

MINUTES OF THE REGULAR MEETING OF COUNCIL

Mayfield Village Civic Hall

Monday, August 15, 2016 - 8:00 p.m.

The Council of Mayfield Village met in Regular Session on Monday, August 15, 2016 at Mayfield Village Civic Hall. Council President Saponaro called the meeting to order at 8:00 p.m.

ROLL CALL: Present: Mr. Jerome, Mr. Marquardt, Mr. Marrie, Mrs. Mills,
Dr. Parker (8:15 p.m.), Mr. Saponaro and Mr. Williams

Also Present: Mayor Bodnar, Mr. Wynne, Mr. Diemert,
Chief Carcioppolo, Mr. Metzung, Mr. Marrelli,
Detective Sergeant Miller, Mr. Cappello, Mr. Thomas,
Ms. Wolgamuth and Mrs. Betsa

Absent: None

The Pledge of Allegiance to the Flag was given.

OPEN PORTION

- For Public Comment (3-minute limit imposed by Chair).

There were no comments.

CONSIDERATION OF MINUTES:

Regular Council Meeting – July 18, 2016

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

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Minutes Approved

COMMENTS FROM MAYOR BODNAR

Mayor Bodnar stated, I will keep it very brief tonight. I am glad to see all the people in the audience. I hope you will all be joining us this Sunday as we open up the Community Room. You will be pleasantly happy with the surroundings you see. I hope everyone gets the opportunity to take advantage of using the facility from time to time. We will see you all on Sunday. Thank you.

DEPARTMENT HEAD REPORTS:

Diane Wolgamuth (Administration) - I would only add that the dedication ceremony is scheduled for 1:00. I hope that most of the Council members will be able to be there so that we can take a nice photo of the ribbon cutting for use in the *Voice of the Village*. Thank you.

John Marrelli (Building) –

- **Architectural Review Board** – We met last week. We had two items. We had a residential garage approved and we had a sun shade structure approved, both residential.

Mary Betsa (Council Clerk) – Mark Altier, Chief Legal Counsel of the State Auditor’s office will be presenting on bidding and how to prepare and advertise bids. It’s an excellent presentation. I attended it when I went to the Local Government Officials’ Conference. His presentation is scheduled for Thursday, September 15th at the Cuyahoga County Public Library in Parma. If anyone is interested in attending, let me know. Also, reminder that due to the Labor Day Holiday, Caucus is on September 12th and Council is on September 19th.

Tom Cappello (Engineer) – As you can see, SOM Center Road is paved. They completed it last week. The 2015 Road Program which is on Glenview, Bonnieview and Beech Hill is essentially complete. They are actually putting the berm down today. They need about a day or two to finish that and then we will be doing the punch list.

Ron Wynne (Finance) – This Thursday, I will be going downtown to the County Fiscal Office for the annual meeting to go over the status of our TIF Agreements and how well they have been performing and to get them renewed for another year.

Chief Eugene Carcioppolo (Fire) – From the last meeting, July 18th through August 14th, our Fire Department responded to 59 emergency medical service calls, 19 fire calls, we conducted 13 annual fire safety inspections, 4 car seat installations, 5 EMS training drills and 6 fire rescue training drills. There were 23 call outs. The fire station exhaust installation was completed last week. We were trained today on the use of the system. Friday evening, we hosted the Northeast Ohio Fire Prevention Association to film a short public service announcement on photoelectric smoke alarms. I would like to thank Mayor Bodnar, Lieutenant Girbino and Firefighter Jeff Cook for their participation. When that movie is done being edited, it will be on the Northeast Ohio Fire Prevention’s website and most likely the local news stations probably will put a link to it on theirs. It will be the professional grade. There is a donation from the Director as well as the filming crew and the audio people. They will be adding early morning the cartoon smoke detector character into the video. He is animated and interacting with live people. That should be a pretty nice attribute to fire safety for everyone. The Hillcrest Fire Chiefs’ Association was awarded a local government safety capital grant through the State of Ohio in the amount of \$115,711 for a new air trailer to replace our old 1970 something air truck because the compressor on it is old. Lyndhurst wrote the grant on behalf of the Regional Technical Rescue Team. They are out to bid on that now. Mayfield Heights should be approving that expenditure. The cost will come out of the tech team’s fund. I will be attending the International Association of Fire Chiefs’ conference this week and taking Executive Chief Officer 1 which is part of the International Association of Fire Chiefs’ Officer Development Program.

William Thomas (Parks and Recreation) – Two weeks ago, we gave a tour of Wildcat Sport and Fitness to the Willoughby Eastlake School District, City of Willoughby and the YMCA who are looking to do the same concept we do with our Mayfield Schools and our four communities. They were very impressed with the concept and the facility. Parkview Pool closed yesterday for the season. I will have our annual statistics to you. I will put that in your packets this Friday. Our Fall/Winter brochure will be mailed out this week. We will also put that in your packet on Friday.

- **Senior Services** – A Senior Fair will be held on Friday, August 26th from 5:00-7:00 in the new Community Room. Council members are invited to attend. All Village Departments will be represented. There will also be representatives from the Village organizations and all of our course instructors for current and new classes. The next Community Partnership on Aging Lunch N Movie will be on Wednesday, September 14th. The movie is *Phantom of the Opera*. The cost is \$5. Reservations must be made the week before by calling the Community Partnership. The September Lunch N Movie at Governor's Village is on Wednesday, September 21st. The movie is *The Promised Land*. The cost is \$5. Reservations should be made with our Senior Services. The September Foot Clinics are on the 9th and 23rd of September. August trip to Cleveland and the trip to Hartville are sold out. New classes beginning in September include arthritic exercise, cooking and baking classes, bridge lessons and Spanish lessons. Most of these were requested per our results of our senior survey. Finally, there will be a Lunch N Learn on Wednesday, September 7th called Name Those Tunes. It is sponsored by Kendra.

Mr. Jerome asked, Bill, now that our pool is closed, what are the options for our residents? I know this comes up every year.

Mr. Thomas replied, Wildcat Sport and Fitness.

Mr. Jerome asked, no for our outdoor public pool, what are the options?

Mr. Thomas replied, we are doing one weekend with Highland Heights on August 20th and 21st. Everybody is closing except for the one weekend that Highland Heights will be open on the 20th and 21st from 12:00 until 6:00. We are struggling. We actually had to close down on Friday at 4:00 in the afternoon. We close our diving well as well as our slide if we don't have enough lifeguards. By State law we have to have lifeguards in order to open up our facility. A lot of kids are going back to school, they are in activities at the high school, a variety of reasons. We all are struggling.

Mr. Jerome stated, it's been something that has been going on for a long time. I still say look into some other options with getting some adults, maybe retired adults who would be interested in being lifeguards to help.

Mr. Thomas replied, we are looking at that. Myself, I plan on taking a lifeguard course at Wildcat Sport and Fitness.

Doug Metzger (Service): With the closing of Parkview Pool, we have begun today our annual search for the leak at Parkview Pool. We capped the underdrain today to see if it continues to leak so we can start narrowing down where these possibilities are coming from.

Mr. Thomas added, we actually are securing scuba equipment from one of our Assistant Managers. That's helping to try and locate the leak.

Committee Reports:

Activities Committee – Mrs. Mills – Our next meeting will be September 20th at 6:45 at the Civic Center.

Commission on Aging - Mrs. Mills – Our next meeting is September 15th at the new Community Room at 11:00 a.m.

Finance Committee - Mr. Saponaro – We met at Caucus and this evening. There are 15 items on the agenda which have been approved to move to the floor of Council.

Historical Society - Mrs. Mills – I would like to put everyone on notice that the Ice Cream Social will be at Wiley Park on September 14th starting at 6:30. Homemade cookies, ice cream and tour of the house. Please put that on your calendar.

Planning and Zoning - Mr. Marquardt – We held a meeting on August 1st. The topic of the meeting was 730 SOM Center Road the property west of SOM and north of Wilson Mills. The meeting topic was a motion to recommend proposed rezoning of the property to Council which would submit it to the voters. The property is currently zoned for single family residential use. The proposal requests office laboratory, however the owner requests use of the building for assisted living once the office laboratory is approved. The Village has no district for assisted living on the books. It would require creation of that use and approval of that use by the voters. The creation of use district for assisted living requires a separate action by Planning and Zoning to consider all of the impacts. There was a discussion about the creation of a development agreement as an action to be taken after the change to office laboratory was approved by the voters. The development agreement is not in place and it is not in the ordinance presented to Council. The voting of the Planning and Zoning meeting did not approve the passage of the zoning change to Council.

Council President Saponaro asked, does anyone have any questions?

There were none.

Records Commission – Mrs. Mills – We will be meeting in September.

Safety and Service – Mr. Marrie – We met two weeks ago. Everything was passed on at that time to Finance and is also on the agenda this evening.

Grove Committee – Mr. Jerome – There was no meeting. The Grove is in full swing. It is almost wrapped up. We had to cancel Sunday’s event due to potential storms.

Ms. Wolgamuth stated, that event has been rescheduled for two weeks.

OLD BUSINESS

- **Third Reading of Ordinance No. 2016-09**, entitled, “An Emergency Ordinance to approve current replacement pages to the Mayfield Village Codified Ordinances.” Introduced by Mayor Bodnar and Council as a Whole. (First Reading – 4-18-16; Second Reading – 5-16-16)

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2016-09.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

Council President Saponaro stated, for clarification, our Codified Ordinances get updated from time to time. The replacement pages were incorrect. We had to go back to the codifier and ask them to correct inconsistencies or errors which they did. We finally received them. They have been sitting out there since April waiting for approval.

- **Third Reading of Ordinance No. 2016-15**, entitled, “An Emergency Ordinance amending Codified Ordinance Chapter 155 relative to the Senior Center and Community Room Building.” Introduced by Mayor Bodnar and Council as a Whole. (First Reading – June 20, 2016; Second Reading – July 18, 2016).

Mrs. Mills, seconded by Mr. Marquardt, made a motion to enact Ordinance No. 2016-15.

Council President Saponaro asked, any discussion?

Mr. Diemert stated, there were some minor changes relative to the rules and regulations for rental of the facility. This change involves the Mayor’s discretion in what category people will fall into as far as fees are concerned.

Council President Saponaro asked, any questions?

There were none.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

- **Motion to authorize acceptance of bid from R.J. Platten Construction Company and to authorize expenditure in the amount of \$14,300 to R.J. Platten Construction Company for rear yard drainage easement maintenance improvement – 860 Hardwood Court.**

Mrs. Mills, seconded by Mr. Jerome, made a motion to authorize acceptance of bid from R.J. Platten Construction Company and to authorize expenditure in the amount of \$14,300 to R.J. Platten Construction Company for rear yard drainage easement maintenance improvement – 860 Hardwood Court.

Council President Saponaro asked, discussion? This is for an erosion issue that the Village is responsible for even though it is on private property. It was our responsibility. That is why this is an expenditure on our agenda for approval. Anything else to discuss?

There were no further comments.

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

- **Motion to authorize no objections to permit renewal applications filed with the Ohio Department of Commerce, Division of Liquor Control.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize no objections to permit renewal applications filed with the Ohio Department of Commerce, Division of Liquor Control.

Council President Saponaro asked, discussion? Joe, this is what we talked about at Caucus?

Mr. Diemert replied, yes. These are annual renewals that come up in September and again in November. All of the liquor permits for C and D were up for renewal. If Village Council were to have any objections to any of these facilities, we could file the objections and the Department of Liquor Control would have hearings on it. The Chiefs have indicated no complaints about any facilities and told Council that at Caucus.

Council President Saponaro asked, does anyone else have anything to add?

There were no further comments.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	

- **Motion to acknowledge receipt of financial reports for July 2016 and to approve of same as submitted.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to acknowledge receipt of financial reports for July 2016 and to approve of same as submitted.

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2016-19.

Council President Saponaro asked, any discussion?

Mr. Diemert stated, this relates to the salary positions that have been recently created by Council.

ROLL CALL: AYES: All
 NAYS: None

Motion Carried
Ordinance Enacted

- **First Reading of Ordinance No. 2016-20**, entitled, “An Emergency Ordinance Revising the Zoning Map of Mayfield Village so as to rezone 2.084 acres of land located on the west side of S.O.M. Center Road and North of Wilson Mills Road and known as Permanent Parcel Number 831-15-003 from its current classification of U-1 Residential District to Office-Laboratory District; and to submit the same to a vote of the Electors.” Introduced by Mayor Bodnar and Council as a Whole.

Mr. Diemert stated, this has to go through multiple readings. I sent Council an outline in May. I will resend it. There has to be three readings at meetings of Council and one public advertised meeting which I will coordinate with Mary Beth. After the public hearing, at our Third Reading, we will vote whether or not to submit it to the electors.

I would like to correct something that was in the Minutes of the Planning Commission meeting. On the night of the meeting, unexpectantly, we had a 3-3 tie of the Planning Commission. I had to go back and do some research to see what that constitutes, whether or not that is a denial or an approval. As it turns out, according to our Charter, it is neither, so under Article III, Section 11(B) and Article V, Section 11(B) of the Charter, there has to be an affirmative vote of 4 members to indicate a recommendation for or against. As a result, this would be considered a non-action as far as we are concerned. This has little consequence except that if the Planning Commission were to recommend it against the rezoning, we would need 5 votes of Council to pass this legislation. As it is, for the non-action, we only need 4 votes of Council to pass this legislation.

Council President Saponaro asked, and again, the legislation that we would be looking to pass or not would be?

Mr. Diemert replied, to put it on the ballot.

Council President Saponaro stated, to put it on the ballot only.

Mr. Diemert added, there probably will be some recommendations for amendments along the way here if Council were inclined, such as the requirement of the Development Agreement if Council were so inclined, prior to the voter’s approving it.

Council President Saponaro asked, by Council allowing it to go to the voters, is this signaling that Council approves the project, or does it just mean that they have met the requirements in order for them to get to the voters?

Mr. Diemert replied, it does not indicate an approval of the project at all by Council. It merely lets it up to the voters to make a decision.

Council President Saponaro stated, very good. We will move this to Second Read. Any other discussion?

There was none.

Ordinance No. 2016-20 was moved to Second Read.

- **First Reading of Ordinance No. 2016-21**, entitled, “An Emergency Ordinance authorizing and directing the Mayor and President of Council to enter into a lease Agreement with Eric J. Blake for the purpose of leasing the real estate located at 6434 Highland Road, Mayfield Village, Ohio 44143.” Introduced by Mayor Bodnar and Council as a Whole.

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

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

Mrs. Mills, seconded by Mr. Marrie, made a motion to enact Ordinance No. 2016-21.

Council President Saponaro asked, any discussion?

Mr. Wynne stated, Council approved a Lease with another individual at the July meeting. After that approval, before that individual signed the Lease, he changed his mind. We went out and secured another tenant. He has signed the Lease. He has given us a \$1,500 security deposit and will be occupying the home starting August 26th.

Council President Saponaro asked, any other questions?

There were none.

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

- **Resolution No. 2016-17**, entitled, “An Emergency Resolution declaring the necessity for providing for the payment of street lighting and the improvement or installation of additional lighting by special assessment of all parcels benefitted, determining to proceed with the assessment and levying the assessment for said purpose.” Introduced by Mayor Bodnar and Council as a Whole.

Mrs. Mills, seconded by Mr. Marrie, made a motion to adopt Resolution No. 2016-17.

Council President Saponaro asked, any discussion?

Mr. Wynne stated, just a brief summary on this. This has been in place for quite some time. It has to get recertified to the County every two years. It’s a millage calculation based upon the market value of property. It generates about \$85,000 a year for the Village. Over 50% of that comes from commercial property or businesses and the balance comes from residents. The average cost to a residential home is about \$30 a year. The funds from this assessment are used to pay the electric bill for the street lighting as well as replacing light bulbs and installing new light poles where we feel they are necessary in the Village.

Council President Saponaro asked, any other questions or comments?

Mr. Jerome stated, I had mentioned at the Caucus that I was not in favor of this. I understand this is how it has been done for many years but I don’t like that residents that don’t have street lights are charged a tax. I understand it is for the benefit of the whole Village, but I think it is an unfair tax and I will be voting against it. Thank you.

Council President Saponaro asked, anyone else?

There were no further comments.

ROLL CALL: AYES: Marquardt, Marrie, Mills	Motion Carried
Parker, Saponaro, Williams	Resolution Adopted
NAYS: Jerome	

ANY OTHER MATTERS:

Council President Saponaro asked, are there any other matters before Council at this time?

There were none.

ADJOURNMENT

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

The meeting adjourned at 8:35 p.m. The next Council meeting is scheduled for Monday, September 19, 2016 at 8:00 p.m.

JOSEPH M. SAPONARO, COUNCIL PRESIDENT

BRENDA T. BODNAR, MAYOR

MARY E. BETSA, CLERK OF COUNCIL