

**MINUTES OF THE REGULAR MEETING OF COUNCIL**  
**Monday, August 16, 2010 – 8:00 p.m.**  
**Mayfield Village Civic Hall**

The Council of Mayfield Village met in regular session on Monday, August 16, 2010, 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. Marquardt, Mr. Marrie,  
Mrs. Mills and Mr. Saponaro

Absent: Dr. Parker

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

The Pledge of Allegiance to the Flag was given.

**OPEN PORTION**

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

Council President Buckholtz stated that the public is invited to step up to the podium and address Council. We ask that you give your name and address and speak into the microphone. Would anyone like to address Council at this time?

Brenda Bodnar  
Bonnevieu Road

I just wanted to address Council and the Mayor briefly on the proposed zoning and referendum Charter amendments. Specifically at last week's meeting, the *Costco* case and how it cost the City of Mayfield Heights a lot of money and they ended up losing in the long run, was talked about. I have looked at that case, in fact I have looked at those cases, there are several of them, and if you would take a close look at those cases, they would more persuade us to rely on the individual voters and maybe less on Council.

What happened in the *Costco* case and this case I am referring to, *Shemo v. Mayfield Heights*, a February 2000 Supreme Court decision, what got Mayfield Heights in trouble in that case was action that was taken by Council and by the Mayor. It had nothing to do with the vote of the taxpayers or any referendum rights that were exercised by the taxpayers. That case did not concern those issues.

What happened was Mayfield Heights seemingly tried to get a little clever. On the same day that the City signed a legal document in which they actually stipulated that their U-1 single family zoning of a parcel was unconstitutional, Council simply voted to change that zoning to U-2 cluster homes. Now, if that stipulation was based on facts that revealed that the property was uninhabitable, it would remain that way whether it was single or multi-family, so that didn't work out for the City. The Supreme Court decision in that case is also very limited to its unique facts which led the Court to conclude that the property was uninhabitable. It wasn't just as somebody suggested to you that the property was along 271.

I would like to quote you from that case and show you that it is extremely limited to its facts. The Supreme Court says, for instance, expert witnesses real estate appraisers Roger Whitley and Wesley Baker, both testified that the property is perhaps the only site along I-271 surrounded by high tension wires, two-family zoning and retail uses. Even the City's expert witness, City Planner David Hartt concedes this point. Moreover, the high intensity lights along this part of I-271 are so bright that one witness testified he was able to read a newspaper at 10:30 p.m. without any other source of illumination. In addition to the six high tension power poles, CEI's easement also encumbers the property. The irregular shapes, small size and grading of the property which is even with the highway also adversely affects the habitability of the parcel. Although the City's expert planner David Hartt testified that the property is habitable, even he had to admit that given the surrounding characteristics of the property, the potential occupants of residential units would be limited to elderly and/or childless residents who are uninterested in using their yards on a regular basis. That's a quote from the Supreme Court case, so you can see that the holding in that case is limited to its facts.

A later case which I believe was decided by the Ohio Supreme Court in 2009 called *Gilmour Realty v. Mayfield Heights* said to the people who were challenging that City's zoning ordinances, you can't just come and knock on the Supreme Court's door and have your zoning ordinance overturned. It didn't work in that case. So we are not looking at any kind of fear factor that should lead us to give up our vote in the *Costco* case.

A final note in that case, it did cost a lot of money. It went on for a lot of years. But in part it was because Council and the Mayor in that case took every action they possibly could to try to avoid following the mandate of the Courts in that case. I think I saw an e-mail by our own Mayor that said, called the, stated that the Mayor of Mayfield Heights even publicly castigated the Ohio Supreme Court in the midst of that litigation and obviously the Court was not amused and found against the City. So if you are looking for the cost and why it was so expensive in that case, you can look at how the case went up and down and all around and went on for a very long time when it didn't have to.

The right to vote on zoning is very important. So too the right to referendum doesn't actually replace our right to vote but in circumstances where Council is allowed to vote on an action, the right of referendum gives us a chance to go back and collect signatures. The problem with referendum without the right to vote first in zoning is that for example if Council could vote to enact a massive zoning change on any given December 1<sup>st</sup>, good luck for the citizens in trying to collect enough signatures in 30 days to get a referendum on the ballot. You may not even know about the zoning change until the 30 days has expired, so, I think you should consider that the onus should remain on

Council to come to the voters first and it should not be placed on the voters to try to scramble to undo what Council has done.

As to referendum rights, they are definitely important. The right to vote first is nice, but in circumstances where Council can vote first we need to have the right to challenge. I mentioned last time and I'll suggest it again that you go on cleveland.com, read about what happened in South Euclid this summer where the citizens got enough signatures to put a referendum on the ballot and because of that their City Council then went ahead and just repealed and enacted a tax credit rollback for the citizens.

Who's trying to take away whose rights? It's been suggested at the last meeting that placing on the ballot a couple of mild-mannered Charter amendments which would remove our right to vote and our right to referendum is as American as apple pie since it preserves our right to vote. But I want to ask you this, how many people, how many voters will go to the polls in November, see the innocently worded proposing Charter amendment language, not see the old language and not even realize that they are being asked to give up or forfeit their voting rights or referendum rights. I would argue that it's important to keep those rights. I would argue that it's important to hold all of our elected officials and to you elected officials, it's important to hold all of us voters accountable. Too many people rely on a passive and uniformed electorate. It's up to us to not allow that to happen. We are accountable to you as voters. You are accountable to us as our elected officials. I ask that you take that seriously and that as the electorate, we send a clear and strong message that we will not give up our right to vote and we will not give up your responsibility to be accountable to us. Thank you.

Council President Buckholtz thanked Ms. Bodnar and asked if there was anybody else that wishes to address Council at this time. Please step up to the microphone and state your name and address for us.

Linda Butler  
817 Hanover Road

I am sorry to have missed last meeting last week. I hear it was quite a meeting and I want to thank you Council and the Mayor for scheduling that meeting. Democracy is always or can be very tough and I appreciate that you gave the citizens an opportunity to discuss the issues with you and I just think it was great and even though I wasn't here I heard about it and I appreciate the opportunity.

This issue has been talked around quite a bit and so I am going to make a very brief statement on a couple of things that I don't think have been covered.

Many of us who were active in the gas well issue are active in this issue. This is not because we relish the process of confronting Council which we do not. I was involved with the gas issue because I realized that a very thin line of possibility separated me and my property from having a gas well next door. It made me realize, in a very stark way, that neither the State nor the City could protect me from having a gas well next door and it was up to me and the citizens who didn't want a gas well next door to rally the citizenry to oppose it and it made me realize how powerful corporations have

become in our government process and perhaps you would say made me a little bit paranoid about giving up our ability to restrict corporations and businesses and how they act in our Village.

So when Charter Review wrote a Charter amendment that would dramatically reduce the rights of individual homeowners to protect themselves from being forced to live next to commercial or industrial properties, it definitely hit a nerve. It's hard for me to believe that the smart and decent people on the Council would expect these ordinances to be happily passed by voters.

I would like to point out that Pepper Pike has a similar zoning change restriction that we have. They have done far better than say Mayfield Heights at preserving a residential feel to their City. This is what we want. We are not radicals. We do not want to push outrageous ideas, but zoning changes are not small issues and one's property is in general for most people the very most important valuable asset that they have so protecting it is wise in my humble opinion.

I would like to mention something about the Charter committee itself. There were at least two people who are very strongly pro-development on that committee. There were a number of people who were either sick, too busy or unable to come to meetings, and whether this is true or not I don't know because I have not seen the Minutes of the Charter committee that made the final endorsements of the Charter's, the amendments that would be submitted to the voters, but I heard via the grapevine that there were only three people at that meeting and that is not a quorum and I don't know if it's necessary to have a quorum but I would question the legality actually of those decisions that were made on that fateful evening to put these Charter amendments on for the voters to decide on and I would ask you to check into that, check into the legality of issues that are passed by so few people and whether it's true or not that there were only three people at that last meeting.

I would, I noticed in the amendments, or the proposed issues for this evening that the Mayor has submitted an ordinance that would be, restrict zoning, well I haven't seen the ordinance but it seems like it's an amendment to the Marquardt/Parker amendment that Charter amendment that had said it was restricted to one family dwellings. And I would urge you not to pass this amendment and put it on the ballot. I mean it might be a perfectly good amendment but it feels rushed to me.

Mayor Rinker stated, I don't know what you're talking about.

Mr. Saponaro stated there's nothing on there.

Ms. Butler asked, there isn't? Sorry, that's good news.

Mr. Saponaro stated, there's not an amendment that was introduced by the Mayor that contradicts what the Marquardt/Parker amendment says. Everything is introduced by the Mayor and Council as a Whole.

Mrs. Cinco asked, 2010-34?

Ms. Bodnar replied, 2010-24, it says Third Reading and 2010-34 says First.

Mr. Diemert replied, 2010-24 has always been on. This was part of the recommendations of the Charter Review Commission. 2010-34 is the Marquardt/Parker introduction that is going to be introduced tonight. It's on the agenda for the first time. Is that the one you're suggesting not be rushed?

Ms. Butler replied, yes. That is the one that I would suggest that not be rushed. We don't really know the –

Mayor Rinker replied, you get no argument from me on that, but I don't vote.

Ms. Butler continued, one of the things that strikes me is I feel like our Village and our Council have gotten along well together. And I'm rather confused about how these outrageous amendments really are being presented. And I think to add, if you rush the process of that amendment, the Marquardt/Parker amendment, and put it on the ballot, I think it would heed more distrust and it's not good for the relationship between Council and the citizens to feel rushed on these big decisions. We have time to make big decisions. We can make them at the next election.

Finally, I hope before you endorse the amendments that were suggested by the committee, The Charter Review committee, that you will check to see if you are legally required to endorse them. I think you are legally required to put them on the ballot, but I don't think you are legally required to endorse them. I checked with a lawyer-friend of mine who's involved in city government and he said that the Ordinance committee and the Council are different legal entities and they do not necessarily have to follow in lock step. Thank you.

Council President Buckholtz thanked Ms. Butler.

Mr. Diemert asked, Mr. President, perhaps I should answer some of her questions.

Mr. Diemert stated, first of all, it was a shame you weren't here last Tuesday because there was a great deal of information, background, constitutional explanations, history explanations, as to why the Charter Review Commission has the authority it does. The voters of this community in the '70's adopted this Charter. It was a vote of the people adopting the requirement that the Charter Review Commission meet every five years, make recommendations and those must go on the ballot. So it's the voters who adopted that requirement. We can't unilaterally override them. This isn't meant to be a debate ma'am, I'm just responding to your questions [stated when Ms. Butler approached the podium]. So this isn't meant to be something that we can say to the Commission, well, some people don't like what you do, so we're going to overrule you and not allow you to put these on the ballot. That's contrary to our Constitution. We have to follow the law. We are a country of law, not of men. So we follow our laws.

Also, you have been misinformed. The Charter Review Commission had 7 out of 8 of their members. There was only one absent person when they made a vote on these recommendations, so at the time that they made this, the 7 who were there, there was one absent and it was unanimous, 7-0. These are all citizens. They are all voters. Many of them have been in this community a long long time. They

have been through a lot. They have served their job and they have done their sworn duty to make the recommendations that they thought were best for the community.

Council has to adopt those recommendations. They have to put it on the ballot. They're not endorsing it by doing so. They are doing their sworn duty to put them on the ballot as our Charter requires them to do. No one is really in collusion. No one is trying to do anything contrary to law. To suggest as the prior speaker did that maybe the voters aren't going to understand these amendments properly and make an intelligent decision on these amendments because maybe they won't look into them is really contradictory to what those who are speaking against these amendments are suggesting. To suggest that the voters aren't intelligent enough to make a good decision to adopt this Charter amendment or not is suggesting perhaps they aren't smart enough to make a zoning decision either. So, it's really contradictory when you suggest not letting the voters get these amendments and make a decision is really inappropriate. I think the voters should have the opportunity to make that decision.

Ms. Butler asked to speak again just briefly.

Council President Buckholtz replied, briefly please because I normally state it's 3-5 minutes and I've allowed you 10 and Brenda 10.

Ms. Butler stated, Thank you, Mr. Diemert for clarification about the number of people who were present and I'm sorry. I don't like to spread rumors and I really appreciate the clarification and I also am aware that you are legally bound to pass to put these on the ballot and I don't argue with that. I just was under the impression that the ballot would read, endorsed by the Council.

Mrs. Cinco replied, no.

Mr. Diemert stated, if you read the Ordinances, it clearly has the question there. It says nothing about Council endorsing it. The question is right there.

Ms. Butler replied, okay, thank you very much.

Council President Buckholtz asked, would anybody else like to address Council? Please step up and state your name and address for the record.

Donna Kless

Thornapple Drive

I do understand these things have been gone through a legal process and they do have to be on the ballot and I do understand it isn't going to be on the ballot that Council endorses this but I think we want our Councilpeople to understand very much how we feel about it and they do have an opportunity. It's not illegal in any way say, I think that's a good thing, you should vote for or, I don't think that's a good thing that you should vote for. I would like to see our Councilpeople stand up and make some decision on this. It would be very helpful to us who vote for our Councilpeople.

I have one other issue. I heard it from Mr. Diemert and from some other people when I have been around talking about this. I don't want people to tell me again I'm not taking away your right to vote. I'm not that unintelligent. I know. I can still go to a voting place and vote. But you're taking away my right to vote for an issue that's pretty important to me. Thank you.

Mr. Diemert stated, perhaps Mr. President we should understand also, this Council is prohibited from spending taxpayer dollars in support or against any ballot issue. So you need to understand that too. As you suggest they can't go out and publish –

Ms. Kless stated, you can't verbalize your thoughts.

Mr. Diemert replied, sure.

Council President Buckholtz stated, if I can speak to that for one second. Again, we are trying to limit this debate because the simplicity of this function is just to have three readings on this and move it along to the voters. As Mr. Diemert eloquently said at the last meeting, you're talking about your right to vote and the Charter says that the electorate at large gets a chance to vote on this. We're really not supposed to promote or not promote what you're suggesting we do. I don't know if you're addressing us as Councilpeople or citizens, but my suggestion is, the way to go about this is and we have said this on the gas well issue and some other things, you need to lobby support or anyone on this Council as a private citizen can lobby support or lobby people to vote for it or against it. So really, if you're asking me, up here I can't discuss that, but if you want to talk to me about how I feel about it, knock on my door or talk to your neighbors and that would be the appropriate thing. I don't know if I have made that clear on behalf of Council, but as private citizens, we can certainly have our own individual opinions and vote any way we want and talk to people. But as Council members, we are just doing what the Charter tells us to do.

Council President Buckholtz asked if there was anyone else wishing to address Council. Try to keep it to 3-5 minutes.

Richard Davis  
Hanover Road

I would like just one point of clarification relative to Mr. Diemert's comment about the Council not being able to endorse or speak against an issue that was on the ballot because we recently had a tax-related issue that was on the ballot and I believe if I'm remembering correctly that the Council and the Mayor came out in favor of people voting for that issue. I believe that's the same type of thing that people are suggesting here is that Council should make their feelings known perhaps individually as Council members or if you decide to do so as a Council, collectively as a Council relative to your opinion on this and I don't think that would violate, unless I'm mistaken, the sense of the legal line that the Council may not cross and I believe that's the sense of what's being suggested here and I think that, from my standpoint, would be beneficial to the residents of Mayfield Village as they address this issue on the ballot.

Mayor Rinker responded, if I can, just on the one point, we were very attentive and checked with legal counsel before we put up any poster for it. What we put on there was "vote", we didn't tell people how to vote in any publication that we made. I did write an article in the *VOV* explaining that this was something that was important and clearly I cast it in language that was promoting the rationale for it, but we were very attentive on how we used the taxpayer's dollars in any kind of advertising about the issue itself. It may seem like a subtle distinction, but we were careful not to say vote for and promote it. What I tried to do is promote the facts of it. I think it's still a question of whether the Council representatives feel that it's incumbent upon them individually to be able to comment and I think that was the rationale that underlay the ordinance that apparently is going to get a First Reading tonight that was suggesting a modification of what the Charter Review people had come up with, that there is a difference of opinion. So as a forum I think it's probably an appropriate location but in terms of what we were publishing, we tried to be very careful about that.

Mr. Davis continued, using the same approach, which stayed within the boundaries of what was acceptable, I would urge the Council members individually or collectively and the Mayor's office to express their opinions on this as well.

Mayor Rinker replied, I have. And what I've tried to explain to everyone is, and in fact when Charter Review had asked me my opinion about it, and I said this in our last meeting, as I look at it, it is more or less a rules change. We can work with it either way. We have done it either way. In fact, in an e-mail that I sent today in response to some e-mail dialogue with other people, referencing the *Shemo* case and referendum voting, I made a point of saying that in two prior instances in Mayfield Village, in fact to my knowledge it was the very first time that there was a referendum zoning issue in Mayfield Village, where voters exercised that vote, ultimately the Courts have struck down the outcome.

My focus has always been that the real issue in any zoning matter is the substantive issue. Process is always important, but people often will intertwine the process, the right of referendum as a mechanism and intertwine that with the viability of referendum as a superior way for people to vote. I think there are arguments to be made in both ways. We have utilized the referendum mechanism with mixed results. I am neutral on the issue. If people want to have referendum voting and keep it, and I frankly would suspect that most voters will react as many here the other night have reacted, they don't want to lose that opportunity to be able to weigh in on a particular issue. Typically people when they hear that there's a referendum right they want to be able to retain that right of referendum. But in terms of how that affects our decision-making on zoning, how we approach rezoning issues, it wouldn't change.

We've gone out in cases where we felt the rezoning made sense and we've promoted it. There've been other instances where people have approached the Village and I have indicated to them you're going to have to go through a referendum and this is an issue and unless you show us something differently, we're not going to be supportive. A lot of times those don't see the light of day.

So, for people who are proponents of the referendum mechanism, I can say anecdotally there are instances where our ability to say we have a referendum system, it can be a deterrent. But I'm not so

paranoid about it. I look at it as that the focus really is on the substantive issue and we have always tried to make sure that when we're dealing with zoning questions, this administration, and we've endeavored to work with the Council on the issue, we've tried to make sure that people understand what hangs in the balance and I think our track record shows that.

Council President Buckholtz was called out to the meeting due to a personal family matter he has to attend to. Council President Buckholtz asked that if he is not here to vote the Charter amendments to the Board of Elections, do we have enough people?

Mr. Diemert replied, it is Third Reading, so we do.

Council President Buckholtz apologized to everyone, but he has to leave. He has a family emergency. Council President Buckholtz advised that Council President Pro Tem Marrie will take over the meeting.

Jean Triner  
829 Hanover

First of all, thanks for letting us have the meeting last week and thanks very much for getting the Minutes from all of the 2010 Caucus and Council meetings up on the website very quickly after we brought it to your attention. That was very helpful.

I think part of what you're hearing tonight is because you were very good. You restrained yourself by not replying too much at the Town Hall meeting and so we didn't really get to hear from you. So I think that's part of the reason that we're taking this opportunity and we appreciate the opportunity.

Just a couple things. I am under the impression that the Minutes from the Charter Review Committee are not posted, but maybe I'm wrong. Are they posted on the website from the Charter Review Committee?

Mrs. Betsa confirmed that they are.

Mrs. Triner continued, okay, good. That's very helpful. I didn't hear what Linda heard, but I heard a variation that there were a number of people on that committee who were sick and not able to make a lot of the meetings, so, but I had the understanding they did show up to vote. Hopefully they understood what they were voting for.

Mayor Rinker replied, I do believe that if you go back through at least the few copies I have, typically there were 5-6 people, if there was one, maybe two absent. The meeting I attended, everyone was present. There were 7 people there. So, the impression I have had is that it was always well attended.

Mrs. Triner replied, that's great. That's good to know. I don't know if Linda wanted to clarify when she mentioned some outrageous amendments. I'm not sure she meant all of them. There's some very good ones, as Phil Stella mentioned last week about the change of the language, the he-she stuff.

I have a sense that, first of all, I appreciated the Marquardt/Parker amendments because I think that that stimulated some discussion. Not that I heard from Bill or Steve on that, but it got things out more in the open and so I think that was very helpful for them to have that amendment. I think some of the other ones seem to us maybe to be rushed, or that we were not informed because not having some of the Council meetings and Caucus meetings posted.

I just wanted to ask, kind of a related question. I am under the impression there's an awful lot of Mayfield Village-owned property including that 15 acres that I guess Progressive was going to use, thought about using on SOM north of Wilson Mills. There's a huge amount that the Village owns there that we have bought a lot of houses and I'm not sure where to find information about what we own, what's going to be done. I know there's a 2003 2020 Plan, but I'm not sure if that's totally up to date or if the updates are there. We are just not clear on what the Village has planned for all of the land or how much land we really own. I can't speak to that.

Going in reverse order, Mayor Rinker stated I'm not sure why you wouldn't know how much we've owned because we've published that. It was in the *VOV* two issues ago where it talked about the total number of acreage. There was a full sheet.

Mrs. Triner stated, that's good, we are all so busy, working or -

Mayor Rinker stated, with all due respect, I have heard that line probably one time too many. You're talking to the wrong person about being busy. But I appreciate the fact that not everybody is going to be able to look at records. Historically, as a community we've kept record of just about everything we do. By law we have to. We have always tried to make it clear to folks that if they contact us we can copy that. I know that Mrs. Betsa's done that over the years. We all have done that.

Mrs. Triner replied, she's great.

Mayor Rinker stated, well, good, I'm glad you agree because they've always been diligent. I think last time I took to heart because it was a legitimate concern that we didn't have Minutes posted. We really did try to rectify that as best we could. We are getting better in terms of what we can make available on the web. On the other hand we have a lot of feedback from people that say they don't use the computer, they're not computer literate, so we do have a lot of different ways that we've tried to make it available. I think a lot of times people just don't particularly know. We don't try to discourage it. It's just a lot of times the day-to-day stuff just escapes a lot of us.

I understand that when people say they're busy, that I fully understand and we appreciate it. But we have tried over the years to show people that the lands that the Village has acquired has been to aggregate for park purposes. A lot of it is for infrastructure, stormwater areas, streams, for example, the Parkledge property that is north of Fisher's Tavern. That was the property that was rezoned that was a referendum issue. It had gone through a pretty long process for about two years between

Planning and Zoning and Council. Voters approved that change. The market struck in the middle of that development, so it's been stalled. You notice the townhomes that are just north of Fisher's Tavern. The Village purchased adjacent to it the streamlands to the south, roughly a 4 ½-5 acre site.

A lot of the property that the Village has purchased, the wetlands, we acquired that at the time that Progressive built its north Campus. The lands in front of Progressive, south of Progressive, most of the frontage on the west side of SOM Center Road the Village has acquired because it's either undeveloped or it's residentially predominantly or we could assemble it for our parklands.

So I would say by far and away most of the property that we've owned we have purchased for either passive or active open space areas. The park next to you, the 10-acre area, is another example of that. We acquired that from the County. That was one of the first large acquisitions we made.

The property, and you said 15 acres, I think it's more like 55 that Progressive purchased from The Goldberg Companies, that's the chunk of land that's immediately north of the houses on Highland Road, in their backyards. We ended up using eminent domain and it's the only time we've acquired a full property by way of eminent domain, the Costanzo property where the old kind of horse barn structure is located. We acquired that at the time for a two-fold purpose. To expand parklands and to promote the economic development that we were told was coming in for Campus 3. As everyone now knows, Campus 3 is not going in. We still own that parcel of land, most of it. It's about right around 7 acres. It's a split-zoned rectangular piece of property.

We own a number of other properties in the area around the Beecher's Brook across from Fisher's Tavern, again to acquire parkland area. In places where there are older houses, we have acquired properties because we are looking for improvements like Raleigh Drive. We purchased a double lot that had a house. We tore that house down in order to create a relocated Raleigh Drive. I think everyone has seen that. We created really a pocket part right there, that "S" curve across from Beta. We've acquired the property immediately next door and the people who live there will reside there as long as time will let them and at some point the Village will likely tear that property down so that we have more balanced greenspace around that intersection.

For the most part, the properties we have acquired have either been related to some type of infrastructure improvement along our greenway area for our parklands or areas that are strategic. The property that you are in tonight was one where unbeknownst to us the Church had decided to move out. We knew that this was a property that would become commercially zoned. It was done so at the time that we had all those drugstore wars and we knew Walgreen's or somebody else was going to want to acquire it and we purchased this property for that purpose. So I think when you look through, it's roughly 150 plus acres altogether, the properties that we have owned, we have utilized largely for either zoning control, overall land use for infrastructure, stormwater management, or for park systems.

Mrs. Triner stated, which is very helpful. Thank you and I don't know if there is anything that does say like you were talking about with the 7 or 8 acres that, whether there's any plan for that.

Mayor Rinker replied, the one plan that we do have is we've had discussions with the County Library and we've indicated to them that if they want to relocate there because they've been looking at a new site for quite some time, that they would be able to do that on the front portion of that property. We probably still have to resolve the Development Agreement we originally had with Progressive vis-à-vis that potential. But that's still in the early stages. We're not exactly sure what the ending lot split would be for that and when that process goes through there would be a full disclosure with a Development Agreement. Council ultimately would have to make decisions about how a lot split and consolidation would take place.

Mrs. Triner replied, everybody that I talked to about this whole topic says your plan is to do the greenspace and your plan is to keep it a residential area and not turn it into a Solon or to a Mayfield Heights. They love it. I think Ray Koren made the point at the Town Hall meeting –

Mayor Rinker stated, let me interject, it's not where we're going to do it. That's what we've been doing and we intend to do that.

Mrs. Triner replied, okay, great. Thanks.

Mayor Rinker added, that's the whole greenway concept.

Mrs. Triner replied, I think the point that Ray Koren made or somebody made at the Town Hall meeting was maybe this Council is so conscientious about trying to retain the residential greenspace. If we vote for this, a couple of things are so disturbing to us, we vote for those and it's a different Council, we've given up our say on this. They may not share the same vision that you share. So that's why we're so concerned and so opposed to these.

Mayor Rinker replied, we understand that. Again, that's why as we answered last week, it was the reason we scheduled the public hearing because we felt that the earlier people are aware from the point that it was announced officially from the Commission that this would be something the voters would need to address and we fully expect that. You mentioned the other night whether or not if you got a petition if we would be able to advertise that in some way and I said within certain reason depending on how the verbiage is of that because we want to be careful. We certainly will publish that. We try to be the forum. We try to be a means of communicating that and obviously the whole idea of a referendum is it gives people an opportunity to act on a matter of municipal importance. They get their vote and they get to talk about it leading up to the vote.

Mrs. Triner replied, that's great. The person who asked about the petition, I'm not sure exactly what they had in mind. It sounds like if they wanted to pursue it, they would probably want to check the wording with you beforehand to make sure it would be something you can publish.

Mayor Rinker replied, it would make sense from a standpoint that we would probably defer to the Law Director as far as the content, the way it's phrased more or less, more style than anything else. But substantively understand that that's something and if people take the time and they go out and they petition, not only would we want to be able to publish that, we would want to encourage people.

The more the debate is healthy and engaged, I think everyone would agree. At times it gets a little dicey, but we recognize that goes with the territory.

Mrs. Triner continued, I know I've extended my time. A couple of people said they would give me theirs, so, just one last question for Mr. Diemert. It's just so puzzling to me. Mr. Diemert, I was looking at your July 16<sup>th</sup> letter and I'm not an attorney, I just want it clarified. It just struck me that it says on here about whether you have to, whether you can modify or defeat a proposed charter ordinance recommended by the Charter Review Committee. It said you've researched it and "unfortunately have not found any authority directly on that point". You went on to say some other things and then you said this is your opinion and you advised that the role of this Council be administrative, so I guess, I am still trying to reconcile that with your answer at the Town Hall.

Mr. Diemert replied, I will put it in one sentence. The Charter says that Council shall transfer the recommendations to the ballot for the voters to consider. The Charter says that. I researched any cases that might have interpreted that differently. There are none. Therefore we have to look at the written language. It's black and white.

Mrs. Triner thanked Mr. Diemert for his time.

Council President Pro Tem thanked Jean and the Mayor. Are there any other speakers?

Sue Longville  
Derby Drive

I am just wondering. There's a 2020 Vision Committee or something to that effect. Where can I find a copy of what is planned for the center of town, because I know that there used to be a big drawing?

Mayor Rinker replied, it's in my closet in my office right now. That big poster. We had it out here on the wall for several months. It's posted on the web. It has been for at least five years.

Ms. Longville's big concern is obviously where I live. There's a lot of vacancies on the north side of Wilson Mills and there's plans for –

Mayor Rinker stated, you mean the south side, your backyard?

Ms. Longville clarified, vacancies on the north side of Wilson Mills. If you are on the same side of the street as Beta. There's vacancies there.

Mayor Rinker asked, you mean commercial properties?

Ms. Longville replied, commercial, yes.

Mr. Marrelli replied, there are one or two little offices maybe in the building.

Ms. Longville stated, the vacancies on Wilson Mills now. I just wanted a place to check.

Mr. Marrelli stated, there are two offices.

Ms. Longville stated, yes, there's office building vacancies. I just wanted to check and see what exactly was planned for my side of the street which is right now residential. I'm just trying to figure out.

Mayor Rinker replied, it stays residential. One of the things that we had started, we acquired a couple of properties as they became available because we wanted to expand the greenspace. One of the things that I had pointed out a couple times to residents in the Aintree Park area was as we expected, if there were growth in the Beta Park area, between traffic and the overall change that we would look to creating more of a buffer there because those are narrow lots. They are not very deep, but we have not been at all aggressive. We've rarely been aggressive about acquiring properties. We have tried to do everything at arm's length. It's not always easy to assemble those plus they start getting to cost a little bit of money, so we have only acquired I think in all about three properties in and around that area. But our goal is to fortify the existing residential zoning on the south side of the street. That's another reason why we redid the street as you know there with the park-like setting. I think that that has been an amenity and an enhancement both from traffic pattern and also from an aesthetic and that's really our overall game plan within reason as far as the costs go.

Ms. Longville stated, when I saw the house come down next to this building, I just wondered if there was something else going on.

Mayor Rinker stated, we were a little embarrassed at the state of disrepair. I think if someone were to come along and say that the parsonage was a blighted property, we'd have no argument against it and that's why we tore it down. We have another property that's up on SOM across from Fisher's, an older house there, and we're intending to take that down as well so that we just restore it to greenspace.

Ms. Longville stated, it looks better than the properties next to it, but anyway, thank you.

Council President Pro Tem Marrie thanked Ms. Longville. Since that's all that wish to speak, we will move on with the meeting.

#### **CONSIDERATION OF MINUTES:**

#### **Regular Council Meeting -- July 19, 2010**

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

**Public Hearing – August 10, 2010**

Mrs. Cinco, seconded by Mrs. Mills, 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.

**COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:**

There were no comments.

**DEPARTMENT HEAD REPORTS:**

**SERVICE – Douglas Metzung**

Mr. Metzung reported that we have begun using a new product. It's called geoblock. It goes underneath the grass areas to help stabilize pavement. We used it on the back of a cul de sac in the Worton Park area where the rubbish trucks have been tearing that up for years. Much to our delight as we finished the project, the rubbish men came down and drove over it and there was no damage. We are looking forward to using this product more. We have a resident here this evening that is going to be a real candidate to use it some more. It looks like we will be using it in several areas of the Village where we have continuous problems throughout the Village. It looks like a great little product. We have also been out patching our roadways to try to level them off.

Tonight on our agenda we will be having the first of our many road projects coming up in the future and I will tell you that we will be very happy to give up that job of going out and patching the streets. The first area that will be done will be a quick overlay in the Worton Park area and then we hope to move into the Aintree Park neighborhood next year and we will follow those up with Kenwood and Aintree North.

Mayor Rinker asked, over what period of time in all?

Mr. Metzung replied, it will be in the next three to four years.

**BUILDING – John Marrelli**

There was no report.

**ENGINEERING – Tom Cappello**

Providing an update on Wilson Mills, Mr. Cappello reported that they are progressing fairly well. They will be setting the box culverts on Wednesday hopefully, if not Thursday. Hopefully by the end of next week they should have the north side of that road paved and getting ready to do the second half.

**LEGAL DEPARTMENT – Mr. Diemert**

There was no report.

**FIRE – Chief Mohr**

Chief Mohr reported that the State will be doing work on our tower at the Fire Station Wednesday, Thursday and Friday. They're going to be installing new antennas and cabling. So there will be workers on the top. If anyone looks over there, they are doing preventative maintenance and upgrades to the system.

Secondly, we received notification today that our Fire Communication Grant of 2008 had a surplus of funds. The government is going to allow us to apply those funds towards public safety and education materials along with the other communities that partner so we will be having some dialogue with the other communities on purchasing fire protection materials and distribute them to those other cities as well as our own community.

**FINANCE – Ron Wynne**

Mr. Wynne reported that tomorrow we are going to market to sell and price our \$3.4 million worth of Notes, the proceeds of which will be used to pay down the \$3.6 million that is due on September 2<sup>nd</sup>.

Our 2009 audit with the State has been completed. I will be meeting with the Regional Manager on Wednesday to go over what those findings were before we meet with the Council Committee that will review the audit results.

The final item is our dental plan which expires at the end of this month. We have worked with our insurance broker. We have gotten six quotes. The quotes we have gotten reflect savings of anywhere from 13-24% compared to what we are currently paying. We have gone back to our current provider to see if they want to continue to keep our business, what they need to do. We should have a decision on that towards the end of this week.

**POLICE – Chief Dearden**

Chief Dearden reported that the police facility again continues to be on course for a mid-September completion and is still within the construction budget. Secondly, as Tom mentioned, with regard to the Wilson Mills project, we have been able to accommodate traffic by having

officers running the traffic signals during the rush hours. At least for the time that we've been out there, we haven't received any complaints from individuals that there have been any excessive problems. I am happy to report that I think that it is working out pretty well.

Council President Pro Tem Marrie complimented Chief Dearden. The officers are handling it well. It is really running smooth, even on rush hour which is almost unbelievable before this started.

Mayor Rinker agreed. It definitely made a difference.

### **PARKS & RECREATION – Bill Thomas**

Mr. Thomas wanted to make sure all of our residents received their Fall *Parks and Recreation* brochure in the mail. We received it last week. Also, as a reminder, Parkview Pool will close for the season this Sunday. All our pass holders will be able to use for the next two weekends, Highland Heights pool and Dragga pool in Mayfield Heights. That will be for our pool pass holders. There is an information sheet that will be available at the pool which gives you all the hours and the days that they are open.

### **ARCHITECT – Ron Dinardo**

There was no report.

### **HUMAN SERVICES – Eunice Kalina**

Mrs. Kalina reported that we will be sending out, pending approval of Council to go out for bid, for snow removal. We are planning to do that program again this year. We have drafted a letter to go to the residents. Along with that we will be sending a survey regarding senior transportation. Mr. Wynne and I met with Senior Transportation Connection last week and we would like very much to go ahead with that program. We still have some fine-tuning to do. That will be brought to Council for approval.

### **PLANNING DEVELOPMENT DEPARTMENT – Ted Esborn**

Mr. Esborn reported that the Planning Development Department added a new page to its section of the website today. This page lists commercial availabilities in the Village, available commercial space, listed by square feet and type of square feet, so office or warehouse. We worked with commercial property owners to get this information. We did it for two reasons. First of all to advertise those spaces to interested businesses but also to inform our residents about what is and what is not vacant, just like it came up tonight whether space was vacant or not. We intend to inform residents about that. That being said, as of today, it's only Beta Drive. It doesn't include that stretch of Wilson Mills, but we will get that accounted for soon.

## **STANDING COMMITTEE REPORTS:**

**Activities Committee** – Mrs. Mills reported that last Thursday night, in conjunction with the Cuyahoga Regional Library, they had their ice cream social and it was very well attended in spite of the heat. Friends of the Library sold ice cream. Mrs. Mills hopes they did well with that. We have one more band concert coming up. Our next meeting, for those in the audience who would be interested in joining us, is September 14<sup>th</sup> at 6:45 here in this room. We will be discussing things that will be happening in the wintertime at that time. So if you would like to join us, come and become one of the members of the Committee. We need you.

**Architectural Review Board** – Mr. Marrelli reported that the Architectural Review Board met last Thursday. We had two applicants, two homeowners, one on Wilson Mills that's putting an addition on the rear of his house and one homeowner on Highland who is going to be doubling the size of his house. Things are looking up.

**Beautification Committee** - There was no meeting. The next meeting for Beautification is August 31<sup>st</sup>.

**Board of Appeals** – There was no meeting. There is no report.

**Cemetery** – Mrs. Mills reported that Mayfield Village Garden Club continues to do plant maintenance in the cemetery with the help of one paid member acting as a sexton.

**Citizen's Advisory** – There was no meeting. There is no report.

**Commission on Aging** – There was no meeting. There is no report.

**Safety and Service** – Mrs. Cinco reported that Safety and Service met on Monday, August 2<sup>nd</sup>. At that time, we discussed street lighting assessments, the street striping bid results, Senior Snow Plow Program, the repair of the traffic signal at Wilson Mills and Lander Road and the snowplow for the Fire Department. All of those items are on the agenda tonight and have been before Finance.

**Finance Committee** – Mr. Saponaro reported that the Finance Committee met last Monday for the Finance Caucus and then met this evening for our Finance Council meeting. On the agenda were 11 expenditures that were approved and four Ordinances and Resolutions that were also discussed and approved. Again, these are items that start out at our Council Caucus meeting. They then get referred to our Finance Caucus meeting. Discussions are had at both. Then they come back to the Finance Council meeting and are discussed again, any changes that may occur. Then they come back before Council for final approval or disapproval.

**Historical Society** – Mrs. Mills invited everyone in the audience to come to the ice cream social on September 8<sup>th</sup>, that's the second Wednesday in the month, at 6:30. It's \$3.00 for ice cream, homemade cookies and a tour of the Bennett Van Curren house. Another thing Mrs. Mills would

like to tell you is we are having a Quilt Show here October 9<sup>th</sup> and 10<sup>th</sup> in this room and everyone is invited to attend that too.

**Hillcrest Council of Councils** – There was no report.

**M.A.R.C.** – Mr. Thomas reported that there was no meeting in August but there will be a meeting scheduled on Thursday, September 2<sup>nd</sup> at 7:00 p.m. at the Board office.

**Ordinance Review Committee** – There was no meeting. There is no report.

**Planning and Zoning** – There was no meeting. There is no report.

**Recreation Board** - Mr. Marrie reported that the Recreation Board did not meet. They will be meeting on September 15<sup>th</sup> at 7:00 p.m.

#### **SPECIAL COMMITTEE REPORTS:**

**Information & Technology** – There was nothing to report.

**Records Commission** – Mrs. Mills reported that we will be meeting on September 1<sup>st</sup> at 12:30 in this room. A gentle reminder to start saving your things to be shred because October 16<sup>th</sup> from 9:00-12:00 here in the parking lot will be our Shred Day.

#### **OLD BUSINESS**

**Third Reading of Ordinance No. 2010-22**, entitled, “An Ordinance proposing an amendment to the Charter of Mayfield Village to correct and clarify certain definitions and grammatical irregularities and to establish gender neutral content throughout.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010; Second Reading – July 19, 2010).

Mr. Saponaro, seconded by Mrs. Cinco, made a motion to enact Ordinance No. 2010-22.

Council President Pro Tem Marrie asked if there was any discussion. There was none.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Ordinance Enacted

**Third Reading of Ordinance No. 2010-23**, entitled, “An Ordinance proposing an amendment to Article III, Section 8 of the Charter of Mayfield Village pertaining to the procedure in the event of vacancies in Council.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – June 21, 2010, Second Reading – July 19, 2010)

Mr. Saponaro, seconded by Mrs. Mills, made a motion to enact Ordinance No. 2010-23.





- **Motion to accept bid of Best Truck Equipment in the amount of \$3,645.00 for snow plow for the 2009 F-250 Crew Cab Fire Department pick-up truck.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to accept bid of Best Truck Equipment in the amount of \$3,645.00 for snow plow for the 2009 F-250 Crew Cab Fire Department pick-up truck.

Council President Pro Tem Marrie asked if there was any discussion. There was none,

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

- **Motion to accept bid of Pavement Technology, Inc. in the amount of \$21,350.00 for 2010 asphalt street rejuvenation program.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to accept bid of Pavement Technology, Inc. in the amount of \$21,350.00 for 2010 asphalt street rejuvenation program.

Council President Pro Tem Marrie asked Mr. Metzung to comment on this item.

Mr. Metzung reported that this is an oil product that is put down on our asphalt roadways to help bring the flexibility back into the asphalt. It has been proven to extend the life of the asphalt over time. It's the first maintenance step we take on an asphalt roadway.

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

- **Motion to accept bid of Specialized Construction, Inc. in an amount not to exceed \$149,050 for 2010 asphalt street maintenance program.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to accept bid of Specialized Construction, Inc. in an amount not to exceed \$149,050 for 2010 asphalt street maintenance program.

Council President Pro Tem Marrie asked Mr. Metzung to comment on this item.

Mr. Metzung reported that this is a chip seal program that we have used in the past. This would be a second step in an asphalt maintenance program that we use once the asphalt has become deteriorated on the roadway to the point where a rejuvenator won't help it. We come in and do a chip seal program. The one comment I will have regarding this program is the Service Department had hoped to go in and do the grinding and repairing of the asphalt base. We were unable to secure the coal plainer that is needed to use for that, so the Add Alternate A on your

bid sheets is that number, the \$34,000, so the gentlemen can come in and do that work. But otherwise, it's a great bid. It's under our estimate. We are very excited.

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

- **Motion to authorize expenditure in the amount of \$5,280 to Cuyahoga Valley Scenic Railroad for Polar Express Trips on December 2<sup>nd</sup> and December 9<sup>th</sup> (pass-through).**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$5,280 to Cuyahoga Valley Scenic Railroad for Polar Express Trips on December 2<sup>nd</sup> and December 9<sup>th</sup> (pass-through).

Council President Pro Tem Marrie asked if there was any discussion.

Mr. Thomas mentioned that we are one of the few Recreation Departments in Northeast Ohio that Cuyahoga Valley allows us to secure coaches. There are 80 seats to a coach. We have two coaches. This is the first time in four or five years of even working with them that we actually have dates now in December. We try to get them closer to the holidays. It's always been in November, so I am really happy that we could get that because that certainly will increase the chance of snow.

Council President Pro Tem Marrie stated, for those not familiar with the term pass-through, this means that the people are paying for their way. This is costing the Village nothing. It's just a trade-off.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Expenditure Authorized

- **Motion to authorize advertisement for bids for the senior snow removal service for the 2010-2011 season.**

Mrs. Cinco, seconded by Mrs. Mills, made a motion to authorize advertisement for bids for the senior snow removal service for the 2010-2011 season.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Bidding Authorized

- **Motion to authorize expenditure in the amount not to exceed \$10,000 for purchases of appliances for the new police facility.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount not to exceed \$10,000 for purchases of appliances for the new police facility.

Council President Pro Tem Marrie asked Chief Dearden to report on this item.

Chief Dearden stated that as he mentioned in his memo, he apologizes for the late presentation of this purchase order. He really anticipated with bits and pieces purchasing different items that we have all known are going to have to go into the new facility. We feel more comfortable that we will get a better price out of some of these multi-purpose stores if we go in and offer to purchase all of the items that we are going to need at one time. We anticipate certainly going to a local store like Best Buy and HH Gregg to see what they are willing to do for us. It is of course part of the FF&E budget that was established at the time that the bonds were sold and the construction price was set. Again, I apologize for the tardiness. As long as Panzica's been so gracious about being on schedule, I guess it just seems fitting that we provide for these items sooner rather than later.

Mayor Rinker asked, and we're looking for a grand opening?

Chief Dearden replied, I'm not going to commit to the grand opening only because of the infrastructure systems that are going to be the most critical, phones and radio communications, and I can't at this time say to any degree of certainty as to when those pieces will be completed and functioning properly.

Mayor Rinker replied, I will keep asking.

Council President Pro Tem Marrie stated to Chief Dearden, I don't think an apology is necessary. These are things that are added as the building goes on and there will be more. But as you pointed out, it's all in the original budget that was passed and the bonds were sold, so it's all part of that, just one at a time.

Mr. Saponaro stated, as a part of our discussion in Finance, this is something that could have been through a blanket p.o. at the beginning of the project and instead we wanted to look at the expenditures and make sure that they were set forth individually, so again, it's nothing that's outside of the expected budget.

Roll Call:      AYES: All  
                     NAYS: None

Motion Carried  
Expenditure Approved

**Motion to authorize expenditure in the amount of \$6,898.00 to B&C Communications for the purchase of additional radio equipment.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$6,898.00 to B&C Communications for the purchase of additional radio equipment.

Council President Pro Tem Marrie asked if there was any discussion.

Chief Mohr reported that as Chief Dearden alluded to, this is part of the communication package that's coming into the communication center. This allows the Fire Department to use fiber optics to talk over the radio system. This also allows, the current dispatch console is right across the street in the old city hall building with the antenna that they are using directly behind it so there's direct access to the antennas. The new building is a distance from the Fire Station antenna which is behind the Fire Station. Using fiber optics, when she presses the microphone equipment, the radio voice is converted to light and then converted back to radio link over to our facility. This is equipment that allows us to talk on the radio bands, allows the police department to talk on the radio bands. The second item is the siren that we use for weather warning at this time. Currently they have a button in the event that there would be a natural disaster or a hazmat situation. They press the button and the siren goes off. This is to allow the siren to be activated via radio remote. The third thing is also a radio system that would allow the firefighters to be alerted. We currently use our own system. This will give us insurance points and improve our response in the event that the phone system ever went down. This allows us to use the radio system.

Roll Call: AYES: All  
NAYS: None

Motion Carried  
Expenditure Authorized

**Motion to acknowledge receipt of the financial reports for July, 2010 and to approve of same as submitted.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to acknowledge receipt of the financial reports for July, 2010 and to approve of same as submitted.

Roll Call: AYES: All  
NAYS: None

Motion Carried  
Financial Reports for July 2010  
Acknowledged and Approved  
As Submitted

- **First Reading of Ordinance No. 2010-32**, entitled, "An emergency ordinance amending Chapter 1321, Residential Code of Ohio for one, two and three family dwellings to include Section 1321.02 – requirements and deadlines and Section 1321.99 – Penalty." Introduced by Mayor Rinker and Council as a Whole.

This Ordinance will be left on First Read.

- **First Reading of Ordinance No. 2010-33**, entitled, "An emergency ordinance enacting Chapter 1389 "Rain Barrel Systems" and to amend a portion of Chapter 1309 to include a fee for rain barrel systems in Village." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills stated we need a motion to suspend because we have that workshop coming up in August at the end of the month.

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. Saponaro made a motion to enact Ordinance No. 2010-33.

Council President Pro Tem Marrie asked if there was any discussion.

Mr. Marrelli stated, in an effort to be green and politically correct, we are getting in front of the rain barrel by writing a rain barrel ordinance. There's going to be restrictions and rules and regulations as to how rain barrels will be utilized in a residential area. They are not all that complicated, but it's just to make sure that they don't show up in whatever colors and shapes and sizes in front yards and things so that we don't make everybody crazy, so we're trying to get a grip on it. There's a workshop in a couple weeks by the Euclid Creek Watershed representatives. I would like to have these rules in place before everybody comes in and buys rainbarrels and throws them all over town.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Ordinance Enacted

- **First Reading of Ordinance No. 2010-34**, entitled, "An ordinance proposing an amendment to Article III, Sections 12 and 13 of the Charter of Mayfield Village to determine when zoning and land use changes may or shall be submitted to the electorate." Introduced by Mr. Marquardt and Dr. Parker.

This Ordinance will be left on First Read.

- **First Reading of Ordinance No. 2010-35**, entitled, "An emergency ordinance repealing in its entirety current Chapter 1125 – Flood Hazard Areas and enacting new Chapter 1125 – Special Purpose Flood Damage Reduction." Introduced by Mayor Rinker and Council as a Whole.

Mr. Saponaro asked Mr. Cappello if this can stay on First Read.

Mr. Cappello replied, This needs to be passed tonight.

Mr. Saponaro, 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  
                  NAYS: None

Motion Carried  
Rules Suspended

Mrs. Mills, seconded by Mr. Saponaro, made a motion to enact Ordinance No. 2010-35.

Council President Pro Tem Marrie asked if there was any discussion.

Mr. Cappello reported that this is a requirement from FEMA to update the flood ordinance. We have until December 3<sup>rd</sup> to get this through their regulatory process. That's why there is a need for the emergency passage tonight. If you have any other questions, let me know.

Mr. Saponaro stated this has gone through the Ordinance Review Committee. We have looked at that.

Mr. Cappello stated, it's been approved. Basically, it's their model ordinance. We have looked at it from our perspective and approved it.

ROLL CALL: AYES: All	Motion Carried
NAYS: None	Ordinance Enacted

- **First Reading of Resolution No. 2010-07**, entitled, "An emergency resolution authorizing the Mayor and the Director of Finance to file an application with the Northeast Ohio Areawide Coordinating Agency ("NOACA") for funds through the Transportation Enhancement Grant Program." Introduced by Mayor Rinker and Council as a Whole.

Mrs. Mills, seconded by Mr. Saponaro, made a motion to adopt Resolution No. 2010-07.

Mayor Rinker reported that this is for the Greenway.

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

- **First Reading of Resolution No. 2010-08**, entitled, "An emergency resolution declaring the necessity for providing for the pavement of street lighting and the improvement or installation or additional lighting by special assessment of all parcels benefitted." Introduced by Mayor Rinker and Council as a Whole.

Mr. Saponaro, seconded by Mrs. Mills, made a motion to suspend.

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

Council President Pro Tem Marrie asked if there was any discussion.

Mr. Wynne reported that we have had on the real estate tax bills an assessment to all of the parcels for street lighting. Every two years it gets reviewed by us to determine whether we are undercharging or overcharging the residents. We submit it to the County. There's no increase but it does need to be renewed and resubmitted to the County in the beginning of September.

Mr. Saponaro, seconded by Mrs. Cinco, made a motion to pass Resolution No. 2010-08.

ROLL CALL: AYES: All  
NAYS: None

Motion Carried  
Resolution Adopted

- **First Reading of Resolution No. 2010-09**, entitled, "An emergency resolution authorizing Finance Director Ronald Wynne to enter into an agreement with Mary Taylor, CPA, Auditor of State to conduct an audit of the Village's basic financial statements as of and for the year ending December 31, 2009." Introduced by Mayor Rinker and Council as a Whole.

Mr. Saponaro, seconded by Mrs. Mills, made a motion to suspend.

ROLL CALL: AYES: All  
NAYS: None

Motion Carried  
Resolution Suspended

#### **ANY OTHER MATTERS:**

Mrs. Kalina mentioned that she has copies of the proposed survey that we are going to send out on transportation if Council members would like to see it. Mr. Saponaro asked that Mrs. Kalina make sure that is distributed to Council.

Mrs. Mills asked Mrs. Kalina to talk to everyone about the flu shot program.

Mrs. Kalina reported that we have a flu shot program coming up in October. It is in our newsletter.

Mr. Metzger mentioned that we are beginning to install our new phone system. Service Department phones went down for a couple of days. We needed to get some parts. The parts were basically unavailable for the old phone systems. The County came in and made some adjustments, got us hooked up to the new system, so we are actually running through County phones today. They saved us a couple thousand dollars.

Mrs. Eisenberg asked to address Council.

Marge Eisenberg  
Seneca Road

Ron, I heard you say something about the lights. We have one light on Seneca that I have and several other people here have paid for for years. Are you saying you are going to reduce our taxes because of it or are you going to give us another light or what?

Mr. Wynne replied, no.

Mrs. Cinco stated, I have no lights. I am paying for your lights.

Mrs. Eisenberg stated, I have a light. I paid for the light.

Mr. Wynne replied, it's for street lighting for the entire Village. Every business, every resident is assessed. It is four one-hundredths of a percent of the property value as an assessment to help pay for the maintenance of the lighting and electricity of the Village.

Mrs. Eisenberg asked, so we are all paying for the lights whether you have a light or not.

Mr. Wynne replied, yes, that's correct.

Mrs. Eisenberg asked, now the other thing. Would you please straighten out the rainbarrels so that everybody understands something about these rainbarrels? What about the water that goes to the front?

Mrs. Mills replied, there will be a workshop on that.

Council President Pro Tem Marrie stated, they are not mandatory.

Mr. Saponaro stated, if people want to put them in, we have to have an ordinance in place so that, you don't want them in the front of the house and you don't want one with a smiley face on it, you want to make sure that they are being regulated properly. But there's no mandatory installation of rainbarrels. But there's folks, if someone wants them, this is what you will need to follow. On August 25<sup>th</sup>, there is a rainbarrel workshop here in Mayfield Village. That will provide you with more information, but there's nothing mandatory.

Mrs. Eisenberg stated, thank you very much.

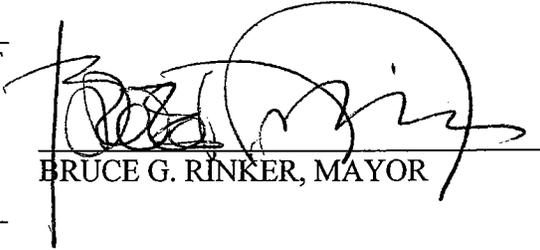
## ADJOURNMENT

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

The meeting adjourned at approximately 9:30 p.m. The next Council meeting is scheduled for Monday, September 20, 2010 at 8:00 p.m.



WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT



BRUCE G. RINKER, MAYOR



MARY E. BETSA, CLERK OF COUNCIL