

**DRAFT**  
**MINUTES OF THE REGULAR MEETING OF COUNCIL**  
**Mayfield Village Reserve Hall – Mayfield Village Civic Center**  
**Monday, March 16, 2020**  
**Immediately Following the M.C.I.C. Meeting at 7:00 p.m.**

The Council of Mayfield Village met in Regular Session immediately following the Mayfield Community Improvement Corporation Meeting on Monday, March 16, 2020, at Mayfield Village Reserve Hall. Council President Schutt called the meeting to order at 7:10 p.m.

ROLL CALL: Present: Mrs. Jurcisek, Mr. Marquardt, Mr. Meyers, Mrs. Mills,  
Mr. Murphy, Mr. Schutt and Mr. Williams

Also Present: Mayor Bodnar, Mr. Wynne, Mr. Coyne,  
Mr. Cappello, Chief Carcioppolo, Chief Matias,  
Mr. Marquart, Mr. Marrelli, Ms. Wolgamuth and Mrs. Betsa

Absent: Mr. McAviney (Excused), Mr. Metzung (Excused)

The Pledge of Allegiance to the Flag was given.

**CONSIDERATION OF MINUTES:**

**Regular Council Meeting – February 18, 2020**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve the minutes of the Regular Council Meeting of February 18, 2020 as written.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Minutes of February 18, 2020 Meeting Approved as Written

**Comments from Mayor Bodnar**

**. COVID -19 UPDATE**

At this time, I would like to give everyone an update on our efforts to prevent the spread of COVID-19 and to deal with its potential and real impact on our community.

On Friday, March 6, Chief Matias, Chief Carcioppolo and I attended an informational and instructional webinar presented by the County Board of Health.

Since that time, we have made our plans to deal with this pandemic our top priority.

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On Monday, March 9, we had the first 3 confirmed cases of COVID-19 in Ohio. All three were in Cuyahoga County, and Governor DeWine declared a state of emergency in Ohio. Following that, the WHO issued a declaration that COVID-19 is a global pandemic. As of Friday, it was estimated that there are 100,000 infected people in Ohio. Today there are 50 confirmed cases. We are clearly on the upswing. The virus is anticipated to peak here in late April or early May.

For the past week and a half, we have closely followed the news conferences, updates, emails, orders and letters from all levels of government, particularly from State and County government, both of which have provided a wealth of information, orders and guidance, and have worked toward coordinating efforts. We have had the benefit of Governor DeWine's clear and unfailing leadership. He has made difficult and courageous decisions that Ohioans will benefit from in the long term, and I am grateful that he has stood up and done the right thing.

Cuyahoga County and NEO Mayors and Managers groups have also provided a wealth of information and guidance to us, including daily updates, and they have been a tremendous resource.

At the NE OH level, we are in almost daily communications with our neighbors to put together plans that will serve us and our neighbors in the event that any one of us is left without adequate personnel to meet the needs of our community. We have also shared our plans and action steps in dealing with COVID-19. SPAN network mayors, police chiefs and fire chiefs met last Friday to evaluate and discuss resources and options. Today, the police chiefs met to discuss a continuity plan throughout the network, including dispatch. We are all committed to helping each other through this.

The CPA has cancelled its programming. They will continue to distribute meals through a curbside pickup model, and will also deliver lunches. Meals on wheels continues to deliver meals, with some minor modifications.

It is extremely important to reduce the spread of COVID-19 as best we can, because we do not want to be in a position to not have enough healthy police and firefighters to meet our needs. I'm sure you have all seen the Coronavirus curve diagram on the news and you know that, once the number of cases exceeds a threshold amount, we will not have enough hospital beds, ventilators, medical supplies or personnel to handle the problem. We are working hard and working together to stem the tide.

Here in the Village, we are engaged in efforts to stop the spread of the Coronavirus while maintaining services to our community, especially the essential services provided by our Police and Fire Departments. Last week, all of our departments formulated Continuity of Operation Plans, or COOPs, to ensure our continued operations the best we can. You have a copy in front of you of all of the COOPs. These plans are fluid, as the situation we are in is fluid, and are thus subject to modification as needed. It is the intention of the Administration to keep Village Hall open for the time being, as we have enough space to work far apart. We will, however, follow recommendations from the CDC as well as the State and County. Ron Wynne is working with Diane Wolgamuth to review sick time, comp time and part time allowances. To the extent we

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can do it, all employees who are off work but are not ill may be called back to assist if needed. Employees may also be called upon to float between departments as needed. I have had several meetings and calls with our department heads and with Council President Schutt to plan and take action to deal with our challenges. I am truly thankful to be working with this team of insightful, intelligent, engaged, mature, hard-working, and motivated individuals.

We have cancelled all non-essential programming for the next 30 days, and will re-evaluate after that. We have cancelled the Easter egg hunt, senior programming and events at the Community Room, as the new CDC recommendation is to limit groups to 50 people or less. We also do not have the staffing to work these events. We do not like having to do this, but we are in a unique situation. Of course, we are issuing full refunds for all cancelled programs and rentals. (We do not have weddings scheduled for the near future at the CR, so that is not an issue.)

We have emailed our employees to keep them up to date, included information and links on our website, and sent a letter to members of our community with sound advice, answers to FAQs, and links to more information and guidelines. Advice changes daily, especially with respect to activity limitations and recommendations, testing availability and travel. Governor DeWine has given clear confirmation that grocery stores, banks and pharmacies will remain open.

In-person voting will likely NOT go forward tomorrow here. At the Governor's press conference this afternoon, he indicated that a lawsuit would be filed today seeking to postpone the election to June 2, with the ability to obtain and file absentee ballots until that date. The OAG will not oppose that suit, and it is expected that the Court will rule on it before the night is over. We will have an auxiliary policeman on site tomorrow to advise those who show up to vote, and we will have signage as to the same.

Of course, while our first priority is to help flatten the curve and serve the needs of MV, we are also cognizant of the economic impact this pandemic will have. Many of our residents and businesses will suffer as a result of COVID-19 and orders in place to stem it. You might have noticed we added a new notice on our LED sign encouraging people to get takeout food from our restaurants. That is an unusual step for us, but we want our community, which includes our businesses, to weather the storm. We are getting notices on loan programs, assistance programs and unemployment law changes which can assist those in need. I met with John Marquart this morning, and he is following up to coordinate available resources.

Let's take a moment to review COVID-19's potential impact on the Village. At least two of our major employers have instituted work from home mandates. For the first four weeks, the Village will still collect income taxes from those employees' wages. After that, income taxes will go to the employees' home cities. So, to the extent work at home mandates exceed 4 weeks, Mayfield Village will start seeing a significant, albeit temporary, decrease in revenues. We know this is coming and, thanks to sound financial planning and solid reserves, we are prepared to weather the storm.

Insofar as public meetings are concerned, the OAG Dave Yost has issued an opinion letter instructing municipalities on how we can comply with Sunshine laws during this state of

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emergency. We will be introducing emergency legislation for Council to vote on tonight. This legislation will allow Council to attend meetings via teleconference, and meetings to be live-streamed to the general public. It will also increase the Mayor's spending limit for matters concerning the health, safety and welfare of this community. The emergency legislation will remain in effect only through the current state of emergency.

What I am reporting to you is a brief summary of what is going on here and throughout Ohio. Rest assured that we are all working hard and working together to reach the best possible result.

All hands are on deck at every level of government. We will continue to keep you informed.

**Comments from Council President Schutt**

I just wanted to reiterate what Mayor Bodnar said about the processes that have been put in place by all of the Department Heads in conjunction with the Mayor. Everybody mentions about all of the amenities that we have available in Mayfield Village. The reason why we have those amenities is because of all of the Department Heads that make all of that happen. So, I just wanted to thank all of you for looking out for the best interests of all of the people that report up through your organizations as well as having the best interest of our citizens as well as the people that work here on a daily basis. So, thank all of you for putting all of that hard work together to put these procedures together to make sure that we have everybody as safe as we possibly can. We have never really experienced anything of this nature. It's kind of new to everybody. Thank you for all that you have done. As Mayor Bodnar also mentioned, I believe there has been a ruling and voting has been cancelled until tentatively June 2<sup>nd</sup>.

The Town Hall with State Representative Phil Robinson and Caucus scheduled for April 6<sup>th</sup> has been cancelled.

Thanks again everybody for all your hard work. I appreciate it.

One other thing, thank you to the 3 people we have in the audience as well for coming out today. Although you may not need our help, I just wanted to mention, you have the 7 people of Council here as well that are here to provide whatever support we possibly can to our residents. They can reach out to any of us for anything that they may need. We will help in any way that we possibly can. If we can do something on an individual basis, please reach out to your Council members. Although we may be limited at times and hopefully we will not have a lot of illness with our employees, but I know that we can also lean on our departments within Mayfield Village as well. They will do the best that they can, obviously serving the Village's needs first, but to help with residents as well depending upon how long this goes. Thanks again.

**OPEN PORTION**

– For Public Comment (5-minute limit imposed by Chair)

There were no comments.

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**DEPARTMENT HEAD REPORTS:**

**John Marrelli (Building)**

- . **Planning and Zoning** – We met on March 2<sup>nd</sup> and approved the Montebello consolidation plat which is on the agenda this evening. They also went over the Barkour dog park office facility. That was tabled. They approved the microblading operation at the salon down the street.
- . **Architectural Review Board** – We met on March 12<sup>th</sup>. We went over the final draft of the Holiday Inn renovations that they are going to do on the outside of the building.

**Mary Betsa (Council) –**

- . Upcoming Events  
The Local Government Officials’ Conference and Newly-Elected Officials Training Session have been cancelled. I will keep you posted on any further cancellations.
  - April 30, 2020 – Ethics Session – 10:00 a.m. – Mayfield Village Reserve Hall
  - May 6, 2020 - House Bill 9 Training – Mayfield Village Reserve Hall
  - May 16, 2020 -Shred Day – 9:00-12:00 – Civic Center Parking Lot

**Tom Cappello (Engineer)** – There was a bid opening last Friday for the 2020 Concrete Road Program. It is on this evening’s agenda.

**Ronald Wynne (Finance)** - I am expecting final comments some time this week from our auditors on the 2019 audit report. Once those are all cleaned up, then we will submit that report to the State Auditor’s Office for final approval. Once it is approved, we will post it on the website.

**Chief Eugene Carcioppolo (Fire)** – No need to thank us for our services. That’s what we are here for. I did want to report on basically everything the Mayor said. It’s an ongoing process and the Cuyahoga County Fire Chiefs are obviously closely involved with that on behalf of all three hospital systems, the medical directors talking every day. I talked to our medical director at 6:15 tonight because as you can imagine, all of the doctors are busy. All of that is being monitored. As this is changing, we are changing policies and procedures to go along with the latest recommendations. I believe we will be okay and are working towards getting to the end.

I also wanted to report that the Civil Service Commission met on March 9<sup>th</sup>. They ended up extending our entry level exam for 6 additional months. That’s the last extension that can be made. They elected to do the Regional Test with the other 6 departments in the area. Mayfield Heights, Pepper Pike, Lyndhurst, South Euclid, Highland Heights and Richmond Heights are giving one test. They are going to try that to see how it pans out. It’s a way to save money and get a larger pool of candidates to sit for the examination.

**Anthony J. Coyne (Law)** – At the appropriate time I will address an ordinance that’s in your packet, 2020-08, an emergency ordinance regarding open public meetings and to provide the



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Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Resolution Adopted

**NEW BUSINESS**

.       **Motion to amend the agenda to add an emergency ordinance.**

Mr. Williams, seconded by Mrs. Jurcisek, made a motion to amend the agenda to add an emergency ordinance.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Agenda Amended

- **First Reading of Ordinance No. 2020-08**, entitled, “An emergency ordinance regarding the holding of public meetings and to provide the Mayor with emergency spending authority during the COVID-19 pandemic.” Introduced by Mayor Bodnar. (Administration)

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

Council President Schutt asked, discussion?

Mr. Coyne stated, this ordinance is an emergency ordinance. It’s suggested in part because of discussions that have been had with Administration even over the weekend and pursuant to the letter that was issued by the Ohio Attorney General. Ohio has open meetings regulations that are pretty strict but there are exceptions to them. Section 5502.24(B) of the Ohio Revised Code provides for exceptions in fulfilling the obligation to comply with the Open Meetings Act. In this case, that’s one of the specific exceptions if an emergency is declared by the office of the Governor of the State of Ohio. What this will do is accommodate how meetings are conducted. It will allow the Village to conduct meetings potentially with members of Council participating telephonically. We will look at using other forms of technology, but that is something that will accommodate having a quorum available so that business can be conducted in an efficient manner.

This ordinance also provides for increasing the Mayor’s spending authority for emergencies to \$50,000 and will not require typical bidding procedures to be followed. Other communities have also looked at this type of an ordinance. It is prudent under

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these circumstances. We don't know what's going to happen in the weeks or potentially months ahead. This will give the Administration flexibility for continuing the operations of the Village without necessarily having to go through those other procedures which could take a lot of time and could be inconvenient potentially if there's a health safety issue with any emergency action that would be problematic.

I also bring to your attention that this is a bit of a cutting-edge decision. The communities that are going to be passing this are going to be having to address the fact that there is some gray area under Ohio's Open Meeting's Act concerning how participants vote in person. There are not a lot of exceptions. The Ohio Attorney General has assured all communities that adopt these emergency ordinances that should there be any kind of litigation in the future, the Attorney General's office will participate as an amicus curiae brief or a friend of the Court brief so that they will support the Village if something like that should happen.

I think given the circumstances, this is an event that hasn't happened in this country since 1918 and I think the Attorney General is trying to do his best to give some guidance to local governments to operate as efficiently as possible. If you have any other questions regarding the ordinance, I will be glad to answer them. The ordinance would be in effect until the Governor terminates his declared emergency related to this healthcare crisis.

Mrs. Mills, seconded by Mr. Marquardt, made a motion to enact Ordinance No. 2020-08.

ROLL CALL: AYES: All

NAYS: None

Motion Carried

Ordinance Enacted

- **Motion to approve recommendation from Planning & Zoning Commission concerning the Consolidation Plat for Montebello Subdivision, Highland Road, for applicant 345 Miner Road, LLC.**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve recommendation from Planning & Zoning Commission concerning the Consolidation Plat for Montebello Subdivision, Highland Road, for applicant 345 Miner Road, LLC.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:

AYES: Jurcisek, Marquardt  
Meyers, Mills,  
Williams, Schutt

NAYS: None

ABSTAIN: Murphy

Motion Carried

Recommendation Approved

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- **Motion to approve recommendation from Planning & Zoning Commission concerning the Conditional Use Permit for Microblading at 6449 Wilson Mills Rd. for applicant Allison Seltzer.**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve recommendation from Planning & Zoning Commission concerning the Conditional Use Permit for Microblading at 6449 Wilson Mills Rd. for applicant Allison Seltzer.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Recommendation Approved

- **Motion to authorize an expenditure in an amount not to exceed \$8,000 to All Covered/Konica Minolta for the replacement Firewall with three years of basic security and the WatchGuard APT Blocker. (Administration)**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to authorize an expenditure in an amount not to exceed \$8,000 to All Covered/Konica Minolta for the replacement Firewall with three years of basic security and the WatchGuard APT Blocker.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Expenditure Authorized

- **Motion to approve 2019 Economic Development Incentive grant payment to Wireless Environment, LLC in the amount of \$15,326.70.**

Mrs. Mills, seconded by Mr. Marquardt made a motion to approve 2019 Economic Development Incentive grant payment to Wireless Environment, LLC in the amount of \$15,326.70.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Expenditure Authorized

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- **Motion to approve 2019 Economic Development Incentive grant payment to PreEmptive Solutions in the amount of \$3,623.40.**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve 2019 Economic Development Incentive grant payment to PreEmptive Solutions in the amount of \$3,623.40.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Expenditure Authorized

- **Motion to acknowledge receipt of financial reports for February 2020 and to approve of same as submitted. (Finance Department)**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to acknowledge receipt of financial reports for February 2020 and to approve of same as submitted.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Financial Reports for February 2020 Acknowledged And Approved as Submitted

- **Motion to declare Patrol Vehicle 4612 surplus (2018 Dodge Charter VIN: 2C3CDXAG6JH225725) and to sell it on Govdeals.com. (Police Department)**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to declare Patrol Vehicle 4612 surplus (2018 Dodge Charter VIN: 2C3CDXAG6JH225725) and to sell it on Govdeals.com.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Surplus Declared Sale on Govdeals.com Approved

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- **Motion to authorize expenditure in the amount of \$12,339.98 to TruGreen Commercial for the 2020 fertilization program. (Service Department)**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to authorize expenditure in the amount of \$12,339.98 to TruGreen Commercial for the 2020 fertilization program.

Council President Schutt asked, discussion?

There was none.

ROLL CALL:	AYES:	All	Motion Carried
	NAYS:	None	Expenditure Authorized

- **First Reading of Ordinance No. 2020-05**, entitled, “An emergency ordinance amending Ordinance 2020-01 establishing the Parkview Recreation Complex wages.” Introduced by Mayor Bodnar. (Parks and Recreation Department)

Mrs. Mills asked, Ron, does Shane need this passed tonight?

Mr. Wynne replied, if we can get it passed tonight, that would be appreciated.

Mr. Mills, seconded by Mr. Meyers, 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. Meyers, made a motion to enact Ordinance No. 2020-05.

Council President Schutt asked, discussion?

There was none.

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

- **First Reading of Ordinance No. 2020-06**, entitled, “An ordinance amending Codified Ordinance Section 123.02 relating to contracts and advertising for bids.” Introduced by Mayor Bodnar. (Administration)

Ordinance No. 2020-06 moved to Second Read.

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- **First Reading of Ordinance No. 2020-07**, entitled, “An ordinance amending Codified Ordinance Chapter 1359 relating to the destruction and removal of trees.” Introduced by Mayor Bodnar. (Building Department)

Ordinance No. 2020-07 moved to Second Read.

- **Resolution No. 2020-17**, entitled, “A emergency resolution authorizing Mayfield Village to take all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2020 Energized Community Grant.” Introduced by Mayor Bodnar (Finance Department)

Mrs. Mills, seconded by Mr. Meyers, made a motion to adopt Resolution No. 2020-17.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Resolution Adopted

- **Resolution No. 2020-18**, entitled, “A resolution amending the policy and procedure for qualifications-based selection for professional services.” Introduced by Mayor Bodnar. (Administration).

Mayor Bodnar asked, Council President, this Resolution goes in tandem with Ordinance 2020-06 and we would ask that it therefore be put on three reads to go along with Ordinance 2020-06 and not be voted on tonight.

Resolution No. 2020-18 moved to Second Read.

- **Resolution No. 2020-19**, entitled, “An emergency resolution authorizing Mayfield Village to accept the bid of Catts Construction in the amount of \$949,831.75 for the 2020 Road Program Project.” Introduced by Mayor Bodnar. (Engineer).

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adopt Resolution No. 2020-19.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES: All  
                  NAYS: None

Motion Carried  
Resolution Adopted

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**ANY OTHER MATTER BEFORE COUNCIL**

Council President Schutt asked, are there any other matters that may come before Council at this time?

Mr. Coyne stated, I just received the ruling on the delay of the election to June 2<sup>nd</sup> and cancelling tomorrow's election ordered and requested by the Governor. The ruling came down to not permit that to occur. There could be an appeal later on this evening. Mr. Coyne read off the news report. In sum, the Legislature decided that the primary election would be held on March 17<sup>th</sup>. On Monday, Governor DeWine and Secretary of State Frank LaRose said they wanted to postpone the election until June 2<sup>nd</sup> with absentee voting allowed before then. The argument of the plaintiffs in the lawsuit were that going out to vote would be a risk to their health since Ohio Department of Health Director Dr. Amy Acton has stated that elderly people can get sicker and even die from coronavirus as well as people whose immune systems are compromised. Under the system, there could be an emergency filing with the Court of Appeals in Franklin County. It's going to be very difficult to do that tonight. I think most of the County election officials were assuming it was going to be rescheduled to June 2<sup>nd</sup>. They haven't even set anything up here.

Mayor Bodnar stated, and we called the poll workers and told them to stay home tonight.

[See Update following the meeting below]

Council President Schutt asked, any other matters?

Ms. Wolgamuth stated, I just wanted to mention to Council that Mr. Wynne and I have completed negotiations with both police and fire and we need to ratify the contracts. It was too late to get it to you today so we will get the contracts finalized and to Council before the next meeting in April.

Council President Schutt stated, sounds good. Congratulations. Anything else?

There were no further matters.

**ADJOURNMENT**

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

The meeting adjourned at 7:49 p.m. The next Regular Meeting of Council meeting is scheduled for Monday, April 20, 2020 at 7:00 p.m.

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UPDATE:

Ohio's Tuesday primary was called off at the last minute on Monday night because of a health emergency posed by the coronavirus. "During this time when we face an unprecedented public health crisis, to conduct an election tomorrow would force poll workers and voters to place themselves at an unacceptable health risk of contracting coronavirus," DeWine said in a statement posted to Twitter. DeWine said that state Health Department Director Amy Acton would "order the polls closed as a health emergency." Acton did just that late Monday night.