

MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, September 20, 2010 – 8:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met in regular session on Monday, September 20, 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, Dr. Parker and Mr. Saponaro

Absent: None

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.

Brenda Bodnar
Bonnevieu Road

I just have a couple of quick things I would like to bring up and maybe you can address these throughout the meeting at some point.

With respect to the Library, are we going to be able to see the deal it is or take a look at the parameters of the exact deal that we are going to enter into with the Library before we go ahead and do that?

Secondly, the issue I have is with the Village finances. I would like to know if we considered any sort of efficiency audit or cost-cutting audit or budget audit to see if there are areas where we can save money in the Village. I know we are in debt and we're working out paying down that debt. I was wondering if anything like that was going on. Thank you.

Marge Eisenberg
Seneca Drive

Typically when a government entity decides to dispose of surplus land, they put it up for bid. That way you get the best price for the land. My question to you is how can you just give this land away? I would like that addressed.

Linda Butler
817 Hanover Road
Gates Mills, Ohio

Thank you for having this section of the meeting. In reading the materials that went out to the Council today or whenever they went out, I read them today, I was particularly concerned about in the pink pages Section E and Section C. Given the fact that the Village is getting a dollar for this property, and given the fact that the piece of land has a substantial and fairly high quality wetland on it, I am very concerned that the Village is essentially saying that prior to closing, Seller will be the sole owner of the property free and clear of liens, claims, encumbrances and restrictive environmental covenants.

Having been through the process with the wetlands that the Village established about 12 years ago or whatever it is, I am very aware, keenly aware of how many restrictions are involved with dealing with wetland and I believe the law has changed in the last 12 years, but I don't know the specifics of it, but I remember that we had to carefully cut down trees that were habitats for bats. We had to hire a very sophisticated firm that knew how to deal with mitigating wetlands and that was quite expensive and then the mitigation had to happen where the water was diverted and as I read this agreement, there's no mention of a wetland anywhere in this contract and I would, if I were in the Council's shoes, I would make an exception for the wetland that the Library has chosen a piece of land that has a wetland on it and the city should not bear any of the responsibility for evaluating how the Library is going to deal with the problems related to the wetlands. Thank you.

Council President Buckholtz thanked Ms. Butler. At this point we want to entertain more comments. Are there more comments from the audience?

Dr. Price
Superintendent, Mayfield City School District

I know that the Council is considering the concept of the Library. From the school's point of view, I would like you to know that a new facility is an enhancement for us as far as the County Library.

It does two things, number one, if the Library vacates the current building and goes to a new location, that allows us as a School District to utilize that building. That's a real plus. As we look down the road toward what the State may require in the area of preschool education and also other programs that can be put into that facility, that would be useful to us.

The other thing I wanted to stress that I believe it is extremely important to keep a County library facility within this community. I can't tell you how important it is, especially as I talk to young

families and really even preschool families. Literacy, the ability to read really starts before school and when you see the excitement of a parent and children going to the library for the first time, one of the things that was amazing to me is they can take out 50 books. Kids can. And it's really exciting and that whole habit of a family reading and a child reading, the further that facility is away, the harder it is for them to go and so it's, as I talk to especially kindergarten, first and second grade families, they talk about that preschool experience, literacy experience at the Library and then of course the life-long learning.

I would also tell you that no matter what people say about, well you can get everything from the internet and you really don't need the Library anymore, what students find out is they actually need it more. If you have what I would call an enhanced facility, where there was more space for students to do research, they would really utilize it more. One of the, I don't want to say complaints, challenges for high school and middle school students is that if you go to the Library right now, it's pretty packed. I will go up there at night. It's very tight. So a new facility where things are spread out would mean, I believe, that more students would come. What you have to realize is that after school's out, the student can't come back up to the high school library. If they want to study in the evening and, let's say there's a lot of students that have kids in the household, they may want to go to the Library to do research. So it's very helpful to have that and I would not want to see the Library outside the community. It would be great to keep it in Mayfield Village.

So, from the School's point of view, having an additional building that we would have some flexible space that we can use down the road when that became available, that's a plus, but I would also say that I really want to keep the facility here. I commend the consideration.

Council President Buckholtz thanked Dr. Price.

Dr. Parker stated to Dr. Price that he had the opportunity to be in Solon the other day and noticed that when you walk out of the Solon Library and walk to the corner across the street, you are essentially right next to the upper school and the school building's right there. If you could give me your thoughts and input because you touched on a lot of important issues that deal with access and utilization and such. How valuable do you think it is that the Library is located so close to the School first of all such that kids could actually walk directly from the School to the Library and use it and stay there to get their work done as well as the location of the Library as it relates to the surrounding communities that it's directly serving in light of Highland Heights, Mayfield Heights, as well as Mayfield Village where it's located as opposed to being closer toward the Lake County border over there and the lack of easy access for students and neighborhood people there. Would you say that it would be better to have it closer to the School or not? Forget the fact that there's a building that's becoming available, but if you had your best scenario, would you rather have it closer to the School or further away where it's not accessible like that?

Dr. Price responded, conceptually, I know when this was first looked at, I'm talking about when the Library was built, I am sure at that time it was considered, this is so great. A student can walk right out that high school door right to the Library and start studying. In effect, when the high school staff and myself, when we've talked with the Library, one of the challenges for them, probably the challenges for them has been many parents will say to the students, go to the Library and wait for me to pick you up and it was almost like a, I don't want to say a bus station, but there would be students

there and they weren't really going there to study. They weren't focused on studying, let's put it that way. And then they'd be picked up.

Students, typically, what we find if they are in after-school activities like music, art, band, athletics, they are not going to go right over there anyway. Most students will go home and then come back. We have not observed it. But we get a strong feeling that we do not have a lot of students that go directly there to study. We do have students who go home and then come back. So having, as I said earlier, having the Library within the general community, in other words if it's up, I think the considered site is up on SOM Center. That's still well within students being able to go up there. Very honestly, I know conceptually when they built it, they saw this as a great plus. But in reality we have not seen a lot of students go directly from School to the Library to start studying. It just is not, wherever it is, they will come.

Council President Buckholtz thanked Dr. Price. Any other comments? There were no further comments.

CONSIDERATION OF MINUTES:

Regular Council Meeting – August 16, 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

COMMENTS FROM MAYOR RINKER:

Mayor Rinker asked that at the point that Council is called upon to vote upon the Library that everyone would want to weigh in at that point so for the audience's benefit, reserve comments there. On the other hand, we have Dr. Price here and we can't let this moment pass, so I am going to ask Council to pass this Resolution, but let me read this for everyone's benefit first. It's always nice to have good news to impart.

- **First Reading of Resolution No. 2010-10**, entitled "A Resolution of Congratulations to the Mayfield City School District – *'Excellent with Distinction'*". Introduced by Mayor Rinker and Council as a Whole.

Mayor Rinker read the Resolution in whole. All of us should join in celebrating the success of our public school district.

The audience applauded.

Council President asked if there was a motion to pass this resolution.

Mrs. Mills, seconded by Mrs. Cinco, made a motion to pass Resolution No. 2010-10.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Resolution Adopted

Council President Buckholtz asked Mayor Rinker if he has additional comments at this time.

Mayor Rinker replied, he will reserve them at the time that Council considers the Library issue which is of course important tonight.

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ:

There were no comments.

DEPARTMENT HEAD REPORTS:

SERVICE – Douglas Metzung

Mr. Metzung reported that we have concluded this year's road program, the rejuvenation of the neighborhood streets and the chip sealing in the Worton Park area. We are very satisfied with the work that has been done. Thank you Council for allowing us to go forward with this program this year.

Council President Buckholtz stated, we have had many wonderful comments. Thank you.

BUILDING – John Marrelli

Mr. Marrelli provided an update on 6780 Seneca house issue. We received a temporary injunction last week. CRC, LLC has agreed to a six-month time limit to bring the house into full compliance. They plan on selling it. In the event that they fail to meet the six-month time limit, we will go for a full injunction and then move into a nuisance abatement action which I don't think we are going to have to do. The house is being worked on as we speak.

ENGINEERING – Tom Cappello

Mr. Cappello provided an update on the Wilson Mills Road culvert. As you can see, they have moved to the south side and they have demo'd that portion of the bridge and are getting ready to install the culvert hopefully this week. By September 30th we should have traffic restored.

LEGAL DEPARTMENT – Mr. Diemert

Mr. Diemert will answer some of the questions that were raised in the public comment concerning the property that the Village is exchanging for Library construction purposes.

First of all, it's not being given away. This property was obtained in an eminent domain action wherein which Progressive paid for the property. We exchanged this property now for the purposes that we acquired it and that is for public usage. It's totally dedicated to public usage. The agreement with the County will be reversionary which means that if it's ever stopped for being used as a public library, the building and the land will revert back to the Village of Mayfield.

Furthermore, it's not being given away. As I indicated, we are exchanging it for two pieces of property valued at some \$280,000 which the Village will obtain title to on Wilson Mills in exchange for these 5 acres.

Again our green hiking and biking trail will be part of the construction project that the County has negotiated with us and will be responsible for constructing in their part of the deal. As a result, the wetlands are something which everyone should be aware of. We are very meticulously aware of all wetland issues in and about this Village. Have been forever since the wetland laws have been passed. Our engineers, our architects, our Building Department, Service Department, we are all keenly aware of all of the wetland requirements and they are implicated and very carefully evaluated in every aspect of this construction and this deal as all others have been in the past.

I think that answers most of the questions.

Council President Buckholtz added, as normal procedures go, any construction, the EPA is involved in or they need to get site – Mr. Diemert added, and/or the Army Corps of Engineers if there's wetlands involved, yes.

FIRE – Chief Mohr

Chief Mohr reported that our Assistance to Firefighter's Grant from last year has been extended. There are excess funds available and the government is going to allow us to use those surplus funds towards fire protection and fire prevention materials. We have a meeting set up over the next couple of weeks to decide how we are going to break down this money. We will come to Council probably next month for a pass-through.

FINANCE – Ron Wynne

Mr. Wynne mentioned that we had our first Town Hall meeting last week which was fairly well attended by the residents. We went over the status of the Village's finances and the planned use of the income tax dollars. Our next Town Hall meeting is scheduled for October 11th.

I was in touch with RITA today and they have finalized the reporting for us that will allow us to report from the standpoint of the income tax dollars we received and what portion is a direct result of the increase of the income tax rate that was passed in the last election so at the next meeting I will be able to have those numbers for you.

Regarding the question concerning efficiency audits, we have not had an organization come in to look at us from top to bottom to do that kind of an audit but a lot of the practices that are in place I think could accomplish the same thing. First of all, for any purchases over \$10,000 we are required to go out and have those purchases competitively bid in the marketplace. We work with the State of Ohio with their State Purchasing Program which provides us with a list of vendors for particular purchases with guaranteed minimum pricing and then also with an organization in Cleveland called the Sourcing Office which kind of does the same thing.

We are working with them right now. We are looking at our office supplies, our maintenance supplies and our utility costs for all of our facilities to make sure that the price we are getting is the best price that's available in the marketplace. If not, what we can do to get there. Also, on some of the larger contracts and Doug if I am misspeaking, let me know, with our rubbish collection, the contract was competitively bid number one and then we pooled our needs along with the needs of Highland Heights to get the best competitor price for us and surrounding communities for that service for a five-year timeframe. Those are the kinds of things we do during the normal course of business to make sure that our costs are as low as we can get them.

POLICE – Chief Dearden

Chief Dearden reported that we continue to make strides for the completion of the new police station. Although from Panzica's standpoint the building is substantially complete, we have provided them a punchlist of repairs, items that we want them to pay some attention to. Then of course the internal operation components is the thing that is going to hold us up from occupying the building at least for the next I would say three to four weeks. We continue to push.

PARKS & RECREATION – Bill Thomas

Mr. Thomas reported that our Summer program has been put to bed. Our Fall programs are underway. We are starting to plan for our winter programs. We had our Fifth Annual Mayfield Village Golf Outing and we have a new championship team made up of Doug and Mayor Rinker and another individual that was as good as Tiger Woods, I understand. We will have to make sure that we have appropriate players in the tournament next year.

ARCHITECT – Ron Dinardo

There was no report.

HUMAN SERVICES – Eunice Kalina

Mrs. Kalina reported that we are getting ready for our flu shot sign-ups. Pre-registration is required as it always is. We have two sessions, Friday, October 1st from 9:00-11:00 and Wednesday, October 6th from 1:00-3:00. The shots themselves will be Friday, October 22nd from 9:00-11:00. All of that will be in this room.

We are working on snow removal applications and checks are coming in. The three contractors are on the agenda tonight hopefully for Council's passage.

Mr. Saponaro asked what the deadline is for the applications.

Mrs. Kalina replied, the deadline is September 30th and we are going to adhere to that.

Mrs. Kalina stated we had a program last week from Balanced Solutions. Kelly Bodine gave an hour and a half dissertation on the importance of balance. It was an excellent program. She noticed we are starting the Tai Chi class this Wednesday. She couldn't plug it enough and she had nothing to do with it. It's just very important and we keep hearing more and more about people falling and sustaining all sorts of injury as a result of the fall. So anybody's who interested, we would be happy to have you join us. The first session is this Wednesday at 1:00 in the Community Room. It is a free demonstration. There's no charge. Subsequent classes will have a charge. We are very excited about it and I think we will be of great service to the community, those who take advantage of it.

Regarding the Senior Snow Plow program, Dr. Parker asked, has anyone received a flier from a former snowplowing company? It's all well and good. They can pretty much do what they want but I kind of felt as though this was sent out after our bids were announced. They kind of had knowledge of what the people who took the time to go through the bidding process. I received this not long after a decision was made regarding what we would be paying for these things and I just feel as though in some ways it's not fair to the snowplowing companies that are actually working for us because it almost sounded like they were undermining what these other people's efforts were to try to work within the system and provide the service through Mayfield Village. It left a bad taste in my mouth. I don't know if anybody read it, but I think their price may have been lower than what our people were charging and so the implication is that they can turn around and maybe get the same benefit of the people that went through the right process and get the business because they're cheaper. It's going to cost the person less. I don't know if anyone saw it or if this was brought up, but I felt like it wasn't right or fair.

Mayor Rinker did not disagree. I think one of the problems is for those who recall when this program started, one of the issues was predatory practices by a lot of different snowplow companies. This was the Village's effort to try at least to corral people, make it more organized, a little more methodical, and I think we have accomplished that, but like any system, there's only so much we can do. If the implication is that we might prosecute, I don't think we can. I think unfortunately this is one of those marketplace issues that's just going to have to work its way through.

PLANNING DEVELOPMENT – Ted Esborn

Mr. Esborn reported that he spoke to NOACA last week. They have received our application for the Transportation Enhancement Program which is the grant that would fully implement our Greenway Trail. They are processing the application now. They received the legislation and we will know by the end of the year how the application fared.

The second item I want to remind everybody about September 30th's workshop with Professor Weinstein from Cleveland State. Professor Weinstein has expertise in different boards and

committees in local governments. He works with and has seen these boards and committees in action across the area and when it comes to interactions among Council, Planning and Zoning, Board of Appeals, Architectural Review Board. One of the things we hope to accomplish at this session is to clarify any fuzzy edges and responsibilities between those groups. We look for it to be very productive. Again that's September 30th.

Finally, we had some great news come in at the end of last week. Western Reserve, WRIS, the group that has designed our website, let us know that the Web Marketing Association announced its 2010 web award winners and the new, as of 2010, Mayfield Village website was given the Standard of Excellence Award in the government category.

With regard to the September 30th workshop, Council President Buckholtz asked if we are urging all members of our specific committees to go to that or do we have representation? Are we getting the word out to have people from Planning and Zoning and Board of Appeals?

Mr. Esborn replied it has been announced at all of the meetings. We are reminding them to be here for the 30th. The number of people involved in all Boards and Committees is so large that we did not intend for every single Board and Committee. We can touch base about which ones we were looking at for this one. It was mostly the ones involving land use and zoning that the session was geared towards.

Council President Buckholtz stated, the ones you mentioned were exactly what I had in mind.

STANDING COMMITTEE REPORTS:

Activities Committee – Mrs. Mills reported that our meeting was September 14th. At that time, they talked about the July 4th Celebration, the Summer Concerts and the up and coming events in December.

Architectural Review Board – Mr. Marrelli reported that since we last met the Architectural Review Board met two consecutive Thursdays to work out the details of the new multi-purpose addition, auditorium, at Center School and we approved it last week. It's going to be a great place. The kids won't have to set up their chairs and tables for lunch and tear it down for gym anymore once this room is built. They now call it the cafenasium. That will disappear.

Beautification Committee – Mr. Saponaro reported that the Beautification Committee's next meeting is September 28th at 6:30. The Minutes from the last meeting should be in your packet. If anyone has any questions, please feel free to ask me.

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

Cemetery – There was no report.

Citizen's Advisory – Mr. Marrie reported that the Citizen's Advisory Committee met on the 13th. One of the discussions had was the Charter amendments on the November ballot. Charter Review Committee member and Kenwood Homeowner's President Paul Fikaris came to the

meeting and discussed the Charter Review process with the members and answered their questions. Dr. Larry Keller from Cleveland State University Levin College of Urban Affairs was going to come and provide a Charter Review process and referendum zoning discussion for our Village. We also discussed the Library in great detail. It was agreed that this was a totally favorable project to our Village. In fact it was met with great enthusiasm for the addition of this beautiful building for our Village. It's going to add an awful lot and everybody agreed to that. We will have additional meetings on our finances. We will have one more meeting, Ron am I correct, Town Hall meeting in October? Mr. Wynne replied, October 11th.

Mr. Marrie continued, we encouraged everybody to attend. I might comment or compliment Ron as well as the Mayor on the outstanding job that was done, I think on the presentation of the finances of the Village and where the money is going to go, hasn't gone yet and ideas that they have and what they want to do with it. They also received some comments and suggestions from some members of Council that helped on that. Also, we discussed the communication ability of the Village. It was pretty well decided or they felt that communication of the Village, that the Village does a good job on communicating to the residents but that they wanted to discuss it more to see if there's anything else that we can do to improve it even better than what we have. We have, as a Village, tried to do an extremely good job on communicating different things through the *Voice of the Village*, the mailings to homes, the signs and so forth. Also, on October 12th, David Hartt will be here to facilitate a discussion on the 2020 Vision Plan. Everybody's welcome to attend that meeting.

Council President Buckholtz stated this Committee has gotten very busy.

Mr. Marrie agreed. It's a lively Committee. Everybody does speak up and bring up different subjects that they feel will help the Village out. They are not really afraid to say anything they want.

Council President Buckholtz stated, very good.

Adding to this report, Mayor Rinker stated, as Mr. Marrie had pointed out, Dr. Keller from the Urban Studies College is coming. We literally found out this afternoon. We had mentioned previously we were trying to line somebody up. It took us a little while.

For everyone's benefit, we are going to send out notices tomorrow, but Wednesday, October 6th, we plan to have Dr. Keller here. We also thought it would be appropriate to have some members of the Charter Review Commission have a chance to talk. We will probably have the Law Director on hand and we will be on hand as well. The goal is to provide that as an informative meeting that would give voters a chance to understand the issues, understand some of the history behind referendum zoning. We are also, even though it's a little short notice, we thought it better to get it early in the month of October because most people don't vote at the polls anymore, so we want to try to get people before they write in. And then again, as Ron said, October 11th is the second Town Hall meeting on the budget and then October 12th, so it will be a busy early October.

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

Safety and Service – Mrs. Cinco reported that Safety and Service met on Tuesday, September 7th. At that time we discussed the fiber hardware for the new police station facility so they can all get connected. A straw vote was taken that night to approve that issue. The moving service from the old facility to the new police facility and the furniture for the new police facility was also discussed. For the Fire Department, we discussed the annual turnout gear replacement program. That is on the agenda this evening. Radio alerting between the new dispatch center and the fire station was also discussed. Mr. Metzger told us about replacement of the wall at the Timberline pump station.

Finance Committee – Mr. Saponaro reported that Finance met on September 13th as well as this evening. We have 18 items on the agenda. All have been recommended for approval including the ordinance authorizing and directing the Mayor and President of Council to enter into an Agreement with the Board of Trustees of the Cuyahoga County Public Library. At the September 13th meeting, the Mayor attended and gave a very good presentation. He did a great job of explaining the history of the corridor and what is going on. It should be in the Minutes of the Finance Caucus meeting. For anyone who was not able to attend they will be able to look at it. We reviewed a lot of the different documents that were before us. I talked to the Finance Committee about the wonderful existing Facility Assessment that the Library had completed in December of 2009 which really does set forth a lot of the information about the existing building and the issues that it currently faces. That's one of the many things that we did at that meeting and then we approved it tonight.

Historical Society – Mrs. Mills reported on the Ice Cream Social. We had a lovely evening. We had the biggest crowd we have ever had. We were very pleased with that. Our Quilt Show is October 9th and 10th in this room. I hope that everyone comes and visits us.

Hillcrest Council of Councils – Council President Buckholtz reported that we are having a breakfast on Saturday, October 2nd. All of the candidates have been invited to speak who are running for County Executive. We urge everyone to come to that. It's a great breakfast. You will become informed.

M.A.R.C. – Dr. Parker reported that M.A.R.C. met on September 2nd. The treasury balance was \$8,216. The Art Show is September 24th-26th. Our next meeting is November 8th at 7:00 p.m. There is no October meeting due to the Alumni Dinner Awards.

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

Planning and Zoning – Mr. Marquardt reported that Planning and Zoning met on September 16th to discuss Chapter 1183, off-street parking and loading modification to those standards in order to better comply with stormwater management.

Recreation Board - Mr. Marrie reported that the Recreation Board met on the 15th. Two main things that were discussed was the Parkview Pool and the Board agreed that the rules would be that the opening and closing of the pool will depend on the School. When School is out, the pool will be open and when School comes back, the pool will close. There was also the question of food being allowed on the pool. It was agreed to allow it. It will be watched over so there is no

abuse of the situation. The Halloween Party for the children will be October 23rd at the Community Room at 2:30. We would like some more volunteers if that's possible. Bill's working with Paul Lynch at the School for the Key Club to run some of the games which they will and to have their usual haunted house for the kids which is always a big deal. The next meeting is on October 20th.

Mr. Marrie mentioned later in the meeting that the admissions between last year and this year, last year we had 18,201 total admissions. This year we had 19,166. We had an increase.

SPECIAL COMMITTEE REPORTS:

Information & Technology – There was no meeting. There is no report.

Records Commission – Mrs. Mills reported that Shred Day is on October 16th here from 9:00-12:00. Bring your papers to be shredded. Our next meeting is October 20th here in this room at 12:30.

OLD BUSINESS

- **Second 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. (First Reading – August 16, 2010).

This Ordinance will be left on Second Read.

NEW BUSINESS

- **First Reading of Ordinance No. 2010-38**, entitled, "An emergency ordinance authorizing and directing the Mayor and President of Council to enter into an Agreement with the Board of Trustees of the Cuyahoga County Public Library." 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. Saponaro, made a motion to enact Ordinance No. 2010-38.

Council President Buckholtz asked if there was any discussion.

Mr. Marquardt stated, my issue with this particular proposal is the same as Mrs. Eisenberg's. I don't believe in donating Village assets to another tax-supported public entity. At the very least, this property should have been evaluated. Notwithstanding Mr. Diemert's comments, this property was acquired through a complex land swap deal and it does have value. That value should have been established by appraisal so that we know what we are giving up, what we are donating or not donating as the case may be.

Mayor Rinker commented for Council and the public's benefit. While I understand the ostensible issue about appraisal, I think it's important to remember that land use and land valuation are often complex and not static by any stretch of the imagination. People should be aware that of the 5 acres involved, 4 of those acres are part of the original Costanzo property which was acquired through eminent domain for purposes of constructing a very impressive Campus 3 by all accounts as we saw it and for preservation of parkland and for overall public use. As we all know, Campus 3 did not happen. The challenge is to utilize land to the public benefit. We ultimately still have to reconcile the ledger if you will with Progressive as to transfer of remaining lands. We also gave up property in the Costanzo lawsuit as part of that settlement. Progressive paid the cash. We paid the land. We also paid the price, I think, politically by exercising eminent domain, something that we don't take lightly.

Subsequent to the eminent domain settlement, we entered into a Development Agreement and frankly subsequent to that, we had learned that the stream and wetland impacts on the site were very very significant and what we learned in looking at that is that a large measure of the stream and wetland area lies either in residentially-zoned land or is more eastward on the site which in our estimation benefits the Village very well because it helps to aggregate that land for purposes of a Greenway Corridor.

We ended up obtaining a Licensing Agreement from Progressive along with a few other owners and we installed a pathway through there. If any of you have used it, I think you would agree it's a very rustic, very natural trail. We took care, we used a wetland scientist from URS that we have used in the past, Tracy Engle, along with Tom Cappello and my Labrador retriever. We traced out a trail where we knew we would traverse stream and wetland area with minimal impact. We followed the delineation plan.

Fast forward to the present and the Library is basically shoehorned into a site, has been looking for a way to expand, and the feedback that we got and we said this before and I really was struck by this is that members of the Board are very interested in this site because of the way in which we have looked at the natural terrain of that area. We have every reason to expect that this site will be developed in the way that is as compliant with and compatible with the natural setting because I think everyone on all sides views it as an enhancement.

We still have to reconcile issues with Progressive but Progressive has indicated that it is contributing to this donation of land. It is also offering up wetland credits that it has and I

think we have to recognize that we have to take one step at a time. The Library will invest \$11-12 million.

Historically, this would have been something we would have been looking to our local constituency to support and we are not in that position today. I think it is an absolute advantage to the Village that we are in a position where land that was going to be used very passively for public purposes will be put into the public trust for what should be a state-of-the-art facility where the money is being invested by the dollars gleaned through a levy that is County-wide. I think this is a wonderful way for the public to support public works.

We still have to resolve things with Progressive, but as we look at a site plan and we get a better understanding of the physical impact of this property, we clearly will have to go through a permitting process, but I am sure that given the tenor of discussions to date, we will come out of this with what should be a really exceptional development.

And in terms of getting evaluation, sometimes you have to watch out what you wish for, I think that we are in a better situation today by being able to look to the land utilized as it is utilized. Ultimately, it's the arm's length transactions and the dollars spent on those transactions that impact the value. I think in the long run we will find out that we are getting the most value out of this acreage and the appraisal is secondary.

As a supplement what the Mayor is saying, Mr. Diemert stated that there is no obligation between public agencies to go out for bids nor is there an obligation to get appraisals. It is presumed that the taxpayers on both sides are going to be receiving the benefit. For instance, if we sell an old fire truck to another municipality, there is no requirement to go out and ask for the highest and best bidder because it's being sold or given to another public agency.

Also, the deeds, the plans and all of the documents relative to this matter have always been on public file, are available for everyone to look at and examine and always have been. With the property involved, as the Mayor indicated, we still have somewhat of a requirement to transfer it at some point to Progressive for nothing further in return to us. Instead they have given their consent for the transfer of the property for the purposes of the public library. I believe that is accurate.

Mayor Rinker confirmed.

Council President Buckholtz referred to the letter received by Progressive, a copy of which is attached to these Minutes.

Referring to the letter, Mayor Rinker stated it is from Ron Marotto, the Vice-President of Real Estate and the primary individual with whom we negotiated the Development Agreement several years ago.

Mayor Rinker read the referenced letter into the record:

Dear Mayor Rinker and Members of Council:

I am writing to express support for the Cuyahoga County Public Library's proposal to construct a new Mayfield Library Branch in the front portion of the property where Progressive had planned to develop our third Mayfield Village campus. As you know, our plan to build on that property is on-hold. However, we believe that locating the Library on this property will only serve to enhance any future development.

The Village and Cuyahoga County representatives have described to us the Library's plan to construct a 30,000 square foot state-of-the-art library building complete with reading rooms, an indoor café and an outdoor gathering space that will integrate with the Village's Greenway trail and the North Chagrin Reservation of the Metroparks.

The Greenway Trail and the proposed Library branch that would incorporate these amenities are exactly what Progressive employees seek. Completing this project would allow us to walk or bike through the community's beautiful natural spaces and connect our facilities with each other, the Metroparks and the other places to eat, play, relax and perhaps read a good book.

I urge your support of this project,

Sincerely,
Ron Marotto

Council President Buckholtz asked if there were any further comments.

Dr. Parker asked Mr. Diemert, you have referred to a reversionary clause. It is my understanding the new contract will have minor changes and wording. Where is that reversionary clause in the contract? I see the reference to reversionary if they don't start construction, but where is the reversionary clause?

Mr. Diemert replied, there is still another revision coming. As your Ordinance says in Section 1, "entering into a real estate purchase agreement in a form substantially similar to that attached". There are several amendments which have not been written up yet. I thought somebody from the Library was going to be here tonight to verify, but they have an e-mail already agreeing to the alteration of the contract to add the reversionary clause as well as a clause requiring Seller's approval by and through its various Commissions, Committees and Boards. That's all of the Village's Boards, Commissions, for any preliminary and final site plans. We are clarifying that language in there. Also, there is going to be another clarification that they have to satisfy all State and Federal approvals and all State and Federal permits have been obtained which deals with the wetlands issue which they would be obligated to do and really pretty much putting in there a lot of

approval requirements by the Village, all of which they have agreed to, they just haven't put it in the language we have accepted yet.

Dr. Parker asked, okay, so that will be forthcoming then?

Mr. Diemert replied, yes.

Dr. Parker stated, okay, because I didn't see it in there. Very good. Thank you.

Mr. Marquardt asked, why with so many things hanging out are we in such a hurry pass this thing? What's driving the urgency? If there's so many items that have not been in the contract and agreements with Progressive that haven't been worked out. I don't understand.

Mayor Rinker replied, the urgency was stated a number of times which is that the Library Board needs to move forward. This money availability and its use for some 13 projects has reprioritized after the State of Ohio took away roughly \$10 million from its annual budget. This was something that was stated by Ms. Feldman when she was here two weeks ago. We have talked about that again. So, realistically, the Board needs to make this decision because its timetable is limited. This is one of about 13 projects is our understanding and this is a priority so we have been asked by the Library Board to move forward. So that's the primary driver of this. The Board has to my understanding held off on its meeting in order to get its Committee review and then vote the dollars and then it will move forward. The process itself will go through the usual site plan reviews that would normally follow.

As for Progressive, it's a fair question. As I just pointed out though I think we have to take one step at a time. Were we to endeavor to negotiate a three-way deal, I think that would be possible and certainly with the timetable we have been given, it isn't practical as well. So if there's a risk, the risk is that we still don't know the final issues with Progressive. I have pointed this out a number of times in the past with Council as I have characterized that we have a "De-Development Agreement" to work on. If anything, this may catalyze that discussion but all indications are, especially with the fact that Progressive is donating land and also credits to this, I think that's a pledge of good faith that we can't ignore. It's something that's very valuable.

Mr. Diemert added, also, Bill, in order to save the allocation of those monies into this Village for this project, all they really need is a contract signed even though there's a lot of requirements and conditions within that contract such as approvals by the Village of everything and the Federal government of everything, those requirements will always give us the opportunity to say no to the project if something comes up that is not feasible or workable or good for our citizens such as the reversionary clause never gets into the contract we will just say no and we have the right to do that. But they need to get it under contract. We have told them the final nitpicking that we have with it so that they can get the allocation of the funds and I think that's what triggers the money coming here, all the plans, all the conditions, all the approvals, that will be down the road.

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

Council President Buckholtz asked for a Roll Call. Just to be clear, this is a Roll Call on the Ordinance authorizing and directing the Mayor and President of Council to enter into an Agreement with all clauses and all language stated as we have discussed here on the record.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

Council President Buckholtz stated, thank you very much. Just on a personal note, I am proud, excited and delighted that the Cuyahoga County Library will remain in Mayfield Village. Thank you Council.

- **Motion to authorize expenditure in the amount of \$3,251.00 to OneCommunity for I-Net Fiber connection at Civic Center.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$3,251.00 to OneCommunity for I-Net Fiber connection at Civic Center.

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

Roll Call: AYES: All
 NAYS: None

Motion Carried
Expenditure Authorized

- **Motion to authorize expenditure in the amount of \$9,600 to OneCommunity for I-Net Fiber connection at Community Room.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$9,600 to OneCommunity for I-Net Fiber connection at Community Room.

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

Roll Call: AYES: All
 NAYS: None

Motion Carried
Expenditure Authorized

- **Motion to authorize expenditure in the amount of \$20,489 to OneCommunity for I-Net Fiber connection at Service Department.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$20,489 to OneCommunity for I-Net Fiber connection at Service Department.

Council President Buckholtz asked if there was any discussion.

Mr. Saponaro stated, the last three expenditures, we have obviously looked at the Time Warner situation, they are still tentative, we really don't know what's going on there. This is an opportunity for us to own and control our destiny when it comes to the fiber connection to these facilities. We have discussed this on the floor of Council, all of these expenditures, and at Finance Caucus as well as the Finance Council meeting.

Council President Buckholtz thanked Mr. Saponaro for the explanation. That makes us independent from Time Warner. All indications are their prices are going through the roof.

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

. **Motion to authorize expenditure in the amount of \$16,100 to B&C Communications for fiber connectivity hardware at the new police facility.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in the amount of \$16,100 to B&C Communications for fiber connectivity hardware at the new police facility.

Council President Buckholtz asked if there was any discussion.

Mr. Saponaro stated, this, along with the next two expenditures, are part of the FF&E budget. They are within the budget.

Council President Buckholtz stated, it is a policy to have a roll call for any expenditure over \$15,000. Council President Buckholtz asked for a Roll Call.

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

. **Motion to authorize expenditure in an amount not to exceed \$10,000 for moving services from the old facility to the new police facility.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in an amount not to exceed \$10,000 for moving services from the old facility to the new police facility.

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

. **Motion to authorize expenditure in an amount not to exceed \$15,000 for furniture for the new police facility.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in an amount not to exceed \$15,000 for furniture for the new police facility.

- . **Motion to authorize acceptance of the bid from Summerbreeze Landscaping for snowplowing services with regard to the senior snow removal program (One to two sections pending number of subscribers, approximately 50-100 drives, at \$215.00 per driveway if only one section and \$205.00 per driveway if two sections).**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize acceptance of the bid from Summerbreeze Landscaping for snowplowing services with regard to the senior snow removal program (One to two sections pending number of subscribers, approximately 50-100 drives, at \$215.00 per driveway if only one section and \$205.00 per driveway if two sections).

Council President Buckholtz asked if there was any discussion. There were no comments.

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

- . **Motion to authorize acceptance of the bid from Ameriscape for snowplowing services with regard to senior snow removal program (One section, approximately 50 drives, at \$220.00 per driveway).**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize acceptance of the bid from Ameriscape for snowplowing services with regard to senior snow removal program (One section, approximately 50 drives, at \$220.00 per driveway).

Council President Buckholtz asked if there was any discussion.

Mr. Saponaro asked, I meant to ask you this before, if we don't have enough drives for all three of them, are you using the first two or are you going to divvy it up?

Mrs. Kalina replied, no, we are going to use all three.

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

- . **Motion to authorize expenditure in an amount not to exceed \$5,000 to Baker Vehicle Systems for purchase of used three-wheeled infield drag for ballfields.**

Mr. Saponaro, seconded by Mrs. Mills, made a motion to authorize expenditure in an amount not to exceed \$5,000 to Baker Vehicle Systems for purchase of used three-wheeled infield drag for ballfields.

Dr. Parker asked if there was an amount on that. Mr. Metzger replied, \$4,998.00.

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

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

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

Council President Buckholtz asked if there was any discussion. There were no comments.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Financial Reports for August 2010
		Acknowledged and Approved
		As Submitted

- **First Reading of Ordinance No. 2010-36**, entitled, "An emergency ordinance authorizing an agreement with Principal Financial as and for an employee AD&D, Life and Dental program." 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	Motion Carried
	NAYS: None	Rules Suspended

Mrs. Mills, seconded by Mr. Saponaro made a motion to enact Ordinance No. 2010-36.

Council President Buckholtz asked if there was any discussion.

Mr. Wynne reported that we went out and competitively bid our dental coverage and life insurance coverage for our employees through multiple carriers. Principal Financial came back with the best pricing and actually a better provider network. They will provide the same level of coverage for our employees and in the process over an 18-month contract we will be saving about \$36,000.

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

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

- **First Reading of Ordinance No. 2010-37**, entitled, “An emergency ordinance authorizing and directing the Mayor to enter into Amendment No. 1 to the Development Agreement entered into with Progressive Casualty Insurance Company.” 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. Saponaro, made a motion to enact Ordinance No. 2010-37.

Council President Buckholtz asked if there was any discussion.

Mayor Rinker asked for another explanation on this. We used the term “Development Agreement”. It can be confusing if we don’t know what it is.

Council President Buckholtz asked, this is the Fitness Center? This is the change in the rules of the Fitness Center. Usage of the Fitness Center is limited to employees of Progressive or Mayfield Village residents. However, if an employee should be terminated who is also a Mayfield Village resident, they can be prohibited from using the Fitness Center.

Mr. Thomas stated, Diane was checking to see if there was a time limit.

Mr. Diemert replied, they are not in favor of any time limitation on this.

Mayor Rinker added, it’s a security issue.

Council President Buckholtz asked if we have any more questions. There were none.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

ANY OTHER MATTERS:

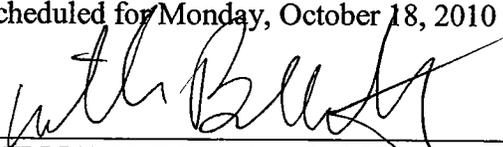
Council President Buckholtz asked if there was any closing comments or any other items which need to be discussed.

Mr. Dinardo stated, Sari Feldman, the Executive Director of the Cuyahoga County Library, had to leave the meeting. On her behalf, she asked that I extend her appreciation to Council and the Mayor.

ADJOURNMENT

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

The meeting adjourned at approximately 9:10 p.m. The next Council meeting is scheduled for Monday, October 18, 2010 at 8:00 p.m.



WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT



BRUCE G. RINKER, MAYOR



MARY E. BETSA, CLERK OF COUNCIL