski, Police Chief Majoy, Fire Chief Higginbotham, and Engineer Jim Sickels.

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

**Good and Welfare**

Mayor Traore wished all those who celebrate a Happy Holy Week.

Mayor Traore shared with the meeting that Newburgh Heights has once again been recognized as a Tree City USA. She read the letter sent in by the Arbor Day Foundation.

**Reading & Disposition of the Minutes**

Minutes from the Regular Session of Council held March 7, 2023 were discussed. Council would like minutes to reflect all that is said at meetings. They were advised to listen to the recording at which time they said they would. Mr. McConville also reminded those present that Council receives a copy in advance of the meeting for their review. Any comments, corrections, additions, etc. need to be addressed before the meeting.

Council Pro Tempore Graora made a motion to table the minutes with a second from Councilperson Moran. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

**Public Comment**

Mr. Newby of McGregor approached the podium to express his frustration with the Housing and Building Department. He feels he gets no cooperation or information with regard to permits and that projects are time sensitive. Mayor Traore reminded him of the previous Planning Commission meeting where everything was discussed and that he was able to receive partial permits to begin the tear down portion of construction and cement preparation. She assured him that all final permits would be issued after the April 27<sup>th</sup> Planning Commission meeting.

## Legislation

### Ordinance 2023-08

Introduced by Mayor Gigi Traore

#### **AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 521.15 ENTITLED “ADVERTISING ON PUBLIC PROPERTY” AND DECLARING AN EMERGENCY.**

Council Pro Tempore Graora motioned to adopt Ordinance 2023-03. Discussion occurred. It was noted that this is already in the books through the zoning codes, but this ordinance will allow there to be real consequences for offenders. There was mention that a sign ordinance was found to be unconstitutional however Mr. McConville pointed out that having a new ordinance with the county made that finding null and void. Currently the Housing and Building Dept. pulls signs and the NHPD does call and give warnings to the people responsible for the signs.

Council Pro Tempore made a motion to place Ordinance 2023-08 on 1<sup>st</sup> reading. Councilperson Moran seconded. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Ordinance 2023-08 placed on 1<sup>st</sup> reading.

### Ordinance 2023-09

Introduced by Mayor Gigi Traore

#### **AN ORDINANCE ENACTING PERSONNEL POLICY MAUAL SECTION 812 ENTITLED “PROGRAMS AND SERVICES” AND DECLARING AN EMERGENCY.**

Per Mayor Traore, there are currently no diversity and discrimination ordinances for the Village of Newburgh Heights. According to Chief Higginbotham, this is a new federal requirement that is needed for the Village to qualify for the FEMA Grant. Once the ordinance is passed, we have 30 days to turn it in once we’ve been awarded the grant. Council was advised that they will need to start putting items on first reading. We want to give the public and council plenty of time to consider approving new laws, if possible.

Council pointed out there was a scrivener’s error pertaining to the section number and that the ordinance should be amended to reflect the section number being changed from 812 to 814.

Council Pro Tempore Graora motioned to place Ordinance 2023-09 on 1<sup>st</sup> reading. Councilperson Moran seconded. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Ordinance 2023-09 is placed on 1<sup>st</sup> reading.

### Ordinance 2023-10

Introduced by Mayor Gigi Traore

#### **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LETTER AGREEMENT WITH OHM ADVISORS FOR ENGINEERING SERVICES IN**

**CONNECTION WITH THE EAST 26TH STREET SEWER SEPARATION PROJECT IN AN AMOUNT NOT TO EXCEED \$142,300, AND DECLARING AN EMERGENCY.**

Questions regarding budgetary concerns arose. Mr. Sickels clarified that this ordinance pertains only to the sewer project for East 26<sup>th</sup> Street. It has already been budgeted for.

Council Pro Tempore Graora made a motion to adopt Ordinance 2023-10, rules suspended, and that Ordinance 2023-10 is placed on its 1st, 2nd, and final reading. Mr. Moran seconded the motion. Roll call on suspension: Graora, Moran, Dunman, Giersz and Kray voted yes. Roll call on adoption: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Ordinance 2023-10 is adopted.

**Ordinance 2023-11**

**Introduced by Mayor Gigi Traore**

**AN ORDINANCE AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) COMMUNITY COST SHARE PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRE AND DECLARING AN EMERGENCY.**

Council Pro Tempore Graora made a motion to adopt Ordinance 2023-11, rules suspended, and that Ordinance 2023-11 is placed on its 1st, 2nd, and final reading. Mr. Moran seconded the motion. Roll call on suspension: Graora, Moran, Dunman, Giersz and Kray voted yes. Roll call on adoption: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Ordinance 2023-11 is adopted.

**Ordinance 2023-12**

**Introduced by Mayor Gigi Traore**

**AN ORDINANCE AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) MEMBER COMMUNITY INFRASTRUCTURE PROGRAM (MCIP) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY.**

Council asked for clarification of this application, Mr. Sickels stated that this will allow us to go after funding for the future project on Long Beta and a small portion of East 42<sup>nd</sup> Street. The earliest the project would begin is 2025. The application is due the first week of May 2023.

Council Pro Tempore Graora made a motion to adopt Ordinance 2023-12, rules suspended, and that Ordinance 2023-12 is placed on its 1st, 2nd, and final reading. Mr. Moran seconded the motion. Roll call on suspension: Graora, Moran, Dunman, Giersz and Kray voted yes. Roll call on adoption: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Ordinance 2023-12 is adopted.

**Resolution 23-16**

**Introduced by Mayor Gigi Traore**

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023 AND DECLARING AN EMERGENCY.**

It was announced that this is something the Service Department applies for each year. It is more cost efficient for the Village to get salt this way and it guarantees there will be salt available to us.

Council Pro Tempore Graora made a motion to adopt Resolution 23-16, rules suspended, and that Resolution 23-16 is placed on its 1st, 2nd, and final reading. Mr. Moran seconded the motion. Roll call on suspension: Graora, Moran, Dunman, Giersz and Kray voted yes. Roll call on adoption: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Resolution 23-16 is adopted.

**Resolution 23-17**

**Introduced by Mayor Gigi Traore**

**URGING CONGRESS AND THE OHIO GENERAL ASSEMBLY TO ENACT LEGISLATION TO PROTECT NEWBURGH HEIGHTS RESIDENTS AND OHIO CITIZENS FROM INHERENT DANGERS OF TRAIN DERAILMENT; AND URGING CONGRESS TO PASS SENATE BILL 576: THE RAILWAY SAFETY ACT OF 2023.**

Council Pro Tempore Graora made a motion to adopt Resolution 23-17, rules suspended, and that Resolution 23-17 is placed on its 1st, 2nd, and final reading. Mr. Moran seconded the motion. Roll call on suspension: Graora, Moran, Dunman, Giersz and Kray voted yes. Roll call on adoption: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Resolution 23-17 is adopted.

**PAYROLL RESOLUTION #4574**

**INTRODUCED BY: COUNCIL**

**EMPLOYEE PAYROLL P/E. 3/4/2023**

**PD. 3/10/2023**

**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 \$85,607.17 AND DECLARING AN EMERGENCY.**

Council Pro Tempore Graora motioned to adopt Payroll Resolution #4574, rules suspended, and that Payroll Resolution #4574 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Moran seconded. Roll call on suspension of rules: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed. Roll call on adoption Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Payroll Resolution #4574 is adopted.

**PAYROLL RESOLUTION #4575**

**INTRODUCED BY: COUNCIL**

**EMPLOYEE PAYROLL P/E 3/18/2023**

**PD. 3/24/2023**

**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 \$95,322.34 AND DECLARING AN EMERGENCY.**

Council Pro Tempore Graora motioned to adopt Payroll Resolution #4575, rules suspended, and that Payroll Resolution #4575 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Moran seconded. Roll call on suspension of rules: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed. Roll call on adoption Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Payroll Resolution #4575 is adopted.

**PAYROLL RESOLUTION #4576**

**INTRODUCED BY: COUNCIL**

**FEBRUARY 2023 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 \$713,633.31 AND DECLARING AN EMERGENCY.**

Council Pro Tempore Graora motioned to adopt Payroll Resolution #4576, rules suspended, and that Payroll Resolution #4576 is placed on 1st, 2nd, and final reading for immediate adoption. Councilperson Moran seconded. Roll call on suspension of rules: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed. Roll call on adoption Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Payroll Resolution #4576 is adopted.

Regular Session of Council 4/4/2023

**Reports:**

**Mayor**

The street sweeper went down Harvard Avenue on April 3, 2023.

The streets of Newburgh Heights are pothole free.

The Service Department cleaned out the branches, trash, etc. from Kathy Edwards Park. The fence was adjusted in an attempt to repair it. It has been noted the fence belongs to the resident and not the Village. Jerry Coburn will be repairing the electrical box. The Service Dept. will continue ticking items off their list.

Council had questions concerning the surplus in the Housing and Building Department and wondered who audits them and decides where the funds go. The mayor noted that Tobbie Steele does the bank reconciliation and gives everything to the Fiscal Officer. Council voiced concerns about GATSO and requested figures from GHMC and the MCOA Collection Agency. Council Pro Tempore stated she will be asking these questions at every meeting. Mayor Traore advised her to contact Mrs. Nagorski for the information.

It was also noted that the streetlight is out on East 44<sup>th</sup> Street.

**Fiscal Officer**

The Fiscal Officer presented the February 2023 Fund Cash Report:

General Fund MTD Receipts	\$	790,888.66
General Fund MTD Disbursements	\$	904,056.14
General Fund Unexpended Balance	\$	93,087.25
All Funds MTD Receipts	\$	1,080,298.33
All Funds MTD Disbursements	\$	1,282,768.31
All Funds Unexpended Balance	\$	926,518.20

Rumpke Report: March 2023

RITA Report: March 2023

\*Mrs. Nagorski advised Council that the amount we receive from RITA is directly related to tax filing dates and that's why there seems to be such large discrepancies in the numbers.

(please see attached reports)

Mrs. Nagorski also reminded everyone that income taxes are due on April 18<sup>th</sup> this year.

**Clerk of Courts**

Please see attached report for February 2023

**Mr. Moran**

Mr. Moran reminded Council to bring their business cards to the Easter Egg Hunt on April 8, 2023. Service Department will be given preparation instructions for that day as well.

### **Council Pro Tempore Graora**

Mrs. Graora would like to schedule a Safety Committee meeting. The mayor stated that she has no intention of scheduling one at this time.

There are unresolved issues at Kathy Edwards Park including the fence and the state of the play equipment. The mayor asked that she be sent pictures of repairs that need to be done and that these issues don't have to wait until a meeting. Mr. Moran suggested an playground equipment come out to evaluate the our equipment. Mrs. Kray noted what we have is quite old and perhaps we could look into a grant for purchasing new.

### **Councilperson Dunman**

Mr. Dunman inquired about the transfer of the side lot on East 38<sup>th</sup> street. The mayor said the title company was contacted and the situation rectified. Per Hintz, it is not. Mayor Traore will get in touch with him.

### **Councilperson Giersz**

Ms. Giersz had nothing to report.

### **Councilperson Kray**

Mrs. Kray announced that the Easter Bunny will be arriving at the Easter Egg Hunt at 11:15am. As always, children with disabilities, autism, etc. will be accommodated. As of this meeting, there are 95 children signed up. Volunteers are always welcome.

### **Police Department**

Please see the reports for January and February 2023.

Chief Majoy announced that the "Hands Free Law" went into effect on 4/3/2023. Warnings will be given out now but after six months drivers will be given citations if found to be noncompliant with the law. This is a serious safety issue.

Police cruiser 51-14 has finally been totaled out by the insurance company. It will be replaced in 2024.

Council Pro Tempore asked about no parking signs at the East 42<sup>nd</sup> Street Plaza near East 41<sup>st</sup> Street. Chief noted that officers have been keeping an eye on that area and they are not seeing any offenses. Residents can call the non-emergency number 24 hours a day to report any problems: 216-641-5545.

Next week is Dispatch Appreciation Week. The NHPD will be taking some treats to our dispatchers at Chagrin Valley Dispatch.

Mrs. Graora asked if Chief Majoy was able to give Council photo enforcement numbers. He stated in March there were 6000 total citations issued, 3000 were from fixed cameras and 2800 were from handheld devices.

Mrs. Kray asked that the NHPD make sure the handicapped parking on Ross Ave. is taken care of.

### **Fire Department**

Chief Higginbotham submitted the application for the SAFER Grant on March 16, 2023. If it is awarded, the Village does not have to match any funds for it. He expressed his appreciation for the assistance he received from the mayor and Fiscal Officer Nagorski.

During the first day of work on the Alpha and 42<sup>nd</sup> Street project, issues with the waterlines and valves were found. As there are multiple problems throughout the system, the project is going to be postponed for 4-6 weeks. The NHFD will be working with the Water Department and will post advance notice of water shut down if possible. The Water Department should be handing out notices in advance as well. Chief Higgs advises residents to call the NHFD if they have no water. The non-emergency line is 216-641-2134. Councilperson Kray asked if the residents of Alpha Avenue would be allowed to park on Alpha while construction was delayed. Mr. Sickels responded and requested they give the water department a few days to figure things out before parking on the street.

### **Engineer's Report**

Engineer's Report (please see attached)

Mr. Sickels announced that the East 42<sup>nd</sup> Street Plaza now has power, and the Service Department will be trained on properly using it.

Council Pro Tempore Graora inquired if there would be a cost to the work being done by the Water Department. Mr. Sickels stated the Water Department would not charge but the company doing the work could ask for money.

### **Purchases & Approvals:**

- a. Council Pro Tempore Graora motioned for the approval of the February 2023 Fund Cash Report. Councilperson Moran seconded the motion. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.
- b. Council Pro Tempore Graora motioned for the approval of the purchase of NetGear Mesh System, including Wi-Fi 6E three-pack, from the court automation fund at a cost not to exceed \$1500. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.
- c. Council Pro Tempore Graora motioned for the approval of quote from PC Alternatives to install the Wi-Fi Mesh System equipment at a cost not to exceed \$950. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

### **Public Comment:**

Lindsey Randall of Washington Park Blvd. announced that the sale closed on the house she remodeled (East 42nd Street). It was appraised at \$172,000 and sold for \$180,000. She also requested 24-hour advance notice of water shut off, if possible.



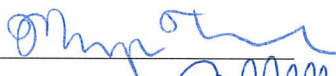
Chief Higginbotham took this time to thank Inspector Hilary Schickler for her help and support on multi-unit and commercial inspections.

**Adjournment:**

Council Pro Tempore Graora made a motion to adjourn with a second from Councilperson Moran. Roll call: Graora, Moran, Dunman, Giersz and Kray voted yes. Motion passed.

Meeting adjourned at 9:19pm.

Date Approved: 5/2/23

Mayor Gigi Traore: 

Fiscal Officer Cathleen Nagorski: 