

MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, August 17, 2009 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, August 17, 2009 at approximately 8:00 p.m. in the Mayfield Village Civic Hall. Council President Buckholtz called the meeting to order.

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

Absent: None

Also Present: Mayor Rinker, Mr. Wynne, Mr. Diemert, Mr. Cappello,
Chief Dearden, Mr. Marrelli, Mr. Metzger, Chief Mohr,
Mr. Thomas, Mr. Dinardo, Mrs. Kalina and Mrs. Betsa

The Pledge of Allegiance to the Flag was given.

OPEN PORTION

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

Marge Eisenberg
6783 Seneca

Mrs. Eisenberg was present for the Special Meeting when it was said you were going to build a new police station. Thank you very much. She appreciates it. She would like to recommend that you put in a Reverse 911 system. They used it in Bainbridge when that house blew up. The Sheriff's Department called everyone. She would like to have that system in our Village. Thank you.

CONSIDERATION OF MINUTES:

Regular Council Meeting – July 20, 2009

Mrs. Mills, seconded by Mr. Marrie, made a motion to approve the minutes as written.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Minutes Approved

Special Council Meeting – August 3, 2009

Mrs. Mills, seconded by Mrs. Cinco, made a motion to approve the minutes as written.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Minutes Approved

COMMENTS FROM MAYOR RINKER:

There were no comments at this time.

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:

There were no comments at this time.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

Mr. Metzung reported that the crack sealing program is underway. They have done North Commons, Parkview and SOM Center Road. They are looking at a different product for their larger cracks. They will be finishing that back up and going back to sidewalks and leaf pick up.

BUILDING – John Marrelli

Mr. Marrelli reported that Chief Dearden and he are meeting with Panzica's design team twice a week at 8:30 on Tuesdays and Fridays working out the interiors of the new police station and then will move to the exteriors. We will keep you apprised of our status.

ENGINEERING – Tom Cappello

Mr. Cappello reported that the long-awaited Seneca Road resurfacing is going to begin tomorrow. The Thornapple pump station is a possible go for this year. Mr. Cappello will have more information once he gets a definite schedule.

LEGAL DEPARTMENT – Mr. Diemert

Relative to Ordinance No. 2009-43 which is under New Business tonight, the Agreement with One Community, Mr. Diemert reported that the corrected version has not come back to us yet. There is no change in the fees from what we had all along. The entities will be added later on. You can either leave it on first reading tonight or pass it conditioned upon our approval of the final agreement, whichever Council pleases.

FIRE – Chief Mohr

Chief Mohr reported that we are planning with the Health Department for a very active flu season. There is a meeting coming up on the last week of August over at the Board of Health to advise the cities on their health department tactics in preparation for the flu season. We are also planning a drill on the first Sunday in November which is the 7th.

Mayor Rinker stated that he has heard on the radio that Ohio is among a handful of States that really is holding as to any policy for utilizing the schools as distribution points. There are a number of States that are, but Ohio is not. Any indication from the Board of Health, or do you know if that is going to be an agenda item as to why Ohio is stalling on it?

Chief Mohr replied that he can't answer that. He will ask Director Allen to see if he can share some insight. We have an MOU [Memorandum of Understanding] with the Board of Education here to use Mayfield High School in the event of an emergency.

Mayor Rinker understood, but he meant where they are actually talking about distributing product to school districts in toto. The State of Ohio so far is either holding off or uncertain. It just sounded like they are up in the air on this issue. Mayor Rinker has a feeling we are going to be getting a lot of calls.

Chief Mohr stated he will make an inquiry. He does not know.

FINANCE – Ron Wynne

Mr. Wynne reported that Dave Miller and he met with the State Auditor's office last week. We are scheduled to have our audit commence for 2007 and 2008 next week. It will take about four to five weeks to complete. Also this week on Wednesday the \$3.6 million Notes we are renewing in September will be pricing. Mr. Wynne should be able to let you know in your packets at the end of this week what they price out from an interest rate standpoint. Mr. Wynne also asked if there were any questions or comments about the financial report that was handed out. There were none.

POLICE – Chief Dearden

There was no report.

PARKS & RECREATION – Bill Thomas

Mr. Thomas was pleased to report that summer arrived last week at Parkview Pool. August is looking a lot better than July. Mr. Thomas also asked if there was anyone in this room who has not yet received their Fall *Parks and Recreation* brochure in the mail. Mrs. Mills stated that Gates Mills did not. Mr. Thomas said you should get it hopefully soon.

ARCHITECT – Ron DiNardo

There was no report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina was happy to report that we had approximately 20 people for first memory fitness session last week. It was very well received. We have several people who have signed up for the following sessions. This Wednesday we have a program by one of the pharmacists at CVS on drug safety at 2:00, if anyone is interested in attending. Mrs. Kalina also reported that there is an item on the agenda relative to the results of the snow removal bids, which has come under the auspices of our department. We will be discussing this later. Also, we will have flu shots in addition to the MIPOD one. We will have them in this room on Monday, October 26th.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that they met in July. There will be a meeting in October. Mrs. Mills would like to report that the Friends of the Library had their concert last Monday night. It was very well attended even with the storm that was brewing out there. They had a magician there that had the audience going. They must have had about 30 members in the band. The band was supposed to be a string quartet. It was everything. It was brass, it was everything. It was very very nice. They did very well selling their ice cream sundaes. Their sundaes were donated from McDonald's. It was a fun evening.

Architectural Review Board – Mr. Marrelli reported that there was no meeting, so there is no report.

Beautification Committee- Mr. Saponaro reported that there was no meeting. There is no report. The next meeting is in September.

Board of Appeals – Mr. Marrelli reported that there was no meeting. There is no report.

Cemetery – Mrs. Mills reported that the Garden Club is still doing weeding. They are trying to get it all under control with the help of Mr. Metzong's crew. It's a fairly big job for a little cemetery. Mrs. Mills just had a woman in from Joliette, Illinois looking for her relatives which are the Ridels. They were able to give her quite a bit of information. She spent three hours with us last Monday morning going through our records. We do have records. Tonight Mr. Marquardt gave Mrs. Mills a nice book from the school board. Mrs. Mills has not read it. The dates are 1877. We have to treat that very gently as we turn pages. Mrs. Mills will give a report on that. She does not know if she will be able to read it all, but it will be interesting.

Citizen's Advisory Board – Mr. Marrie stated there was no meeting. There is no report.

Commission on Aging – Mrs. Kalina stated that there was no meeting. There was no report.

Drainage & Infrastructure/Stormwater Mgt. – Mrs. Cinco stated that there was no meeting. There is no report.

Safety and Service – Mrs. Cinco reported that Safety and Service met Monday, August 3rd. At that time, the Committee discussed the police station contractor selection. That was the entire meeting.

Finance Committee – Mr. Marrie reported the Finance Committee met this evening. We discussed eight items. All eight are on the Council floor for this evening, including the legislation Mr. Diemert talked about.

Historical Society – Mrs. Mills reported that Mr. Muhle has finished spot painting the building. Our next project will be to drain the boiler system to make sure it is functioning properly. We are also getting ready for the ice cream social September 9th at 6:30. Mark your calendars.

Hillcrest Council of Councils – Council President Buckholtz stated there is no report.

M.A.R.C. – Dr. Parker stated there was no meeting. There is no report.

Ordinance Review Committee – Mr. Marquardt reported that Ordinance Review met on Tuesday, August 11th. We finally finished up the soil removal modified ordinance and went into gas and oil well drilling. We should have some sample legislation or draft legislation coming to the next meeting.

Planning and Zoning – Mr. Marquardt reported that there was no meeting. There is no report.

Recreation Board - Mr. Marrie said there was no meeting. There is no report. Mr. Marrie wanted to comment on a couple of items. The Summer Sizzler was a big hit. We had 413 swimmers that participated. The triathlon which was held yesterday was very successful. Mr. Marrie said he did not know the final count. Mr. Thomas stated 135 participated. Mr. Marrie stated the next meeting of the Recreation Board will be September 16th.

SPECIAL COMMITTEE REPORTS:

Planning Development Committee – Council President Buckholtz reported that Planning Development did meet and discussed the manner in which the Committee would interface should we decide to go ahead with our part-time planning person, Dave Hartt. He would interface with our Planning Department which is basically Diane, Ted and Jeff Thomas. Our next meeting is next Tuesday night.

Information & Technology – Council President Buckholtz reported that the Committee did not meet. Diane and Ted have met on the issue of the phones. We have OneCommunity on the agenda tonight.

- **Motion to authorize acceptance of the bid from MJO Lawn, Inc. for snowplowing services with regard to senior snow removal program (Three or more sections, approximately 150-200 drives, at \$225.00 per driveway).**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize acceptance of the bid from MJO Lawn, Inc. for snowplowing services with regard to senior snow removal program (Three or more sections, approximately 150-200 drives, at \$225.00 per driveway).

Council President Buckholtz called for a Roll Call due to the amount, not the vendor.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Bid Accepted

- **Motion to reject the bid submitted by Mihalick Maintenance for the Senior Snow Removal program.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to reject the bid submitted by Mihalick Maintenance for the Senior Snow Removal program.

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

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Bid Rejected

- **First Reading of Ordinance No. 2009-40**, entitled, “An Emergency Ordinance accepting the release of a certain easement previously reserved for street and utility purposes located along the premises known as Wiley Park and also known as Permanent Parcel No. 831-13-011.” Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mrs. Cinco, made a motion to suspend the rules of Council requiring an Ordinance to be read on three separate occasions.

ROLL CALL:	AYES: All	Motion Carried
	NAYS: None	Rules Suspended

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-40.

Council President Buckholtz asked if there was any discussion.

Mr. Marrelli reported that there was an easement that would have opened SOM to Beta. Krenzler had it done back in around the late 50's.

Mr. Cappello clarified, the late 60's, early 70's, as part of the Beta Development. Mr. Cappello added basically it was a 60-foot wide utility easement, with potential access to the back through SOM Center. It was something they did in anticipation of any future development.

Council President Buckholtz asked, so this is a release of that?

Mr. Cappello replied yes.

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

- **First Reading of Ordinance No. 2009-43**, entitled, "An Emergency Ordinance authorizing and directing the Mayor to enter into a Master Services Agreement and related Subscriber Service Agreement between OneCommunity and Mayfield Village, Ohio." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mr. Saponaro, made a motion to suspend the rules of Council requiring an Ordinance to be read on three separate occasions.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Rules Suspended

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2009-43.

Council President Buckholtz asked if there was any discussion. Council President Buckholtz stated that as Mr. Diemert directed, we can approve this pending the corrected language being signed by OneCommunity. Mr. Diemert confirmed it is basically the same substance and content as before.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

- **First Reading of Resolution No. 2009-09**, entitled, "An Emergency Resolution providing for the employment of a Planning Consultant for Mayfield Village, Ohio." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mrs. Cinco, made a motion to adopt Resolution No. 2009-09.

Council President Buckholtz asked if there was any discussion. This is what we talked about in Caucus on David Hartt. We are all familiar, unless there is more to say or questions on that. There were none.

ROLL CALL: AYES: Mr. Buckholtz, Mrs. Cinco,
Mrs. Mills, Mr. Marrie,
Dr. Parker and Mr. Saponaro Motion Carried
NAYS: Mr. Marquardt Resolution Adopted

ANY OTHER MATTERS:

Council President Buckholtz asked if there were any other matters.

Mr. Metzung stated we have some rail failings at the gazebo. We have been fighting ants over there for a few years. We have been out getting quotes over the past week. We have been spraying for a couple of years trying to arrest that problem. There is going to be some cost to correcting that problem in the very near future. Mr. Metzung will keep everyone abreast of it next month.

Mr. Saponaro asked about a letter Tom Cappello sent to John Marrelli regarding the Hilton Garden Inn with a punchlist. Mr. Marrelli stated he requested the items that were still outstanding as far as sitework regarding sidewalks and a couple of other things. Mr. Saponaro asked, wasn't there a concern then in terms along the lines of something that had not been paid? Mr. Marrelli replied, Mr. Diemert can probably tell you better, there is a foreclosure action on the low rise. The low rise and the hotel are actually financed by two different entities. Mr. Saponaro asked, the low rise being in the front? Mr. Marrelli replied, yes. Mr. Saponaro asked, that has nothing to do with this? Mr. Marrelli stated the reason he requested that was the hotel group is coming to the Planning Commission this Thursday to request a conditional use permit to open the conference center into a buildout for the conference center which will allow 600-660 people in the low rise. Mr. Marrelli is hoping as a condition of the permit we can wrap up the loose ends on the property. That is why he solicited that. Mr. Saponaro thanked Mr. Marrelli.

Mrs. Cinco asked where we are at with the bridge on River Road. Aren't they behind? Mr. Cappello stated they have until Wednesday, August 19th. Chief Mohr stated they are nowhere near ready. Mr. Cappello said there is an incentive or a penalty clause in their contract unless they got some sort of extension. Mrs. Cinco confirmed it is nowhere near ready. Chief Mohr added they just took the tarp off the concrete today.

Mayor Rinker stated that the comment about the audit that is going to be performed prompts the fact that it will be another month and a half, but we are finishing a five-year contract. We are going to have to get into the mode of looking at renegotiation. Mayor Rinker wants everyone to be aware of this. We are going to have our work cut out for us this Fall and Winter and Spring.

Council President Buckholtz asked if there was anything further. There was nothing additional to report.

ADJOURNMENT

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

The meeting adjourned at approximately 8:25 p.m. The next Council meeting is scheduled for September 21, 2009 at 8:00 p.m.

WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

BRUCE G. RINKER, MAYOR

MARY E. BETSA, CLERK OF COUNCIL