

MINUTES OF A COUNCIL CAUCUS
Monday, August 2, 2010 at 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in Caucus Session on Monday, August 2, 2010 at 8:00 p.m. Council President Pro Tem Tom Marrie presided.

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

Absent: Mr. Buckholtz and Mr. Saponaro

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

IN COMMITTEE (STATUS)

Safety and Service

Mrs. Cinco reported that Safety and Service met this evening. Everything is on the Council agenda.

BUILDING DEPARTMENT

Mr. Marrelli reported that the Prosecutor's office and the Building Department are working on getting a house repaired on Seneca. They have gone to the Cuyahoga County Court for a nuisance abatement hearing on September 3rd. We have an absentee landlord. The house is in disrepair. What they are hoping is through this legal action it will stir up either the out-of-state owner or possibly sale of the home so it can be restored. If not, we will end up looking to rehabilitate it ourselves at their cost or demolish it. He is hoping we don't get to that point. Council President Pro Tem Marrie asked if it is still being lived in now. Mr. Marrelli replied, as of last week it is empty.

Mrs. Cinco asked if the one on 700 Echo is empty too. Mr. Marrelli replied that it will be reoccupied shortly by the son. The father died. There are a handful of houses, we are blessed to only have a few in our town that are empty. We are trying to keep tabs on them. 700 Echo is one, Seneca is one, Thornapple, which is actually going for Sheriff's sale on August 18th. We are trying to keep tabs on those. Some of the other towns are not as fortunate as we are.

Mr. Marrelli just wanted to let everyone know, this would be probably the first time in Mayfield Village's history that he knows of where the Village actually had to go in and rehabilitate a home or demolish it.

Dr. Parker asked if it is our choice as to what we do. Mr. Marrelli replied that once the Court rules, he is looking for entry into the home to evaluate the inside. We already know what the outside is like. We have to put some kind of a value to it and make a decision whether it is salvageable or not. Mr. Marrelli does not know if anyone is hearing anything out on the street, he just wanted to let everyone know.

Council President Pro Tem Marrie hopes Mr. Marrelli continues to stay on these so it does not drag down on anyone's neighborhood. Mr. Marrelli replied, we are not going to let that happen.

Council President Pro Tem Marrie asked if there were any other questions. There were none.

FINANCE

Street Lighting Assessments

Mr. Wynne reported that this is up for renewal. It comes up every two years to be approved and renewed by Council. It shows up on the real estate tax bills for the residents. It generates about \$80,000-90,000 worth of revenue for us annually. It is .4 tenths per thousand of assessed value from the County. That is how the tax is calculated. It is usually a very small part of an individual's real estate tax bill. This renewal will be for the 2010 tax bill which we will get paid for in 2011 and 2011 which will get paid in 2012.

Council President Pro Tem Marrie asked, this is just ongoing, it has been there, it's just a renewal. Mr. Wynne replied, yes. It is being renewed at the same millage that it has been in place. There is no additional.

The second item which is not on the agenda regards the I-Net. You should have all gotten a memo from Diane Wolgamuth regarding what is going on with the I-Net and Time Warner. We are still waiting to get pricing from Time Warner on what it will cost to provide service to those four buildings that are in question, the Civic Center, the Community Room, the Service building and the pool. Once we get the numbers from Time Warner, we will evaluate what the best financial option is for the Village and make a recommendation and if the recommendation is to build our own laterals at each of those facilities we will have to move quickly on it because our contract with Time Warner expires again in November. OneCommunity will need 60 days to build those connections.

Council President Pro Tem Marrie asked when we will know from Time Warner. Mr. Wynne asked Mr. Esborn if when he met with the representatives did they give him an idea. Mr. Esborn replied they are putting together the pricing. He thinks it was within the next maybe two to three weeks that they were going to get back to us.

Council President Pro Tem Marrie stated, let's stay on that one.

Dr. Parker asked, these dollars were just for them to connect and then we were going to get the monthly rates, right? This is in addition to the monthly rate, these connections? Mr. Wynne replied, no. We already have connections to those buildings currently through wiring us there. Dr. Parker thought that was for the I-Net fiber. Mr. Wynne replied, it is. That's the cost to connect our buildings to our fiber. Mr. Metzger stated, the I-Net fiber is owned by Time Warner. They put that in as part of our cable franchise. Since they got rid of the cable laws, they have started charging us rental for those fibers so we can continue to use those fibers. Now you have to weigh the cost monthly to pay to use the I-Net fibers from Time Warner or we construct our own OneCommunity fibers to those locations and have no monthly bills.

Council President Pro Tem Marrie asked if there were any other questions. There were none.

POLICE DEPARTMENT

- Repair of traffic signal system at Wilson Mills and Lander Roads due to a motor vehicle accident (our share to Signal Service - \$17,170.92)**

Chief Dearden advised Council that back in January we had an accident at Wilson Mills and Lander which took down all the traffic signals. It was repaired at the time by Signal Service. The cost of those repairs were approximately \$32,000. With agreement between us and Highland Heights because that is a shared intersection, our share is \$17,170.92. Since that time we have been working on getting reimbursement for those costs from the motorist's insurance company which happens to be Progressive. That met with no luck.

About a month ago, we turned it over to the Law Department. Joe has been following up with both Progressive and the driver to try and come to some settlement on the fees for them. In the meantime, it's our responsibility to pay the company that did the repairs.

Mr. Diemert updated Council. As of today, the attorney for the gentleman advised that he's 65 and has no asset. He is collecting Social Security. He blacked out at the time this accident happened because of the wrong blood pressure medication. The insurance company is saying that this is a medical emergency, therefore he wasn't negligent. However, he pled no contest in Lyndhurst, failure to control and driving under suspension because he had had a prior DUI. Progressive is being a little technical in not paying the bill right off. We think he only has the minimum limits, \$25,000 or so, but they are looking for a way out of paying anything. Your Finance Director has cautioned Mr. Diemert to be gentle with them. Mr. Diemert is being gentle, but the man or his insurance company still owes the money. We are gently prodding them and hope to have the money soon, so it shouldn't be out of your budget too much longer he would hope. But we do have to pay the bill.

FIRE DEPARTMENT

Snow Plow for the 2009 F-250 Crew Cab Fire Department pick-up truck

Chief Mohr reported that we are going to add because we never purchased one last year, the new pick-up truck needs a plow. We use that plow in the wintertime to precede the ambulance on calls in Gates Mills and Mayfield Village to plow out the driveways so we can get the ambulance in the driveways or get a stretcher down the driveways.

This is a completely different vehicle. It's a Ford versus the GMC that we used to have so the current plow will not fit on this truck. Also the laws have changed and the plow assembly has to be completely dismantled from the vehicle when it's not in use. The proposal in front of you is what we are asking for.

Council President Pro Tem Marrie asked if you can sell the old plow. Chief Mohr replied, yes.

SERVICE DEPARTMENT

Mr. Metzung had nothing to add, but he just did some quick math on the I-Net fiber. It is his understanding that one of the quotes Ted got was 20 cents a linear foot. Tom did a rough estimate that we are 3500 feet away at Service. So, he estimated almost \$700 a month for the Service Department. Those are the kind of numbers you are weighing when you weigh whether or not we construct our own or continue to pay Time Warner.

Dr. Parker asked, if we construct our own, do we have the same maintenance costs? Mr. Metzung replied, we have a maintenance agreement with OneCommunity that will cover that. Dr. Parker asked, they will cover any of the associated maintenance that we might have? Mr. Metzung replied, right.

Council President Pro Tem Marrie asked if there were any other questions. There were none.

PLANNING DEPARTMENT

Application for Transportation Enhancement Activities through NOACA

Mr. Esborn reported this is a Resolution in support of the application for the Transportation Enhancement Grant to NOACA. He mentioned last month that this is something that is due in September following the application. It should be in packets.

**RECREATION
DEPARTMENT**

. **Transportation for Sports-N-More Camp (Mayfield City Schools - \$4,863.90)**

Mr. Thomas reported that this is our annual transportation fee cost that the school charges for the use of the school buses for Sports-N-More. It's comparable to last year.

Council President Pro Tem Marrie asked if the cost comes out of the fees for the camps. Mr. Thomas replied, that is correct. Council President Pro Tem Marrie replied, so it's really no charge to us. Mr. Thomas replied, we get charged. Council President Pro Tem Marrie stated, but we get it back one way or the other. Mr. Thomas replied, this camp hopefully will make some money this year.

HUMAN SERVICES

. **Senior Snow Removal**

Mrs. Kalina stated, it's hard to believe we are discussing snow plowing on such a hot evening, but that time will be coming quickly and we need to go out to bid to continue this program.

Council President Pro Tem Marrie asked Mrs. Kalina to keep us posted.

Dr. Parker stated, at one point we questioned whether we should be doing this for various number of reasons. Is it the intention that this will be an ongoing thing for years to come? Council President Pro Tem Marrie stated it was discussed that we would have the program this year. It will be looked at again next year. This is not automatic forever and ever.

Council President Pro Tem Marrie asked if there were any other questions.

Mrs. Mills asked if you are going to go out for a one-year contract? Sometimes we have gone out for a multiple year contract. Council President Pro Tem Marrie replied, a one-year contract considering the discussions that have been had in Finance. For this year, just to see what flies.

Council President Pro Tem Marrie asked if there was anything else. There were no further comments.

ENGINEER

. **Street Striping bid results**

Mr. Cappello reported that the street striping bids were opened last Thursday. Pat Flowers was the low bidder. He has done our street striping for the past few years. We will need recommendation for approval of this project.

FEMA Ordinance

With regard to the FEMA ordinance, the Federal Emergency Management Association, has redone all of the flood insurance maps. It is by County. They have revised certain sections of the Village. As part of that, they require that the Village pass a special purpose flood damage reduction ordinance as soon as possible to get everything in place before December 3rd, that way you are still covered under the flood insurance. If you don't it will take a while to get back on to the system. We are ahead of the game here. Hopefully we will hear from FEMA before the August meeting so we can present the ordinance at the meeting and take the proper steps required before December.

Council President Pro Tem Marrie asked if the ordinance has been prepared. Mr. Cappello replied it has. It is being reviewed.

Mr. Cappello reported that they are continuing with the work on Wilson Mills. Traffic is down to two lanes right now for about 60 days.

LAW DIRECTOR

- Legislation amending Chapter 1321 of the Mayfield Village Building Code**
- Legislation enacting Chapter 1389 of the Codified Ordinances – “Rain Barrel Systems” and amending Chapter 1309 to add 1309.24 – permit fee**

Mr. Diemert stated Council is pretty familiar with these couple ordinances. 1321 is amending International Residential Code requirements, merely bringing our Code up to standards recommended by the State and our Building Commissioner. That has gone through and been approved by Ordinance Review.

Dr. Parker noticed on the first page it talks about foundation material for additions or accessory buildings shall match existing foundation materials. Should it say “shall match or exceed specifications”? Mr. Marrelli replied, no, because it's an architectural feature. For example, if your house foundation is wrapped with base brick and you go to put an addition on it, you can't just use block, you have to match it so it looks like it was done at the same time. Dr. Parker asked, so it has more to do with the aesthetics. Mr. Marrelli replied, yes, aesthetics.

With regard to 1389, Mr. Diemert reported that this is the rain barrel system. Residents who use the rain barrels can get credit from the Northeast Ohio Sewer District when they start assessing for stormwater runoff. The additional fees to our residents have credits available if you do certain things. The rainbarrel is one of them. It's probably a good idea for you to legislate and regulate where they are located and what they look like.

Council President Pro Tem Marrie pointed out that it says in the ordinance, not in the front and not a psychedelic barrel.

Mr. Diemert stated, this legislation will provide the Building Commissioner with some leverage.

Mrs. Cinco stated, people have them already. Mr. Diemert stated, if they do already and they are in the front yard, they are not conforming with our current Code. We could make them put them where we want them.

Mr. Marrelli stated we specify what the colors are.

With regard to 1389.03, design and construction, Dr. Parker pointed out that it says, "rain barrels must be black, brown, or dark green". Would anyone consider that maybe they should just be brown or dark green? He does not know if we want a large black container sitting out on someone's yard. To him, that's not the most aesthetic choice as opposed to something that is more than an earthtone and blends in with the grass and dirt.

Mrs. Cinco stated unless they are taken care of, they get a lot of mold inside and turn black. It shows dirt on the outside.

Dr. Parker said he would have to see a black one, but he might not like looking at a black barrel as opposed to a green or brown because it's more earthtone. Mrs. Cinco said, it should match the house. Dr. Parker agreed, brown or green would match the house.

Mr. Diemert replied, Ordinance Review Committee recommended it as it is, but John, if you want to advise how you would like to change it, we can do that. There's really no hurry on this. This matter is in litigation and likely to be for quite a long time.

Council President Pro Tem Marrie suggested John kick it around in the meantime.

Mr. Marrelli stated at the next ARB meeting we can discuss this.

Charter Review Commission Legislation -- update

Mr. Diemert reported that tonight everyone received Charter Review legislation for a Councilmatically proposed Charter amendment which would eliminate the referendum vote required for zoning and land use changes but for residential areas which was discussed at the prior meeting. The language is just here tonight for the first time. If you all want it on the agenda, Councilman Parker and Marquardt do want to introduce it. Take a look at it and see what you think. Otherwise it will be on the agenda unless folks change their mind.

Council President Pro Tem Marrie asked, we could wind up with both of them on? Mr. Diemert replied, if Council passes this then they both would go on.

Council President Pro Tem Marrie asked if there would be confusion of the vote. Mr. Diemert replied, we have to educate our intelligent voters to which way you feel they should vote.

Council President Pro Tem Marrie asked if there were any other questions. There were none.

ANY OTHER MATTER BEFORE COUNCIL

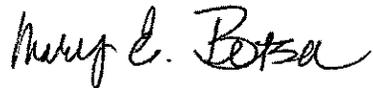
Council President Pro Tem Marrie asked if there were any other matters before Council.

Mrs. Cinco asked about the public meeting next week.

Council President Pro Tem Marrie reminded everyone of the public meeting to discuss the proposed Charter amendments. It is scheduled for next Tuesday at 7:00 p.m.

There being no further business, the meeting adjourned at approximately 8:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary E. Betsa".

Mary E. Betsa, Clerk of Council