

**MINUTES OF A COUNCIL CAUCUS**  
**Monday, December 6, 2010 at 8:00 p.m.**  
**Mayfield Village Civic Hall**

The Council of Mayfield Village met in Caucus Session on Monday, December 6, 2010 at 8:00 p.m. in Mayfield Village Civic Hall. Council President Bill Buckholtz presided.

ROLL CALL: Present: Mr. Buckholtz, Mrs. Cinco, Mr. Marquardt, Mrs. Mills,  
Mr. Marrie, Mr. Saponaro and Dr. Parker

Absent: None

Also Present: Mr. Wynne, Ms. Calta, Chief Dearden,  
Mr. Metzung, Mr. Marrelli, Mr. Cappello,  
Chief Mohr, Mr. Thomas, Mr. Dinardo,  
Mr. Esborn, Mrs. Kalina and Mrs. Betsa

**IN COMMITTEE (STATUS)**

• **Hillcrest Council of Councils Meeting – December 11, 2010**

Council President Buckholtz reminded Council that this Saturday is the Hillcrest Council of Council Breakfast Meeting at Landerhaven at 9:00 a.m. It is going to be an interesting presentation. I don't know if Chief Mohr can make it, but you said you have somebody coming. There is going to be a presentation on fire.

Mr. Saponaro added, specifically the Joint Fire Districts. The speaker is Phil Kouwe, Senior Vice-President of Emergency Services Consulting International.

Mrs. Mills stated, they will also be electing officers. Council President Buckholtz is listed as one of the officers to be elected.

Council President Buckholtz advised everyone, you are all welcome to come and throw your hat in the ring for Treasurer. Please let me or Mary Beth know. I told Ed Hargate I would get in touch with him and let him know. They just want to know about how many people to expect.

• **Safety and Service Committee**

Mrs. Cinco reported that Safety and Service met this evening. All of the items are on our Council agenda for discussion. On the agenda for the Special Meeting is confirming the straw vote approval for the emergency repair to the wall at Woodlane.

. **Records Commission**

Mrs. Mills reported that the Records Commission met last week. We have been talking a lot about off-site storage, especially for the boxes that are stored at the old Village Hall. We would like to really start honing in on that and deciding exactly what we are going to do with that. I have talked with Ron. This is something we would like to pursue right after the first of the year.

Council President Buckholtz asked if there were any other Committee matters to report on. There were none.

**BUILDING DEPARTMENT**

. **Appeal of the Decision of the Zoning Board of Appeals on Case No. 2010-02**

Mt. Marrelli stated, I have to defer to the Law Department on this because I have never done an appeal since I have been at Mayfield Village and I am not sure exactly what the protocol is for an appeal here.

Ms. Calta replied, an appeal to Council is governed by 1105.02(d). This started out with John issuing an Order with regard to the Scasny/Hamill property. Everyone should have in their packets a copy of the appeal, a copy of the decision of the Board of Zoning Appeals and a copy of the Minutes from that meeting along with some other documents that were submitted at the BZA hearing; some plans, pictures, things like that.

What the Council is charged with is reviewing that appeal. What Council can do is, you have two options, you may just review the transcript and the Minutes or you may hold a rehearing in front of Council. You are not required to have a hearing, but you may have a rehearing if you so believe that you need to. If not, you would render a decision on the transcript and the Minutes. If you have any questions, you can certainly solicit additional information if necessary.

Then, Council is asked either to affirm, modify or reverse the decision of the Board of Zoning Appeals. I believe that because this is Caucus there won't be any decisions tonight. The Appellant was notified that the appeal would be discussed tonight but no decision rendered. As far as procedures, you have some flexibility as to scheduling that hearing if you so choose to do a hearing or whether you choose to just rule on that appeal. There's no time limit set forth in the Code for hearing the appeal, however the appeal has been set forth and it has been placed on Caucus for discussion.

I don't know if anyone has any other questions. That's just a brief overview of what the appeal process to Council is.

Council President Buckholtz stated, so we don't have to have a hearing but we can have a hearing. We have had appeals in the past, but not for a long time. The idea was to put it on Caucus which is where we discuss things. I didn't get a chance to call everyone on Council. I don't know how familiar people are with the Minutes or this particular case.

Mrs. Mills stated, Mr. Marquardt and I attended the Board of Appeals meeting. We have the Minutes from that meeting.

Just to review and frame it, Council President Buckholtz stated, I would like to explain what I would like to accomplish here and what we wouldn't really need to get into here. An Order was issued by our Building Department which was appealed. I don't know what to call, you say, Appellant?

Ms. Calta replied, Appellant.

Council President Buckholtz stated, okay, so that would be Mr. Scasny and Ms. Hamill.

Ms. Calta stated, they were the initial Appellants, correct, because they appealed to the Board of Zoning Appeals, correct.

Council President Buckholtz stated, right. Then the Board of Zoning Appeals made its determinations. There were three issues. That was appealed by Ms. Bernstein, correct?

Ms. Calta replied, correct.

Council President Buckholtz stated, okay. And that brings us here today. The idea is, I thought it would be, keeping in context of the way we typically do things here is that we usually have open portions and allow people to make a comment or make a statement. We have lots of material here. Would it be appropriate to say that we would determine tonight? Well, there isn't really, I doubt that we would have a hearing in the December meeting. Even if people wanted to move forward with a hearing. I think it's important just to get the facts out on the table or get people to vent and us to understand.

We do require a 5-minute limit on talking. I have read all the stuff so in that regard, I'm familiar with it so I think it's important to state it here for the record and for people to understand it. I don't think with the length and breadth of what the BOA meeting was that we have to go through the whole history and every detail. I think it will be enough to prompt each Council member to read very carefully so I don't know that tonight we'll know but that remains to be seen.

So with that, I would open discussion to the public or if anyone has any comments on this issue or anybody at the table. Please come to the podium and state your name and address.

Diane Bernstein  
6765 Meadowood Drive

I want to thank you guys for reading very long Minutes of the meeting and I hope you got to my letter of appeal.

I want to say something publicly that Tim and Lynne are going to hear and in front of Mr. Marrelli. I want to make it clear that I have been very friendly with Tim for many years and never went to the Council or the City or anything and filed any kind of formal complaint about him. I had made a few casual comments to him over the years about some of the construction. Like I say, everything's always been very friendly. But as it continued to grow, I called Mr. Marrelli and I called him anonymously and did not give my name, Tim's name, not even the street we lived on. I said I lived on a wooded lot, I don't want to be a bad neighbor, I just want information. I have an out-of-town cellphone number, so nobody knew who I was. I did not expect this to become ugly or public. I thought we had a friendly relationship and we should be able to work it out.

I got some information from Mr. Marrelli. I went over to Tim and said, look Tim, I know you are way way over what the law allows. I'm not asking you to rip down your house, I said, but could you please, the noise is just excessive. You've been doing construction for 5 years and you've blocked my view because what I see, even though his work is quality, it's a charming little cottage, I see a 45-foot expanse of a white wall. And that's not why I'm on a ravine.

We talked about putting up trees. I specifically told him I bought some at Costco for \$75, planted them myself, they're hearty. This time I came back, I brought pictures of them from my house in New Jersey and I told him that I called anonymously. Why he went to Mr. Marrelli, I don't know. But he did. So basically I kind of feel like he hung himself. I did not expect this to happen.

I went away for four weeks. I come back a month later. I really thought he would have planted the trees. There's no trees. There's more construction going on. I called Mr. Marrelli back, said I need some advice as to what to do. Anonymously again. He says, "Oh, I know who you're talking about, Tim Scasny, he was here." So at this point, I kind of wrote it off like, it's now you guys to enforce the law and the zoning rules. It's not for me to complain and I didn't intend for it to go that way. But here we are today.

I also regret not having come to the meeting on the 16<sup>th</sup> because once I read over the Minutes there are many issues in there that were offensive to me. They were untruthful to me. They were a defamation of my character which I was highly insulted by.

You know, I want to make it very clear that the complaints I had when I called John Marrelli were two. Number one was the construction noise that is pretty ongoing. Now I know, you know, it's 7:30 to 10:00, but is it 7:30 to 10:00 as many hours in a week that you feel like working? There was one night that it was like 10:30 at night in the summer when I went over there. You were hammering, adding –

Council President Buckholtz stated, if I can just make one clarification. The idea is that you just talk to us.

Ms. Bernstein stated, okay, I'm sorry.

Council President Buckholtz replied, no, that's okay.

Ms. Bernstein stated, I guess I just feel –

Council President Buckholtz stated, no, I know.

Ms. Bernstein continued, you know, so when it says I was complaining about blaring lights, I wasn't complaining about blaring lights on a regular basis. There was one night at 10:30 at night he's hammering with his spotlights out there. But yes, the noise from his Kubota and his electric saw and whatever other stuff, I don't know what it's called, is quite excessive. And what I was asking for again was put up a green fence and please have some neighborly consideration of the noise. When I see my neighbors on the other side, the Shelbys, setting their dinner table on their deck, I stop mowing my lawn. I mean, it's just considerate. It's not the law and it's just polite. But this noise just seems to go on and on.

We can get into the details but you guys have them all. Many of the things I took offense to in the 28-page Minutes. One of the things that was brought up is that someone on the Board asked, "What are you going to do when you move and you've got this big thing back there in your backyard" and Lynne says, "Well we'll tear it down." Well, I just think looking down the road if a perspective buyer came to see that house, they would say, well that's real cash cow out there. We could rent that out, pay our mortgage, maybe put our teenagers there, maybe put our guests there, my mother-in-law, whatever. So, you know, looking down the road, I think it does pose a problem the way it is now.

I do want to also say because we are talking about their house, the house that I'm living in which is part of my mother's estate in which I am the Trustee, she bought in 2003 for roughly \$200,000. She over-improved the house. I have receipts of all of this. She put \$250,000 of improvements into the home. It's probably the most valuable home in our subdivision. I know we've obviously, because of the real estate slump, lost value. She didn't build it to get back \$250,000, she built it to enjoy it of course but I have had realtors tell me that this is a negative selling feature to the home and I have to be cognizant of that because it's my responsibility to look out for the value of the house. But that house that I am living in should really be elevating the properties in the neighborhood.

Just to wrap it up, when I read the Minutes of the meeting, having not been there, I'm going along, I'm going wow, they're shooting holes in this, they're shooting holes in that. Ms. Calta's reading of the law. Mr. Marrelli's reading of the zoning rules. Everybody is shooting holes in everything they've done and then at the end for some reason that I don't get, they grant them a variance. And they grant them a variance, a maximum variance by the way, of 675 square feet, after the fact. I don't understand how you can write the law because you were given a variance for one thing, you build something three times as big and then you go back and say, oops, and then they give it to you? That didn't make sense to me.

Mr. Caticchio and Chairman Prcela both did say in the testimony that my complaint was justified but the decision that the Board made gave me no relief. It did nothing for my view. It did nothing for the annoyance which is really what I'm looking for.

So, I do think that this decision, however you choose to go about it by another meeting or discussion, whatever, needs to be reconsidered. Thank you.

Council President Buckholtz thanked Ms. Bernstein for her comments. I can't help but say this because I want to be clear on your appeal, but I don't necessarily want to engage a long discussion on this, but they didn't grant, there were three motions, is that correct? There were three decisions at that meeting and the first one was to grant a variance of 250 square feet and that one failed.

Ms. Bernstein replied, right.

Council President Buckholtz stated, okay. I just wanted to make sure Council was aware of that.

Ms. Bernstein stated, that's for a wood shed that as I put in my appeal doesn't bother me. It's a shed. It's brown. It's 45 feet.

Council President Buckholtz stated, right. The decisions that passed were a new site plan to replace the existing site plan as I see it which did pass and the other one was to take down the wood shed. The variance was rejected. Okay, any further comments at this time?

Tim Scasny  
648 Meadowood Drive

I would like to ask, does anybody have any questions? I don't want to go into detail but I would like to keep it strictly what was brought up at that meeting without getting personal and I would like the Board to also keep all of the personal comments that were brought up in Mrs. Bernstein's letter as well, that those aren't to be discussed as well.

I think it's pretty clear what I said at the original appeal meeting that the plans were changed before I even started. I had approval from Mr. Samac to do that and he was a partner in viewing what I have done every step of the way before I did it, before I poured concrete, before I poured footers, before I put the utilities into the drain system for the toilet, the sink and the shower, were all approved by him before I poured the concrete over the slab. I did it on faith that I was doing the right thing by listening to the Building Commissioner and keeping a constant contact with him what to do.

If I were to build that same building today, I would have every right to do that. It's built to Code. It's built 10 feet from the border of the property line. In fact, I could have built that 10 feet from my house and it would be a further block to her view.

I believe I didn't take any view from her backyard or her mother's backyard. Her mother bought the property after the building was there. I didn't take anybody's view. What view I have is of my building. I didn't take away anybody else's view.

If you have any questions, I would certainly answer anything you would like to ask of me.

One other thing. I'm a teacher. I don't work all the time. I do work more in the summers. That's when I'm available to do things. In the winter, I am pretty quiet. As far as my Kubota, it doesn't make any more noise than a commercial, the big lawnmowers that come around as well. I've never had a complaint about the noise, my snow shoveler, my lawnmower and everything else I use it for.

I'm very sensitive. That's why I went to Mr. Marrelli about finding out when I went to ask about what were the limitations of when I could make noise. That was the whole purpose of going to see Mr. Marrelli when she saw me. When she complained, I stopped immediately.

I try to be a good neighbor. I do build. I would invite you all to come out and see it. It's better than it has to be. I don't believe it's ugly.

Council President Buckholtz asked, is this still being built? Is this something that's finished?

Mr. Scasny replied, what I did this summer, she said I keep adding, I keep doing trim. I'm putting trim. I enclosed a column with fluted wood, but I don't buy, I build what I make for myself. I built a picket fence. Instead of buying it ready-made, I cut it. I would love to have you all come out and see it. I think I do good work.

I try not to, none of the other neighbors have ever complained either. Diane has said she's been here part-time. That's true. I'm very sensitive to my neighbors and I don't build ugly. I could build a 675-foot square with no windows right on the property line 10 feet from my house and that would be Code. I didn't do that. Even when I put my generator in I did the extra expense and put it way in the back so it would be, it's an emergency generator, so that it would be limited what everybody would hear when I ran it.

Council President Buckholtz stated, at the risk of me violating my own thing, you know I didn't want to make it a hearing so I was asking that question just as a generality. I don't want to get too detailed.

Mrs. Cinco stated, Diane has the Ordinance for noise.

Mr. Scasny stated, I was told by Mr. Marrelli that I could work until sundown in the summer.

Ms. Calta replied, it says, "For construction or repairing of buildings, Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturdays 10:00 a.m. to 6:00 p.m."

Ms. Hamill stated, it's not new construction.

Ms. Calta stated, it says, "construction or repairing of buildings".

Ms. Bernstein asked, could you repeat that please?

Ms. Calta replied, construction or repairing of buildings.

Mr. Scasny stated, I have no problem following that. I thought it was 7:30.

Mr. Marrelli stated, the noise Ordinance goes on later. There's also an Ordinance in the general offenses on disturbing the peace, I think goes later.

Mr. Scasny asked, is there one Ordinance for contractors and one Ordinance for homeowners?

Mr. Marrelli replied, one is specific to construction, the other is generally noise.

Ms. Calta replied, right. This is the one that's specific to construction or repairing of buildings.

Ms. Hamill asked, when a homeowner does work on their property?

Ms. Calta replied, that's what it is. It doesn't differentiate between homeowners and contractors. It just says, "construction or repairing of buildings."

Mr. Scasny stated, I have no problem with that.

Council President Buckholtz stated, okay, well why don't we –

Mr. Scasny stated, people make noise all the time.

Council President Buckholtz stated, right, I know. As a matter of fact, I get complaints about people who are doing that.

Mr. Scasny stated, I mean, tree cutters come in and they work on Sundays.

Council President Buckholtz stated, why don't we do this, because all of this information is available from Village Hall and all of these times and slots and everything but, as I said, I think we have enough to be able to go on and again we won't be even making a decision about the hearing tonight. I don't think there's an imminent need to do this and again I understand you travel back and forth so if we would do a hearing we'd want to base it around when all interested parties are available, so we will take time to read through everything. There's a lot to read.

Ms. Hamill asked, Mr. Buckholtz, I'd like to have my 5 minutes.

Council President Buckholtz replied, by all means, please.

Mr. Scasny added, there's a couple other things. I use that wood shed for burning wood. I guess I was bad in doing that, for building a shelter for it. I used to use tarps. The neighbors didn't like that.

Council President Buckholtz stated, I don't know that anything's good or bad here. Again, at the risk of debating, it's a complex issue and I'm sure it will be resolved.

Lynne Hamill

Thank you Mr. Buckholtz for saying nothing's good or bad here. I appreciate that. It is a complex issue although it should not be. To expand on what Tim said about personal comments-

Ms. Hamill was asked to state her name and address.

Ms. Hamill replied, well, we already were identified obviously, Lynne Hamill, 648 Meadowood.

Council President Buckholtz thanked Ms. Hamill.

Ms. Hamill replied, again, thank you. Regarding personal comments that were made and have been put into Minutes, letters, I would like Council to take note of things that were said under oath, things that were not said under oath, but as far as the personal comments that are unnecessary, in letters, that is an invasion of my civil privacy. I do have privacy even though I live in a community, I do have privacy and I would like the Council to know that I take exception to some of the things that were said that have to do with personal issues and nothing to do with this issue so I ask that you do that.

I just wanted to make a couple of very brief statements that clarify some things that have been said. The building is not 45 feet. It's not in the ravine view. The neighbors and I have stood in the backyards and looked and seen that it is not in the ravine view. It's actually not possible for it to be in the ravine view. It's on our property behind the house. It is not 45 feet. It's 40 if that.

I am also going to take exception to terms like defamation of character that were used because if I'm going to have to defend my own character, that could be a very large waste of all of our time and I believe that my character has been impugned in those letters as well.

Our neighbors have been very clear that they have no problems. We have a lot of neighbors that have felt very strongly about supporting and making sure that they said and were heard as well and that you'll see in the transcripts.

And I hear that Ms. Bernstein said that she's not complained on a regular basis. I think that's probably true. I'm not sure why this came to where it came. I don't think there was a lot of complaining on a regular basis. Maybe there was and I didn't know about it. But I still again come back to that being much ado about nothing. If there wasn't a lot of complaining on a regular basis, why is this such a big stinking issue now? I just don't get it.

Those neighbors again testified to the noise. They testified that, you will see in the transcripts that it was not a noise problem. They testified and said there was a view problem. Some said they saw it clearer from their property than Ms. Bernstein does from hers. I encourage you to look at that.

I must address the “we’ll tear it down issue”. I had a hard time being a school administrator knowing that I couldn’t say things in a facetious manner so please accept that when I said the thing about tearing it down which is not exactly what it is in there, you’ll see. I was being a little bit facetious about the silliness of this whole matter. That was, I believe clear to everybody there. But when you see things in print it gets very mundane.

I have had realtors come and look as well. Before and after this matter. They have said it is not a detriment to any of the properties involved. Some of the neighbors said the same things. Neighbors testified there that they thought it was an improvement to the neighborhood and the properties involved. I can give you just as many realtors who say it’s an improvement to the properties around it and the property that it’s on. So, again, much ado about nothing.

The noise and the view, I can’t imagine how the noise that we have and the view that we have is any different than anybody else has had in the neighborhood for the 52 years that I have lived in that neighborhood. It’s all the same thing. It’s the same kind of thing that everybody does to improve their homes. It’s not an extreme case. We built that building in 2001. That was before Mrs. Bernstein’s mother even came to look at the property and came over to there.

I am going to happily say that the Kubota makes much less noise than most of the machinery that cuts the lawns in our neighborhood and I’m very proud of that because I am out there cutting, so I would like you to appreciate that fact too. It’s a great thing that keeps us probably from having to spend thousands of dollars on landscaping. So I am happy to say that it does not make anywhere near as much noise as either of my neighbors on the immediate sides do when they cut their lawns.

Thank you.

Council President Buckholtz thanked Ms. Hamill. If there’s no other questions from Council, we will be moving on. Thank you for addressing us.

## **COUNCIL PRESIDENT**

- . **2011 Council Schedule**
- . **2011 Council Committee Assignments**

Council President Buckholtz stated, Mary Beth put out a schedule for 2011 Council meetings and at the same time put a schedule out for what the Committee assignments have been. That’s just to give everybody a little time to look them over, particularly the dates and to give people a chance to adjust their travel plans and just be mindful in thinking about Committees that you may want to serve on. I think that’s all we need to say on that. Is there any questions? There were none.

**FINANCE**

. **CMI Renewal for Software Support for 2011 (Data Base, Payroll, Finance – \$5,255.50)**

Mr. Wynne reported, CMI is our provider for our software for our financial reports and our payroll for their software support for 2011 for approval for \$5,255.50 which I think is about maybe \$100-150 more than last year.

. **Resolution to advance property taxes**

Mr. Wynne reported we will have a Resolution to the County telling them that we would like them to advance property tax dollars to us throughout the year versus having to just wait for it for a couple of installments during the year. This is an annual requirement.

. **Transfers**

Mr. Wynne reported, I will have in the final appropriations, we will have motions in the Council meeting for the approval of all year-end transfers. I will provide Council in their packets for this weekend a list of the transfers and an estimate of what I think they'll be and what they're for. They will still need some tweaking but you'll have a general idea of what they are.

Council President Buckholtz stated, these are for the final transfers of the year for the next meeting.

Mr. Wynne replied, yes.

. **Final appropriations for January 1, 2010 through December 31, 2010**

Mr. Wynne reported, we will have the legislation for the final appropriations for this year on Council which is nothing more than just taking the appropriations that were passed in March plus the income tax budget adjustments that were passed at the last meeting, combining them together and putting them in one format that we can then submit to the County to make it official.

. **Temporary appropriations for January 1, 2011 through March 31, 2011**

Mr. Wynne reported, we will have temporary appropriations for next year which will just be for the first three months of the year. It allows for business until the budget is completed and finalized by March 15<sup>th</sup>.

. **Depository Resolution**

Mr. Wynne reported that every 5 years Council passes a Resolution authorizing the Finance Director to engage in business with certain banks for the deposit of our funds. That expires at the end of this year so this is a renewal of that Resolution.

. **MCIC – December 20, 2010 at 8:00 p.m.**

Mr. Wynne reported that the Mayfield Community Improvement Corporation will have their annual meeting before the next Council meeting where they will elect officers and approve the Minutes from last year's meeting.

Council President Buckholtz asked, when do you envision that we could get a meeting together or bring it up at a Caucus in terms of the budget, how much input, we like what you have been doing and we don't want to impede the process, but it had come up at the last meeting, we were talking about some strong feelings about the usual subjects, infrastructure, debt and I think Council would like to have some input into that. So, what you're talking about is we approved the temporary appropriations for the first three months, that makes sense, we've got to pay the bills and you will have a budget finished March 15<sup>th</sup>. When do we typically see that budget?

Mr. Wynne replied, you will see it prior –

Dr. Parker asked, don't we usually see that before that?

Mr. Wynne replied, yes, you'll see it.

Council President Buckholtz asked, we have budget hearings, don't we have budget meetings prior to the 15<sup>th</sup>?

Mr. Wynne replied, yes, we'll probably have a draft of the budget by, a preliminary draft by the middle of January, final draft for discussion purposes by the middle of February and then we would have the final legislation.

Council President Buckholtz stated, theoretically the first Caucus meeting, Mary Beth if you could make a note, would be a good time to have plenty of advance notes to Council and Council make notes for the first Caucus meeting in February to comment on that. I don't want to have a separate meeting, I'm just saying that would be a good time so that we are all kind of on board when we get to that point, okay?

Any questions for Ron? There were none.

**POLICE DEPARTMENT**

. **Fitness equipment for the new facility (Health & Fitness Equipment Centers - \$9,368.00)**

Chief Dearden reported that this is a purchase requisition for a company called Health & Fitness Equipment for at least two or three pieces of new fitness equipment for the new police facility, the funds for which are still available under the FF&E budget for the building.

Council President Buckholtz asked if there were any questions on this item. There were none.

**FIRE DEPARTMENT**

. **Changeover of public safety equipment (Hall Public Safety - \$3,791.90)**

Chief Mohr reported this is a changeover for the new vehicle that's coming. We are getting LED lighting. We are changing over the equipment from the 2002 Crown Victoria into the new Expedition. This is the cost of doing that.

Council President Buckholtz asked if there were any questions. This was in Safety and Service?

Mrs. Cinco replied, yes it was. It will now go on to Finance.

**SERVICE DEPARTMENT**

. **Repair to wall at Woodlane (Anselmo Landscaping – not to exceed \$5,000) – (Emergency purchase – straw vote obtained and approved 11-19-10)**

Mr. Metzger reported that the wall at Woodlane is caving in. I requested a straw vote of Council. The wall is exposing bare bank to an unprotected driveway of a resident. I requested Council's approval to make that repair.

Council President Buckholtz stated, I know you talked to Mr. DiVincenzo on that or he has been out, not directly. The other neighbor is Mr. Ivanicky.

Mr. Metzger replied, yes I've talked to him. I have talked to the other property owner.

Council President Buckholtz stated, okay, because the second neighbor called me. I called him but he never called me back.

Mr. Metzger stated we made him aware that the vegetation along the driveway will have to be removed.

Council President Buckholtz asked, so they are on board with all of that?

Mr. Metzger replied, yes. They are very excited.

Council President Buckholtz asked if there was any discussion. There was none.

. **Acceptance of bid for purchase of two single axle road maintenance trucks**

Mr. Metzger reported that these are the cab and chassis that I brought to Council's attention a couple of months ago. The bids came in at \$55,000 apiece. It's a very good price. Originally I had mentioned, I think it was closer to \$52,000 or \$53,000 but the cost of the paint was the added. It wasn't part of the original quote. To get it painted like the rest of the trucks, blue.

That's the additional amount so those numbers are the same, just the additional for the paint. Again, be aware that we will have another second step to these trucks come next year. We will be outfitting the trucks with the hydraulics and things of that nature.

Council President Buckholtz asked if there were any questions. There were none.

### **PLANNING DEPARTMENT**

Mr. Esborn updated Council on the County Planning Commission Municipal Energy Program, our application for an energy audit. The next steps for us, the Planning Commission is going to be sending out Grant Agreements to the participating cities in January, February and March. When we receive our Grant Agreement we will be in the process of interviewing certified energy auditors. We will select one of them and move the Grant Agreement through Council. I want to give an indication of how the County is treating this program. They were initially accepting applications from cities who already had energy audits that were applying for funding for projects. Every single one of those, the Planning Commission said those audits aren't up to standard, we are not accepting any of them. Effectively they put all of the cities on the same level and we are all in the same place now.

### **HUMAN SERVICES**

Mrs. Kalina reported that we have more than 80 people coming to our Senior Holiday Party this Saturday from 1:00-4:00. We have Santa Claus coming. We have a harpist. It should be a lovely event.

A week from tomorrow we are going to have a 100<sup>th</sup> birthday party for one of the ladies who comes to play cards on a regular basis. She is not a Village resident.

Council President Buckholtz stated, effectively, Council could have breakfast at the Hillcrest Council of Council meetings on Saturday and then lunch at the Community Room for the Senior Holiday Party.

Mrs. Kalina stated, I do have one Council person who will be there.

We are looking to have also another luncheon next week for the volunteers who raked leaves for the people who participated in that. They were most appreciative, the recipients of the leaf raking. We have gotten a couple of letters of thanks. It was very nice.

Our Snow Removal Program was put to the test today. No sooner had I said, gee, we haven't even had any phone calls, and they started. But I think everything went reasonably well. We have 226 homes on the opt-in program and 125 on the opt-outs, people going with other contracts.

The Commission on Aging met December 3<sup>rd</sup> to go over the plans for the upcoming parties and to have some input as to next year's activities.

#### **ENGINEER**

Mr. Cappello reported that if you noticed, the headwalls are completed on Wilson Mills. It looks to be that the job is pretty much done. Come Spring we are going to do some final site restoration.

#### **LAW DIRECTOR**

##### **. CVS Renewal of Permit - 2010-2011 (Ohio Division of Liquor Control)**

Ms. Calta reported that whenever there is a liquor permit renewal in the Village, the Village is notified by the Ohio Division of Liquor Control. Mary Beth received notification that this is going to be renewed. If there is any objection, it needs to be noted before the next Council meeting? Mrs. Betsa replied, it has to be postmarked by December 20<sup>th</sup>. Ms. Calta asked if there are any objections. We didn't know of any. We haven't seen any, but it needed to be presented to Council.

Council President Buckholtz asked, if there are not, can we just have that informally here?

Ms. Calta replied, yes. We will just note that there aren't any objections.

Council President Buckholtz asked, are there?

Council indicated they had no objections.

Ms. Calta added, it's a renewal, it's not a change in their permit or anything like that.

#### **ANY OTHER MATTER BEFORE COUNCIL**

Council President Buckholtz asked if there was anything else.

Mr. Wynne stated, one thing regarding the transfers for Council, in case you want to discuss it this evening. The list of transfers will be pretty much self-explanatory, what you would expect them to be. There are two discretionary transfers that will be on there that we have talked about over the past couple months. There will be a \$200,000 transfer to the Sanitary Sewer Relief Fund that will be on there and also a \$75,000 transfer to the Green Corridor Construction Fund that has to do with the \$600,000 grant that we applied for that will be used for the completion of the trail system. So those are really the only discretionary transfers that will be on the list. Everything else has to do with things that have been approved by Council throughout the year. I just have to

now take the Fund and put it in the right place. I don't know if anyone wants to have discussion the discretionary transfers at this point or not.

Council President Buckholtz stated, we have talked about them previously, but if there is any questions. There were none.

There being no further business, the meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

  
Mary E. Betsa, Clerk of Council



# MAYFIELD VILLAGE

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Bruce G. Rinker, Mayor

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## COUNCIL CAUCUS AGENDA MONDAY, DECEMBER 6, 2010 – 8:00 p.m. Mayfield Village Civic Hall

### GENERAL

### IN COMMITTEE (STATUS)

- Hillcrest Council of Councils Meeting – December 11, 2010

### BUILDING DEPARTMENT

- Appeal of the Decision of the Zoning Board of Appeals on Case No. 2010-02

### MAYOR

### COUNCIL PRESIDENT

- 2011 Council Schedule
- 2011 Council Committee Assignments

### ADMINISTRATION

### FINANCE

- CMI Renewal for Software Support for 2011 (Data Base, Payroll, Finance – \$5,255.50)
- Resolution to advance property taxes
- Transfers
- Final appropriations for January 1, 2010 through December 31, 2010
- Temporary appropriations for January 1, 2011 through March 31, 2011
- Depository Resolution
- MCIC – December 20, 2010 at 8:00 p.m.

**POLICE DEPARTMENT**

- . **Fitness equipment for the new facility (Health & Fitness Equipment Centers - \$9,368.00)**

**FIRE DEPARTMENT**

- . **Changeover of public safety equipment (Hall Public Safety - \$3,791.90)**

**SERVICE DEPARTMENT**

- . **Repair to wall at Woodlane (Anselmo Landscaping – not to exceed \$5,000) –  
Emergency purchase – straw vote obtained and approved 11-19-10**
- . **Acceptance of bid for purchase of two single axle road maintenance trucks**

**PLANNING DEPARTMENT**

**PARKS & RECREATION**

**HUMAN SERVICES**

**ENGINEER**

**ARCHITECT**

**LAW DIRECTOR**

- . **CVS Renewal of Permit - 2010-2011 (Ohio Division of Liquor Control)**

**ANY OTHER MATTER BEFORE COUNCIL**