

**MINUTES OF THE ORGANIZATIONAL MEETING OF COUNCIL**  
**Mayfield Village Civic Hall**  
**Monday, January 12, 2015 - 7:00 p.m.**

The Council of Mayfield Village met in Special Session for their Organizational Meeting on Monday, January 12, 2015 at Mayfield Village Civic Hall. Mayor Rinker called the meeting to order at 7:00 p.m.

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

Also Present: Mayor Rinker, Mr. Wynne, Mr. Diemert,  
Chief Edelman, Chief Carcioppolo,  
Mr. Metzger, Mr. Thomas, Mr. DiNardo  
Mr. Marrelli (7:22), Mr. Cappelo (7:55)  
Ms. Wolgamuth, Mr. Esborn and Mrs. Betsa

Absent: None

The Pledge of Allegiance to the Flag was given.

**. Election of Council President**

Mayor Rinker opened the floor for nominations for Council President.

Dr. Parker, seconded by Mr. Marquardt, nominated Bill Buckholtz for Council President.

Mayor Rinker asked if there were any other nominations. There were none.

Roll Call:	AYES: All	Nominations Carried
	NAYS: None	William Buckholtz Nominated As Council President

Mayor Rinker asked for a motion to close the nominations.

Mrs. Mills, seconded by Mr. Jerome, made a motion to close the nominations.

Roll Call:	AYES: All	Nominations Closed
	NAYS: None	William Buckholtz Elected As Council President

Mayor Rinker opened the floor for nominations for Council President.

Mr. Marquardt, seconded by Dr. Parker, nominated Bill Buckholtz for Council President.

Mayor Rinker asked if there were any other nominations. There were none. There were none. Nominations were closed.

Roll Call:	AYES: All	Nominations Carried
	NAYS: None	William Buckholtz Elected
		As Council President

Mayor Rinker administered the oath of office to William Buckholtz as Council President.

. **Election of Council President Pro Tem**

Council President Buckholtz opened the floor for nominations for Council President Pro Tem.

Dr. Parker nominated William Marquardt as Council President Pro Tem.

Mrs. Mills nominated Thomas Marrie as Council President Pro Tem.

Council President asked for a second on both of the above nominations.

Mr. Saponaro seconded both nominations.

Council President Buckholtz asked for any other nominations? There were none. Nominations were closed. We will vote one at a time. We will have a roll call in the order they were nominated.

William Marquardt for Council President Pro Tem  
Ayes: Buckholtz, Marquardt, Parker  
Nays: Jerome, Marrie, Mills, Saponaro

Thomas Marrie for Council President Pro Tem  
Ayes: Buckholtz, Jerome, Marrie, Mills, Parker, Saponaro  
Nays: Marquardt

Thomas Marrie elected Council President Pro Tem

Mayor Rinker administered the oath of office to Thomas J. Marrie as Council President Pro Tem.

**OPEN PORTION**

3-minute limit imposed by Chair. Those who wish to speak must first state their name and address.

There were no comments.

**ANY OTHER MATTERS:**

Mrs. Mills asked, do you have our appointments to Committees yet?

Council President Buckholtz replied, I will talk to everyone this week. We will keep things as they are, unless I hear otherwise. Anything else?

Mayor Rinker stated, for those of you who want to watch the OSU football game, I checked with the Law Director, and if you so choose, under any other matter before Council, if you want to go through the Caucus agenda, we can do that now, subject to Council's decision. We can always convene at 8:00 and make it a short Caucus. It's up to you.

Mr. Saponaro asked, from a notice standpoint, that's fine?

Mayor Rinker stated, the notice to the community is 8:00 is the Caucus. We have to convene at 8:00. You have an agenda. People got this agenda if they show up. On the other hand, what prompted it was a question from Mrs. Mills, you can in this Council meeting, because any other matter that may come before Council can be heard. If you so choose, you could go through the Caucus agenda at the Council meeting since you are here. It's up to you.

Council President Buckholtz stated, often items have a lot of discussion to them. Just background information, not necessarily back and forth debate about it. It might be interesting to do that now.

Mr. Saponaro asked, are we going to do Safety and Service, Finance and Council Caucus?

Mr. Jerome stated, we have to have the meetings at those specific times.

Council President Buckholtz stated, we come back at 8:00 and go through the agenda quickly for the public. Do we need to amend the agenda?

Mr. Diemert replied, I don't think so. Caucus is casual discussion anyway. Nothing is acted upon so you are not violating any Sunshine Laws.

**MAYOR**

**. Committee Appointments – 2015**

Mayor Rinker stated, a memo will be in your packets this week.

We expect all members to return to the Activities Committee with the exception of George Phillips. An additional member was appointed, Patty Fiorritto from Metro Park Drive.

For Architectural Review Board, the terms of Ivo Tombazzi, Mary Ann Wervev and Josh Klein have expired. They are expected to return.

For Board of Appeals, Vetus Syracuse was appointed to complete the term of Pat Caticchio. Mr. Syracuse has accepted appointment to the Board for an additional 4 year term.

We don't see a change in Citizen's Advisory. These are subject to any additional suggestions by Council members.

There is no change for Ordinance Review or Parks and Recreation. However, if Council knows of any other individual who wishes to serve on Parks and Rec, let us know.

For Planning and Zoning, Dr. McGrath's term expired. She is expected to return.

Charter Review is up this year. You have all made your appointments. To my knowledge, save for Joe Saponaro's recommendation, all have accepted - Vetus Syracuse, Paul Fikaris, Ron DiNardo, Ralph Tarsitano, James Sheridan, Tom Piteo and Merv Singer. We tell Charter Review that this really is their show. They have a limited period of time. It compresses things. Typically we make ourselves available when they ask us, both from an administrative standpoint and they have the option of asking anyone from Boards or Commissions, organizations, Council included. The selections you made are very important. They can cut their teeth on the Charter, ask questions they have and take input from all of us and come up with any recommendations.

We expect everyone to be here on the 26<sup>th</sup> to be sworn in.

#### **COUNCIL PRESIDENT**

##### **. Council Committee Appointments – 2015**

Council President Buckholtz stated, we will talk about them through the week. They will remain close to the same as Council people wish.

#### **ADMINISTRATION**

##### **. Renewal of Senior Services for 2015 (Community Partnership on Aging - \$37,044)**

Ms. Wolgamuth stated, the numbers from the Community Partnership on Aging came in late on Friday. I did not get them in packets, but they are being passed around right now. The front page is the renewal amount. Last year we paid \$38,175 for our Community Partnership membership. This year, the renewal amount is \$37,044. It's a little less than last year.

Attached to that is the Director Stacy O'Brien's narrative report of usage for 2014. On the last page, I went through and extrapolated the numbers she provided and did a comparison for 2012, 2013 and 2014. I apologize if this is confusing, but it is hard to compare apples to apples because the reporting changed each year.

The total usage is down from last year, however, the number of Village residents participating has increased. More people are using it. It's just that they are not using it as often as they did last year. For instance, transportation is down substantially. There were 76 trips provided in

2013 and only 17 in 2014 but that was explained when I called Stacy to find out why she thought that was and she said that there was one resident using it very regularly who passed away early in 2014. That decreased the transportation number.

As you go through, you will see we are adding program participation. We had zeros before. That's Community Partnership on Aging programming versus our program we offer at the Community Room. That has increased.

The daily congregate meals are the meals the Partnership offers not here, usually in Lyndhurst or Mayfield Heights or one of the other cities.

Those are the numbers I came up with. As far as our experience with Community Partnership, I will turn that over to Bill Thomas. He really deals with them more directly on a day to day basis.

Mr. Thomas reported, we have a wonderful relationship with them. They offer programs we don't offer. We complement each other. The Fire Department is also very involved in regards to the Home Safety Programs.

Chief Carcioppolo reported, the Community Partnership provides our seniors with all these great services. We are also going to be rolling out a safe at home program, fire safety home inspections, a collaborative project with all fire departments involved with the Community Partnership. We would be going in and giving them a free fire safety home inspection to go along with their safe at home program. This helps put in the appropriate grab rails around bathrooms. It also looks for trip hazards. We would be doing that in conjunction with them.

Lieutenant Girbino will be attending the first meeting because it is a fire prevention role. That is scheduled for the 28<sup>th</sup> of this month in the hopes that it will start in April of this year. The social services they provide the seniors are very beneficial. We will call them if we see that it looks like the resident may need assistance beyond what we can provide. Most of the people we find because they go through our hospital system have already been identified as people who might need Community Partnership on Aging help because they are notified through the hospital. It's the Hillcrest SPAN area departments that are involved with it. With us all being under the same med control, it's a nice service that we are all involved with as a collective in the area.

Council President Buckholtz asked, this is something you do, does each community that participates with the Community Partnership on Aging have a representative from fire or safety?

Chief Carcioppolo replied, they have met with the fire chiefs. This whole fire safety inspection program is going to be new this year where we actually do it collectively. That has not actually happened yet.

Council President Buckholtz asked, so it's not really our program.

Chief Carcioppolo replied, all of the fire departments would do the same fire safety home inspection. It's in its infancy right now.

Mayor Rinker asked, but in each community, they would do it?

Chief Carcioppolo replied, each community, they would do it, yes.

Council President Buckholtz asked, coordinated by the Community Partnership?

Chief Carcioppolo, yes, when they are doing the safe at home program, correct.

Mr. Thomas stated, so between our programs we have offered through Donna, our Senior Supervisor, and these programs they offer, we have a well-rounded program. It's well worth the money.

Mr. Jerome asked, how can it be done? If a resident has an issue, they shouldn't call the fire department? They should go through Community Partnership on Aging, correct?

Mr. Thomas replied, they start with Donna. Donna would refer them to Stacy.

Council President Buckholtz asked, program participation, did we not have programs in 2012 and 2013?

Ms. Wolgamuth replied, these are the Community Partnership on Aging programs. Because we were new, I don't think our residents really understood they could participate in them. Finally this year people are starting to. That ranges from woodworking classes and including the matinees and lunches we provide here. That program number is all of their programming. That does not include the programming we offer in the Community Room.

Council President Buckholtz stated, I was just matching it up against the \$37,000 and we have 100 people and it's like \$370 a person. I don't want to think of it that way. I appreciate you coming through with this even at the 11<sup>th</sup> hour. It's fine. We are not voting on it tonight. Is there a way to find out information from the other communities like their growth patterns? I remembered that when we talked about coming through with some statistics, also coming through with some ways of promoting it as best we can. I know we do.

Ms. Wolgamuth agreed. Bill and I spoke about that. We feel collectively we have done a lot to promote it this past year. There has been fairs and a lot of mailings and the Community Partnership does their own newsletter. We put it in every VOV. We have worked hard to promote it as much as we can. They have presence at our pancake breakfast. They had a table and were passing out their materials. Last year we asked about the other cities and what their percentages were as far as participation. Remember that some of these cities have been in it since 1978. The highest percentage was South Euclid at 20%. With the numbers we have this year, we are at 11.3%. We are not at 20, but Mayfield Heights was at 12, Highland Heights was at 12, so we are kind of right in the same range.

Mr. Thomas added, we have only been in existence with them for less than three years. South Euclid is at 20% and they have been there since 1970 something.

Council President Buckholtz asked, anyone have any questions?

Mr. Marquardt stated, I still don't have a feel for how the dollars are racked up. The only two items I see on here is 56 hours of social work, 7.5 hours of computer tutoring. How do you get to the \$37,000? Nothing tracks anything.

Ms. Wolgamuth replied, the Community Partnership has to be able to provide service. All of the services they offer they have to be ready to provide them to all of the communities assuming that everyone would actually utilize them. They have to have a number of social workers on staff. They have their volunteer and chore people. All of them are there ready to respond whether or not we utilize them. She takes her budget for the year and then she divides it by those percentages she shows. Because our population is 5.15% of the collective, that's the percentage we pay of her budget. Her whole budget is \$720,000. We are paying 5.15% of that.

Mr. Marquardt asked, what is our percentage of the usage?

Ms. Wolgamuth replied, lower than that. But I think that's true for all of the communities.

Mr. Marquardt asked, what is our percentage of all of the community's usage?

Mr. Saponaro asked, are you saying what's ours compared to everyone else's?

Council President Buckholtz replied, ours is 5%.

Mr. Saponaro stated, no, that's our residential. But I thought you said 11 or 12?

Ms. Wolgamuth replied, that's their participation. Each city's participation percentage was the 12-20%.

Mr. Jerome stated, that's all of our seniors, the percentage of them using it, is that how it is based off of?

Mr. Saponaro added, so it's 12% of all of our seniors?

Ms. Wolgamuth replied, seniors, yes.

Mr. Saponaro asked, if we have 100 seniors, 12 of them are utilizing it?

Ms. Wolgamuth replied, at the last census, we had 1072 seniors. Of that 1072, 99 at this point are using it.

Mr. Saponaro asked, how does Stacy account for people who are homebound, in terms of getting the word out? What do they do in other communities?

Ms. Wolgamuth replied, direct mailings. Typically those people have someone who is caring for them, if it's their children or a caretaker. They would be hopefully aware of the services offered.

Mr. Saponaro asked, can you ask that question directly and find out what they actually do? I know in a community in Lake County, it's a smaller community but they have volunteers, they

actually pick a day and go to specific seniors by calling them. I don't know a better way of going that and maybe that's something we can incorporate to get to those people. Seniors would utilize it more if they know it is there.

Council President Buckholtz asked Mr. Marquardt, you are asking what their overhead is, what their costs are?

Mr. Marquardt replied, part of it is how are they generating that budget? What's going into it? If this is 5% of the population of the total they are figuring out for all of the communities, what is our utilization? We may be using it far less than another community.

Ms. Wolgamuth replied, the answer to the first part of the question is the funding source at the top of this sheet is where they derive their revenue. Those are the sources.

Mr. Marquardt asked, what are the uses?

Ms. Wolgamuth replied, I can take the percentage of seniors in Mayfield Heights and if I use their—

Mr. Marquardt clarified, uses is what are they funding with that?

Council President Buckholtz asked, what's their payroll and what are their expenses?

Ms. Wolgamuth replied, I can get you that. Sure.

Council President Buckholtz stated, if you want another presentation, we can do that at a meeting. Get out the numbers of what their breakdown is.

Mr. Saponaro stated, I think that's a good idea Bill, to have maybe Stacy come in here.

Council President Buckholtz stated, I don't know if we want that. You weren't here when we had her before, but we can.

Mr. Saponaro stated, obviously there are still questions we are not understanding.

Ms. Wolgamuth stated, Mayor Cicero certainly has offered several times to come and speak to you if you would like.

Council President Buckholtz stated, if we come with a little bit of this and a little bit of that, a few more ideas – it seemed like Mr. Saponaro is asking, are there people that actually could go, not door to door, but specific people that might be identified as needing help but not knowing how to reach out and get it.

Mr. Saponaro stated, yes, that's exactly it.

Council President Buckholtz suggested, find out how we can make this more available, bring more people in, make it more beneficial. I don't care about the cost factor if it's really helping

our community and providing this because as the Mayor just pointed out, I am one of these seniors, or soon to be.

Mr. Saponaro stated, it's not a function of the work that's been put into it thus far for the awareness that's gone out. Those are active seniors. It's really the ones that are the inactive ones. Maybe there needs to be something that goes out to caregivers, neighbors, people that say, can you identify someone that you believe has been more homebound or may benefit from these services.

Council President Buckholtz stated, I don't mean for us to go door to door. I don't know that we need Stacy to make a presentation. Bill was saying, just give me the numbers. They have social workers on staff sitting around; they should be working. They should be out in the community selling their goods to our people.

Mr. Saponaro agreed.

Council President Buckholtz added, that would justify the taxpayer expenditure.

Ms. Wolgamuth stated, I don't think they have an overabundance of staff.

Council President Buckholtz stated, they have more knowledge than us on how to get to those people and reach them. Why don't we plan for that and get us something in our packet that lets us know.

Mrs. Mills asked Mr. Thomas, did you talk to Stacy about some of the questions we had at Commission on Aging yet?

Mr. Thomas replied, are you talking about how they don't pick up right next to their front door?

Mrs. Mills replied, right.

Mr. Thomas replied, that was a liability issue.

Ms. Wolgamuth added, I will ask Stacy about that specifically. I remember she talked about it. There is some kind of insurance issue where the transport vehicle is not allowed to pull up.

Mrs. Mills stated, they need help from their front door. They have to walk out to the curb. That doesn't cut it here.

Mr. Jerome asked, isn't the driver trained?

Mrs. Mills replied, I don't think he's allowed to do that because of liability.

Mr. Jerome asked, so the person is in a wheelchair, there's wheelchair access?

Mrs. Mills replied, I know what you are saying.

Ms. Wolgamuth added, it was a new thing. It was the transportation company which is separate from the Community Partnership. They retain the transportation company.

Council President Buckholtz stated, maybe we have to ask who bridges that gap. That's a gap in service.

Mr. Jerome asked, what is our thought on the transportation? It's not worth the money? No one is using it?

Ms. Wolgamuth replied, the transportation numbers are down but we don't really have the option to opt out of it. It's an all or nothing. We are in the Community Partnership doing everything or we are not. It's not ala carte.

Mrs. Mills stated, usually Stacy comes to the meeting. She wasn't at our meeting this past week. The Commission asked Bill to ask her some questions. We try to stay on top of it as far as the seniors, but there's only so much we can do at a meeting. It's what Bill is saying. It's up to the Partnership to get out and talk to these people somehow, someway. I don't know how you would do that.

Council President Buckholtz stated, you tell them that it passed by a slim vote because we are looking for participation.

Mr. Saponaro stated, I don't think there's lack of people who would want to utilize it. It's really how does it work and to your point if it is more work because they can't get their wheelchair in, it becomes a deterrent and then people talk and will not do it.

. **Request for architectural services and construction management in connection with construction of the Community Room (Then Design - \$95,000).**

Ms. Wolgamuth reported, there was a memo in your packets. We got the change in scope to document the agreement that changes it from the rehab of the old building to a raze and rebuild. Obviously the numbers are substantially different. I didn't know if that seemed appropriate. I spoke to John Marrelli and Ron DiNardo and they both thought that was an appropriate number.

Mr. DiNardo stated, that number is in line with what is customary, 5-7% range.

Mr. Marrelli stated, I seem to remember last time when we were going through the police station production that the numbers were higher as far as percentage. I thought it was more like 10% or 12% of the total cost.

Mr. DiNardo replied, that was on a larger job with more work. This is a smaller job.

Mr. Marrelli stated, it seemed to be in line.

Ms. Wolgamuth stated, if you remember, when we went through the bid process, they were the low bid at \$29,400. Some of the bids we got in for the rehab were in the \$80,000-90,000 range, just for the remodeling.

Council President Buckholtz asked, is it a re-bid? This is the people we chose on the low bid saying it doesn't make sense to rehab, we are going to rebuild?

Ms. Wolgamuth replied, right. I spoke with Diane Calta. She said that because we went through the process, we don't have to rebid it. It was okay that we just change the scope.

Council President Buckholtz asked, is that what we want to do?

Ms. Wolgamuth replied, I think so. I think we are pretty comfortable with them and what they have done so far. They work a lot with the School District. Because we are talking about the property being next to Center School, we are fairly happy with that.

Mr. Jerome stated, we went out to bid. We picked them. We have a contract with them. The contract was just to do what they have done if we did a remodel. Nothing was included if we went any further, so now they have come back and said, okay, if you are going to do this, that obviously was not on the original contract.

Ms. Wolgamuth replied, right. This amount also includes construction management throughout the project. It's not just designing it. They are going to do all of the documents.

Mr. Jerome asked, the whole thing?

Ms. Wolgamuth replied, yes.

Council President Buckholtz asked, what is the timeframe?

Ms. Wolgamuth replied, the Law Department is looking at the Agreement. If we can get it passed at the regular meeting, we will be able to move on.

Mr. Marrelli asked, you mean the timeframe, when is the building going to be done?

Council President Buckholtz replied, no, just what is expected of Council at this point? I just wanted to know, you are looking for approval to contract with these people, but pending architectural review of the plans?

Ms. Wolgamuth replied, that would all have to happen, yes.

Council President Buckholtz stated, it's like an approval in title that the contract is all agreed on.

Ms. Wolgamuth replied, you are only approving the contract with the architect.

Mr. Saponaro stated, we approved \$30,000 of it. We just need to approve the rest of it so to speak.

Council President Buckholtz asked, is it a change order?

Mr. Diemert replied, a modification. We have not finalized the Agreement all together. That's what we are looking at now.

Ms. Wolgamuth replied, we signed the original agreement for the \$29,400.

Mr. Diemert replied, it would be a modification or amendment. It would be a change order.

Council President Buckholtz asked, any questions? There were none.

#### **FINANCE**

. **2015 Support for Finance and Payroll Systems (Creative Microsystems, Inc. – \$6,392)**

Mr. Wynne reported, Creative Microsystems is the company we use to provide us with customer service support and software updates for our Finance and Payroll systems. The charge for 2015 is \$6,392 which is a 5% increase over last year's number of \$6,090. We have been using them for 20 years now.

. **Annual fee for health insurance consultant (Chapman & Chapman, Inc. - \$14,400)**

Mr. Wynne reported, we had a three year agreement with them that expired at the end of last year. They are our insurance consultants for our benefit plan. They work with us when we want to go to market by going to carriers to get bids. They handle phone calls for our employees who have issues with claims with their coverage and help them get those resolved with the insurance carriers and they also help with our health and wellness fair we do here every year. This \$14,400 price is a 51% reduction of what we have been paying for the past three years. We have been paying \$29,580. I pretty much sat down with them and went over the service they provided and the frequency of the service they provided and felt this was the number they would have to meet in order to continue to do business with us and they agreed to do that.

Council President Buckholtz asked, you went over the contract?

Mr. Wynne replied, we sat down and reviewed the services they provide and how frequently that provide it. I felt the \$29,580 was excessive for what we were getting. I gave them a number and said if you meet that, we could probably continue to work with you and they agreed to meet it if Council approves it.

Mr. Marrie stated, good for you.

. **Medical Expense Reimbursement Plan – 2015**

Mr. Wynne reported, this is part of our plan with the County. We have two plans with deductibles, one has \$250 single/\$500 family and the other plan has a high deductible of \$2,000 single/\$4,000 family. As part of the terms of our collective bargaining agreements and the wage and benefits ordinance, we make contributions to this medical expense reimbursement plan to the employees to help cover those deductibles. Last year, the funding was \$174,750. This year it

will be \$190,250. The reason for the increase this year was to comply with the Affordable Care Act. We had to offer medical insurance to five permanent part-time employees who work in excess of 30 hours a week.

. **Cleaning of Civic Center and Community Room (Carlson Service Co. - \$26,200)**

Mr. Wynne reported, last year we had a permanent part-time custodian who did this work for us, Bill Gray. Also, on the weekends our Service Department was incurring a lot of overtime to go in and clean the facilities. When Bill retired, we moved it to an outside service. They come in three days a week here and three days a week in the Community Room. The total for both facilities is \$26,200 which is the same price we were paying last year.

Mr. Jerome stated, I think I brought this up last year. We have had them for a couple years at the police station and now we are going to have them here.

Mr. Wynne replied, they have been at the police station since it opened. They have been here from March or April of last year.

Mr. Jerome asked, since we have them doing everything, do we get a better price, or is it two different contracts?

Mr. Wynne replied, it's two different contracts. At the time we went to use them, we get prices from others to make sure they were competitive.

Mr. Jerome asked, I wonder if this contract and the other one were put together, and you sent it out to other cleaning people, what their prices would come back at if you went out to other companies?

Mr. Wynne replied, I can certainly do that if you want.

Mr. Saponaro asked, comparatively, from where we were before with Bill and the Service Department, how much are we saving?

Mr. Wynne replied, we are probably saving \$10,000-15,000 a year by using an outside service.

Mr. Saponaro asked, are we charging in the community room for a clean up? We are never going to recapture all of that, but is that part of our fee for charging for the use of the room?

Mr. Wynne replied, we have a flat rental fee for the use of the room which includes the use of the facility. The people that rent it are responsible to put it back into the shape it was when they got it, but we still have to have someone go in and clean the restrooms and vacuum. This company does not go in and set up for events.

Mr. Saponaro replied, no, I understand that. I am just saying, are the events causing more of an issue?

Mr. Marrie added, more of a problem?

Ms. Wolgamuth replied, I don't think any more than it's ever been.

Mr. Jerome asked, if they don't put it back where they found it, is there a deposit they don't get back?

Ms. Wolgamuth replied, yes, it's not refunded if they don't clean it up.

Mr. Saponaro asked, how often do we take the deposit?

Ms. Wolgamuth replied, very rarely. Most people put it back.

Council President Buckholtz stated, I am noticing that the next three sections exist on Safety and Service, Finance and Council Caucus. With the Law Director's opinion on this, can we more or less go through these things one time with this group?

Mr. Diemert replied, absolutely.

Council President Buckholtz added, it will serve as Safety and Service, Finance and Caucus?

Mr. Diemert replied, yes.

#### **POLICE DEPARTMENT**

. **CAD System maintenance – 2015 (TAC Management Co. - \$11,568.00)**

Chief Edelman reported, this is the annual maintenance fee.

. **2015 Housing of Prisoners – (City of Bedford Heights - \$18,000.00)**

Chief Edelman reported, this is a renewal. We had an overage this year. I am asking Council to approve this with \$3,000 from last year. Part of that is we are working with the Court, all of the SPAN Police Chiefs. There's a lot of prisoner housing involved that we feel could be mitigated if the Court would allow us to. We are working with Judge Bozza in that regard. We are hoping to bring our jail costs down. For right now, I need to ask Council for this.

Mr. Jerome asked, does this go up every year?

Chief Edelman replied, no.

Mr. Jerome asked, are we arresting too many people or not enough?

Chief Edelman replied, tell me what you mean by too many.

Council President Buckholtz asked, has the cost gone up?

Chief Edelman replied, the cost has stayed the same. It hasn't gone up. There's just more jail time involved. A lot of it is because of the Court sentencing and mandating jail time.

Mr. Jerome asked, when they go through Court, there's all these fees that help cover some of this?

Mr. Saponaro replied, not this part. This is all on us.

. **Cleaning of Police Station (Carlson Service Company - \$7,884.00)**

Chief Edelman reported, the cost has stayed the same since 2010. Mr. Jerome mentioned combining the buildings might cost less. When we went out to bid originally, they were far less than any of the other.

Mr. Jerome stated, and they do a good job.

Chief Edelman replied, we are satisfied with them.

. **LEADS Access Fee with DMVPN connection (Treasurer, State of Ohio - \$7,200)**

Chief Edelman reported, this is a renewal for our information network for the State.

. **2014 Housing of Prisoners – overage (City of Bedford Heights - \$1,579.56)**

Chief Edelman replied, this is an overage from what we budgeted for 2014 which was \$15,000.

Mr. Wynne added, the budget every year is \$20,000 for prisoner housing. The requisition to Council at the beginning of the year was \$15,000.

Mr. Saponaro asked, so we were in the budget, but over the requisition?

Mr. Wynne replied, right.

Council President Buckholtz asked, any questions on any of these items? There were none.

**FIRE DEPARTMENT**

. **Hydrant fee for 2015 (Division of Water - \$8,357.80)**

Chief Carcioppolo reported, this is a renewal. It goes to Cleveland Water for all of our flow testing and replacement of hydrants.

. **Hillcrest Mobile Air Unit and Tech Rescue Team (MAUTRT) Annual Fee - 2015 (Mayfield Heights - \$5,000)**

Chief Carcioppolo reported, this is the fee that all communities in the Hillcrest area pay annually to maintain the equipment cost for the regional team we have.

. **MARCS Annual Fee – 2015 (Treasurer of State - \$11,520.00)**

Chief Carcioppolo reported, this has been increased. The cost per radio is going up in the year 2015 from \$12 a radio to \$20 a radio per month. We have 48 radios. That's a little bit more than it was last year.

. **Declaring Ambulance 677 Surplus**

Chief Carcioppolo reported, this was the FIU ambulance that when the FIU team purchased a new vehicle, they gave it back to us. There were hopes that the SPAN traffic accident investigation team could use it. There were some mechanical issues with it. We took it to get it repaired to drive it to SPAN. Then the brake lines gave out and the fuel system failed on it. I would like to declare it surplus and get rid of it. They don't want it any more. It's not worth dumping any more money into it. We need to sell it. If we could declare it surplus, I was going to advertise it on govdeals.com. We can get more money for it there than actually putting ads in the paper and doing it that way.

Mr. Jerome asked, how many radios do we have?

Chief Carcioppolo replied, 48.

Mr. Jerome asked, what do we need 48 radios for?

Chief Carcioppolo replied, we have a radio in each seating location in each vehicle. The mobile radios also count. There's one in each vehicle or there's two in the Chief's car. Everyone has a radio. Everyone has a means of communication when they go on a call.

Mr. Jerome asked, it's worth having it like this, so there's no confusion?

Mr. Saponaro asked, so if the full complement is going out, how many radios are going out? All of the trucks, everything? It's a pretty large number I would imagine, no?

Chief Carcioppolo, replied, if we had a big call and everyone was there?

Mr. Saponaro asked, more than 10?

Chief Carcioppolo replied, yes.

Mr. Saponaro asked, more than 20?

Chief Carcioppolo replied, if everyone was there, and we had a big call, yes.

Mr. Saponaro asked, more than 30?

Chief Carcioppolo replied, there's only 30 people.

Council President Buckholtz stated, so we have some back-ups.

Chief Carcioppolo replied, we have back-ups when they break. We have replacement radios. You have to pay the user fee to be able to actually utilize it.

Mr. Marrie stated, it's worth it. It's a great safety thing.

Council President Buckholtz asked, that's a user fee per device, not per person?

Chief Carcioppolo replied, yes. Ohio Fire Chief's Association has been lobbying pretty hard to have the cost waived because now that this increase has gone up to \$20 a radio, it's a pretty expensive fee every year. The problem is the tower sites that are here, especially with communities that border the valley, there is no other tower sites.

Council President Buckholtz stated, I am not talking about that, but in computer language, it would be a seat license versus a machine license. In other words, a person using the radio in use would be licensed rather than licensing all the radios. If you have 30 people, we buy 30 licenses.

Mr. Jerome stated, instead of paying per device.

Council President Buckholtz stated, it's just an idea.

Chief Carcioppolo replied, I see what you are saying but the devices themselves have to be logged on the system.

Mr. Jerome stated, and if they are all used at the same time for some crazy reason, there's an extra 18. This system has to be able to handle it. This is the cost they have to go be able to do it.

Mr. Saponaro stated, but it went up from \$12.50 to \$20.00.

Council President Buckholtz asked, any other questions? There were none.

## **SERVICE DEPARTMENT**

- **Euclid Creek Watershed Coordinator Annual Appropriation – 2015  
(Cuyahoga Soil and Water Conservation District - \$5,500)**

Mr. Metzger reported, this is an annual appropriation. It is the water group that provides us with all of our public education material we use throughout the year and other items when we look for grant funding and things of that nature.

- **Replacement LED light bulbs for North Commons Boulevard (50 bulbs)  
(Kayline Company - \$8,000).**

Mr. Metzger reported, the LED lights will save us a whole lot of money in electricity. There will be another cost to have the electrician rewire them, but that's less than \$100 a pole. This is good technology. In florescent, you have to be careful when you put some of these lights in an enclosed vessel like that that they get too hot.

Council President Buckholtz asked, they are under \$100 a piece, or \$160 a piece?

Mr. Metzger replied, these are \$160 apiece.

Council President Buckholtz asked, any other questions for Service?

Mr. Marrie asked, Doug, the lighting here in the parking lot or lack of?

Mr. Metzger replied, we discussed lighting.

Mr. Marrie stated, it's really needed.

Mr. Jerome stated, there's a light on the telephone pole facing the parking lot that doesn't seem to be on.

Mr. Marrie stated, we need lights out there Doug, please.

#### **PLANNING DEPARTMENT**

Mr. Esborn reported, back in December Council authorized the application for the trailhead grant from the ODNR Recreational Trails Program. As I have worked through that application which is due February 1, I noticed that under that program trail equipment is an eligible project cost. I threw it out during a staff meeting to Doug. We batted it around a little bit. We were talking about something that would plow the trail, especially these last few days, and especially today with the snowfall that we have had. It is clear that a piece of equipment to clear snow from the trail would be really valuable to us. An application would make sense. We are looking at the plow piece of equipment and also Bill Thomas was looking at something like a golf cart that his department would use. We are looking at packaging these together in an application. The timing is tight. What I would do is work with the Law Department to draft another resolution because it is another application. It would be in your packets and on the agenda for this month. Just like the trailhead grant, even if we win it, we don't have to go through with it. You will have more information about the equipment later this month.

Council President Buckholtz asked, what is the participation?

Mr. Esborn replied, ODNR would fund 80%. We would be responsible for 20%.

Council President Buckholtz asked, any questions at this point? There were none.

**PARKS & RECREATION**

- **Residents' memberships to Progressive Fitness Center for 2015 (\$13,000 – pass through)**

This is an annual expense. It is a pass through.

- **2015 Fireworks (American Fireworks - \$9,500)**

Mr. Thomas reported, we are in our last year of a three year contract. It was \$9,000 the last two years. It's \$9,500 this year. All paperwork has been signed. We will work with Mike Girbino. I will be recommending them again for another three years.

**LAW DIRECTOR**

- **Retention of Village Engineer for 2015**
- **Retention of Prosecutor for 2015**

Mr. Diemert reported, these contracts are up for renewal.

- **Legislation amending Codified Ordinance Chapter 175**
  - **Imposition of a municipal income tax and specifically adding a definition for pension at Codified Ordinance Section 175.03131**

Mr. Diemert reported, everyone should have a copy of the ordinance amending the income tax ordinance for definitions of pension funds and what is taxable and what isn't.

- **Appeal of the decision of the Zoning Board of Appeals on Case No. 2010-02**
  - **procedural discussion**

Mr. Diemert stated, I wrote a letter to all of you back on December 5<sup>th</sup> and indicated to you that the Building Commissioner made a ruling. They didn't like the ruling. They didn't like the clause that prohibited second family residential dwelling on the property. As a result, they appealed the Board of Zoning Appeals. The Board of Zoning Appeals upheld the Building Commissioner. Their Minutes are pretty clear. The record is pretty clear. The ruling is pretty clear. It has been supported by our Code. It's in compliance with our Code. I don't see the necessity for this Council to have to have a hearing and hear all of the evidence over again, but you have that option or you can just look at the record and confirm, reverse or modify the decision of the Board of Zoning Appeals. It's the decision of Council how you want to do it. We would give them notice if you wanted to do it at your regular meeting or have a special meeting or just make a decision at your next meeting to affirm. That would be your options.

Mr. Saponaro asked, our review is not *de novo*?

Mr. Diemert replied, *de novo* means you have the right to hear the whole thing over again and listen to all of the evidence the Board of Zoning Appeals has.

Mr. Saponaro asked, we do have that right?

Mr. Diemert replied, yes. It's an option.

Council President Buckholtz stated, just to restate the appeal, why is this back?

Mr. Diemert replied, they made an application for a lot of different things to go into the garage.

Council President Buckholtz asked, the decision was that this building had to be removed?

Mr. Diemert stated, the building is there. It's going to stay there. The Court indicated it's okay to leave that building there. They had to take down a shed. This building is there. It has all kinds of facilities in it. It cannot be used as a residential dwelling. He applied for certain things that indicated to our Building Commissioner that he wanted to make it a residential dwelling. He approved some of the items, most of the items they requested to put in to the facility. However, the Building Commissioner said, under no circumstances shall the issuance of this permit or any other permits previously issued or hereafter issued be deemed to allow the owner of the premises to use the detached garage as a second habitable dwelling unit. The garage structure may not be used as a habitable dwelling unit. The language could not be any cleared. It's in conformance with the Code. BZA upheld his decision that it cannot be used as a residential dwelling.

Council President Buckholtz stated, by the owner, or a renter or anyone?

Mr. Marrelli stated, no one.

Mr. Diemert stated, period. We anticipate it is going to go up on appeal from here, maybe not, but the point is that we really caution against any outside statements regarding it. Hearing more evidence again and getting into this whole argument again would probably take another hour or two at least of Council's time and then you are again second-guessing your Board of Zoning Appeals, but you have the right to do that.

Council President Buckholtz stated, this is a good place for everyone to voice their –

Mr. Diemert replied, yes, it is.

Mr. Saponaro stated, unless there's some new evidence that comes up, we have to adhere to the process that we have put in place and our Code and regulations and then defer to you to tell us if there's something we should be reviewing.

Mr. Diemert stated, if I thought there was, I would recommend it. Even if you were to listen to all of the evidence and for some reason the majority of Council chose to reverse the Board of Zoning Appeals and say they can use it as a habitable dwelling, the Mayor and Building Commissioner would have the right to appeal that to the Court of Common Pleas and would likely win. It just doesn't make sense.

Council President Buckholtz stated, I don't think you could be clearer. Steve, as the newest member of Council, maybe less familiar?

Mr. Jerome replied, I read through everything. It's pretty interesting. Some of it comes down to items they want to put in the structure from how our Code is written to you that would make it a habitable home?

Mr. Marrelli stated, let me just paraphrase and give you a real quick, when I received the floor plan of what the gentleman had been doing inside this dwelling, this garage, for the past two years, and it had labels of areas that said kitchen and it had a stove, refrigerator, microwave, cooktop and then it had a bathroom with a Jacuzzi tub, etc., at that point I said, stop. This has to stop. You have a permit for an outbuilding and accessory building, a garage. Now your garage is more of a house than your house. I drew the line in the sand and they don't like it. A couple months back, maybe six months ago, we had a property split down the street, the Wellman property. There was a carriage house and a main house on one property. We forced them to split that lot so there would be one house on each lot. If we let this go, I am not saying we are going to let it go, but I am going to say if it goes down that path, it takes our Zoning Code and basically throws it out the window and says, if you don't get caught until after you are done, then you can get away with it. We can't work that way.

Mr. Marrie stated, it opens up Pandora's box, totally.

Council President Buckholtz asked, there's no way they could disinhabit the original house and have it this one?

Mr. Diemert replied, no.

Council President Buckholtz asked, this ruling is about that physical dwelling?

Mr. Diemert replied, right.

Council President Buckholtz asked, why can't he do a lot split?

Mr. Marrelli replied, because it's behind the house and doesn't have frontage. It's like the garage in your backyard.

Mr. Jerome asked, they are trying to say they are putting stuff in it and it's not going to be inhabited? This is just stuff they want in there?

Mr. Marrelli replied, we asked that question in just that way, will you tell us you are not going to ever live in the house? His attorney told him not to answer that question. He never answered it.

Mrs. Mills stated, the neighbors are very unhappy with the whole situation. They know he is living in it right now.

Council President Buckholtz stated, I go 100% with what the Law Director says.

Mr. Jerome stated, the easiest thing would be on our Council agenda to have it and make a motion to affirm the Board of Zoning Appeals.

Mr. Diemert stated, I can draft a resolution, but unless the Mayor planned on vetoing something, a motion would be adequate.

Council President Buckholtz asked, the motion would state in the affirmative to uphold the Board of Zoning Appeals?

Mr. Diemert replied, let me word it to you. They appealed to you. The motion would be to deny the appeal and affirm the BZA.

Council President Buckholtz asked, are there any other matters? There were none.

**ADJOURNMENT:**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adjourn.

The meeting adjourned at 8:05 p.m. The next Council meeting is scheduled for Monday, January 26, 2015 at 8:00 p.m.

---

WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

---

BRUCE G. RINKER, MAYOR

---

MARY E. BETSA, CLERK OF COUNCIL