

DRAFT
MINUTES OF A COUNCIL CAUCUS
Mayfield Village Civic Hall - Mayfield Village Civic Center
Monday, October 4, 2021 – 7:00 p.m.

The Council of Mayfield Village met in Caucus Session on Monday, October 4, 2021. Council President Schutt stated, good evening, everyone and welcome to the Mayfield Village, Ohio Council Caucus meeting. It is Monday, October 4th at 7:00 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. Coyne, Mr. Wynne,
Chief Carcioppolo, Mr. Russell, Chief Matias,
Mr. Marquart, Mr. Sipos, Mr. McAviney,
Ms. Wolgamuth and Mrs. Betsa

Absent: Mr. Cappello

PENDING LEGISLATION

ORDINANCES

- **Ordinance No. 2021-12**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Section 351.12 Handicapped Parking.” Introduced by Mayor Bodnar (Administration) (First Reading – September 20, 2021)

Council President Schutt asked, are there any questions? This Ordinance will be on Second Read at the Regular Council Meeting on October 18th.

- **Ordinance No. 2021-13**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Section 351.99 Penalty.” Introduced by Mayor Bodnar (Administration) (First Reading – September 20, 2021)

Council President Schutt asked, are there any questions? This was on First Read on September 20th and will be on Second Read at the Regular Council Meeting on October 18th.

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MAYOR

Thank you, Council President. I would just like to take this opportunity to congratulate our Police Chief Paul Matias. Chief Matias will be inducted into the Mayfield Schools Alumni Hall of Fame this Wednesday evening. This is a great honor. Chief graduated from Mayfield High School in 1988 and spent the next 10 years serving our country with the United States Navy. After that, due to his strong desire to help people, the Chief embarked on a career in law enforcement and has been in our department for 22 years serving as our Chief since February 2019. Chief, you have done a wonderful job with the department keeping everyone safe in Mayfield Village and also keeping our first responders safe. We appreciate all you have done and congratulate you on this well-deserved honor. Thank you.

Chief Matias stated, thank you Mayor.

Council President Schutt stated, thank you Mayor Bodnar. Congratulations Chief Matias. Thank you for all you have done.

Chief Matias stated, thank you.

COUNCIL PRESIDENT

Happy Belated Birthday to Mr. Coyne. His birthday was on the 2nd. Happy Birthday.

Mr. Coyne stated, thank you.

CLERK OF COUNCIL

Upcoming Online Live Training

- **Citizen's League of Greater Cleveland – Ethics, Fraud Prevention and Detection**
- **Friday, October 29, 2021**

I received a notification from the Citizen's League on a Complimentary Ethics Training. It's an on-line live training. It begins in the morning of Friday, October 29th with a Fraud Detection and Prevention Tools and Techniques session and then at 10:00 a.m. Sue Willeke will be presenting on Ohio Ethics Law. As you know, Sue was going to come to the Village and present on October 8th, but due to the numbers still rising, it was cancelled until Spring of 2022. In the meantime, if anyone's interested in attending this on-line free session, feel free to let me know and I will send you the information.

Council President Schutt asked, are there any questions for Mrs. Betsa?

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There were none.

Council President Schutt stated, thank you Mrs. Betsa.

ADMINISTRATION

- . **Bid Results – Civic Center Renovations**
- . **Civic Center Boiler Replacement (Best Commercial Energy Service - \$38,400)**

Ms. Wolgamuth stated, thank you Council President. I am sure that Council saw the memo from Dan Russell and I about the bid results. We were very happy. We got 7 bids under the estimate. Nancy Nozik from Brandstetter Carroll is qualifying the bidders and she will provide us with a recommendation so it is ready for approval on October 18th.

Ms. Wolgamuth stated, I am going to defer the Civic Center Boiler Replacement to Mr. Russell.

Mr. Russell stated, Council should have received a memo about replacing the second boiler in this building. We have had three estimates. We would like to go with the middle one, Best Commercial. They do a great job. They installed the first boiler in 2019 and we would like to go with the same company. The estimate is \$38,400.

Council President Schutt asked, are there any questions for Ms. Wolgamuth or Mr. Russell on these two items?

There were none.

Council President Schutt stated, thank you Ms. Wolgamuth and Mr. Russell.

- . **Beta Drive Overlay Zoning District**

Mr. Marquart stated, thank you Council President. Thanks everybody for hearing me out this evening. I am going to take the next 5-10 minutes at the most understanding that Monday night football is coming up.

We have been dealing with an issue in the Economic Development department about the availability of commercially-zoned property. Essentially the Village is out of space and as they say, in real estate, they are not making any more of it. So, in order to preserve the tax base, strengthen the tax base, and grow it, we started taking a look at how we can fortify and intensify Beta Drive and in fact modernize it. Most of the zoning there is 35-40 years old and is not reflective of modern real estate needs.

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The other thing that's beginning to unfold due to the lack of available real estate is we are at risk of losing employers who are in need of expanding. There's a handful of those that are doing quite well and will be looking for additional space in the near future. In fact, over the next few months we are actually indeed unfortunately losing one of our employers to Solon. The other issue is with respect to attracting new companies we just can't compete with neighboring communities because we don't have the product available.

So, over the last year or so, I have been working on this issue with the Mayor, both Building Commissioners; I think I talked about zoning so much that I ran Mr. Marrelli out of town; and Director Wolgamuth. What we started looking at is if you take a peek at Beta Drive in its existing condition, what you don't see there is there are currently 5 zoning districts that touch Beta so when we first started looking at this issue we thought, well gee, maybe we can write a new zoning district that would take care of Beta Drive only. Given the fact that there are 5 existing classifications, it made it difficult and what we ended up doing is proposing an overlay zoning district which I think would achieve our goals. The good thing about it is it doesn't create any non-conforming uses for the folks that are already there. In other words, it doesn't force any property owner to do anything they don't want to do right now.

So, the district that we are proposing is cross-hatched in red there and outlined in dark black. What we sort of looked at was we don't want to zone this for what's out there now. We sort of want to zone it for the future. In other words, if there's a, for example a small one-acre property with a small office building on it, they probably won't see any immediate benefit from the overlay but in the future, whether it's a year, five years, ten years down the road, the potential would exist for a smaller parcel to be consolidated for example with its neighboring parcels to do something more substantial.

While we might not see any substantive changes along Beta in the very near future, I do think down the road it's necessary to set the table with this overlay district. Basically, the overlay district you sort of could think of it as sort of a translucent slide that you can sort of drop over the existing geography. That's sort of how it works. The underlying zoning would still apply if the owners so choose, but the overlay itself would permit some more flexibility in terms of uses and it would also permit more flexibility in terms of the spatial geography of the district. For example, we would permit a little bit smaller backyards in a sort of relaxed environment with a large front yard down to as low as 40 feet where it's currently between 70-150 feet. There's also some precedent out there already for this measurement in terms of the front yard. If you look at the Howard Hanna building at the corner of Wilson Mills, it has a 40 feet setback. That was a pretty good sweetspot to sort of set the tone on the front setback line.

The other thing we are proposing would be to increase the allowable height up to 4 stories or 50 feet. Portions of Beta would allow 35 feet currently. Portions of it allows 1 story. Again, there's some precedent out there for some higher size buildings. Mount Vernon, the tower between the two buildings for example. The Hilton Garden Inn also exceeds 35 feet. Again, some precedent is out there. I sort of keep coming back to those precedents for some of the measurements I am

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proposing because I want to make clear that we are certainly not intending to turn Beta into Manhattan. It never will be that. It never should be that. But we do think we can increase it just a bit to help preserve the tax base.

So again, relaxing some of the quantitative requirements for a developer such as yards, sideyards while also protecting and screening nearby residential uses. We are very careful in that regard as well to preserve the residents on SOM Court and Montebello for example or nearby. We want to preserve their backyards and we want to preserve their quiet enjoyment of their property.

The overlay would also permit some new uses such as retail. It would also permit drive throughs but not nearby residents, not nearby the front door to the district. So, in short, the overlay would give property owners/developers more bang for their buck. It would give them some more flexibility of getting more yield out of their property. I have had a few owners over the last year and a half tell me, I've got a 6-acre property but I can only rent 3 acres of it. Is there anything you can do to help me? It's not cost-effective. That's one of the general things we deal with with our current zoning. This would provide more flexibility, more yield on their property and fortify the tax base.

You can see the yellow shading. That's just a quick snapshot of land that could be very very quickly re-utilized under the overlay. It's essentially underutilized land now. It could be brought into productive use very very quickly. But again, I think the long view is property lines may not look like they currently look so we have to set the table for some smart development.

The next few slides here are some competing commercial districts within 10-15 miles of us. They are essentially more attractive and more dense. You get much more square foot per acre. These are the kinds of places that can accommodate growing users. You look at Beta way back here and tend to see a whole lot of green. Believe me, I am a fan of greenspace, but I think we've got to reach a sweetspot of what's more valuable to the Village, a commercial front yard that just gets mowed twice a month or usable square footage that generates tax revenue. These are the kinds of districts that we are competing with. They are much more dense. They are less restrictive with respect to setbacks and sideyards.

What we are looking at here, I want to make very clear first of all, this is a generic property. This is not any specific parcel on Beta. Folks tend to get funny when you show changes to their property. I take great caution not to do that. But again, this is just a generic piece of property that could be anywhere on Beta. What you are seeing is basically what we require now is roughly 150-foot-deep front yard which again doesn't do anyone good. Under the overlay, it would provide the opportunity to do something like this where a manufacturer for example that is growing could essentially add roughly 33% to his building. The other thing that may provide them the opportunity do is something along these lines where you would introduce a mix of uses onto one parcel. They could have an office or light industry in the back, retail or office for example in the front. It just provides more yield out of that property.

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The next couple slides, again, this is looking straight on Beta from Wilson Mills. You see the Howard Hanna building on the right, which again establishes the front yard setback. Similarly, what I am showing is the Hilton Garden Inn and Mount Vernon bell tower. So, they have already set the precedent for the height.

The next slide is a drive through, again a precedent already exists in the Village on SOM and Wilson Mills. There are two drive throughs at Citizen's Bank. We are not looking to radically introduce things that don't already exist. I want to again make it clear that with a respective drive through we don't want to put this in anyone's backyard. We've also got language in there with strict hours of the drive through. We've got language in there on how loud these boxes can be to protect folks who may live nearby. There's also language in there as you can see here shaded in blue. Under this overlay, we do not permit drive throughs anywhere near Wilson Mills or SOM. They must be sort of set back into the interior of Beta. We don't want a Burger King for example at our front door. We certainly don't want a Burger King for example in anyone's backyard. We've spent a lot of times working on the sweetspot and how far back to situate something like that.

To bring you up to speed, Planning and Zoning Commission reviewed this proposal at their workshop last month and just earlier tonight approved the overlay, recommending its approval to you to be placed on the May 2022 ballot. In order for that to happen, we would obviously need three reads and again, as you know, any zoning change would require a public meeting as well and that would happen the same day as the third read at which point, I will discuss the full details and full text of the overlay, all the quantitative requirements and things. It would take an hour tonight that I don't think anyone would want. I am absolutely more than happy to answer any specifics you may have tonight, but again, the plan is to discuss those details in depth at the public meeting. We are also looking to take this in front of Citizen's Advisory in November to bring them up to speed.

That's sort of the overview. Again, I would be happy to answer any questions you may have. The full text and full map is available. The Planning and Zoning Minutes will be included in your next packet as well in advance of the October 18th meeting. I know that's a lot to chew on. I would be happy to answer any questions you may have.

Mr. Marquardt asked, will this have an impact on traffic?

Mr. Marquardt replied, we have not hired an engineer to assess that, but that's something we can certainly look into.

Mrs. Jucisek asked, is there a real need for drive throughs? Have you heard of businesses; because again like what Bill had said with the congestion and I know some of the potential businesses, looking at that dog business that wanted to come here and there was a concern there was too much congestion on Beta for something like that. I can only imagine drive throughs would be the same.

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Mr. Marquart replied, yes. What we have done Councilwoman, a couple of things. To answer your first question, I have been approached by a few operators who are interested in the area. One is a hamburger operator who has since moved elsewhere, so they are sort of off the table. I have not heard of any national chains with the exception of a coffee and pastry shop. Nobody from McDonald's or Taco Bell are knocking on the door. I do think there's a market for coffee and pastry and all of those operators are going to require a drive through. I talked to two of them. They like the area, they just have to have a drive through.

To answer the second part of your question, we have looked through other municipality's codes. We have look through other municipality's design requirements with respect a drive through and we think we have written in language that would protect number one, traffic from backing up onto the street. We also think it would protect against traffic backing up with any given parking lot. In other words, we looked at requirements for drive throughs. We are going to require at least 10 vehicles for stacking behind the box. It also requires a bailout lane, for example, so if someone's tired of waiting, they can get out without backing up. We think we have done a decent job because we are building in those safeguards.

Mrs. Jurcisek stated, thank you.

Mr. Williams asked, if this moves forward, we are just talking about zoning situations, zoning changes. There's no funding involved at this point?

Mr. Marquart replied, no sir. This is simply a zone change. Again, I don't want to say it's an entirely new zone change because it's not. It's an overlay so the pre-existing zoning would still apply if the property owner so chose. This would just permit more flexibility, but again, it wouldn't require any funding on the part of the Village.

Mr. Williams stated, thank you.

Council President Schutt asked, are there any other questions for Mr. Marquart?

There were none.

Council President Schutt stated, thank you, Mr. Marquart.

Mr. Marquart stated, thank you.

Council President Schutt stated, we look forward to getting more information.

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FINANCE DEPARTMENT

Mr. Wynne stated, yes. I have several items on the agenda and I still have items after that that I wanted to for an fyi go over with you.

- . **Lease Agreements**
 - **6500 Wilson Mills**
 - **6536 Wilson Mills**

Mr. Wynne stated, for the Regular Meeting on the 18th, we will have Resolutions approving the terms of the Lease Agreements for 6500 Wilson Mills and 6536 Wilson Mills. We haven't increased the rent on those properties for a few years because of what happened with COVID. We have shared the increases with the tenants.

- . **Additional premiums during 7/1/21 to 7/1/22 for new equipment, vehicle purchases (Wichert Insurance Services - \$5,000)**

Mr. Wynne stated, when Council approved the annual renewal for the property and liability insurance in June, it was based upon an estimate for the cybercrime policy because that policy was still being underwritten. The premium came in a little bit higher than we anticipated. This additional \$5,000 is just to cover new additions in the standpoint of vehicles and equipment we get during the 12 months. That is generally offset by revenue received because Council at the same time when we purchase the new vehicles we declare as surplus the old vehicles and sell them and add those vehicles into miscellaneous revenue in the General Fund.

- . **Appropriations Legislation**

Mr. Wynne stated, in December, we pass the final budget for this year as well as a temporary budget for the first three months of next year. It will be on the agenda in October just in title only. I won't have those numbers available to you until the early part of December but we put it on the agenda starting in October so that it does have 3 reads during the Council meetings.

Mr. Wynne stated, at this point, does anyone have any questions on these three items?

Mr. Murphy asked, with regard to the Leases with the tenants, is that still going to be month to month?

Mr. Wynne replied, yes.

Mr. Murphy stated, thank you.

Council President Schutt asked, any other questions?

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There were none.

Mr. Wynne stated, I have three additional items.

Just for your information, we participate with the Regional Income Tax Agency in a non-filing letter program. Every year they send out letters to taxpayers who were required to file tax returns for the Village and have not. Last month, they sent out 623 non-filer letters to taxpayers. Some might be residents, probably a majority of residents, and those who work in the Village. So, if you happen to receive a phone call from a resident who might have received a letter, that's what it's all about and you can direct them to contact me directly or they can contact the Regional Income Tax Agency.

The second item has to do with property taxes. You might have seen on Cleveland.com in the past few weeks that the County went through their triennial update process. Every 6 years the County does a detailed appraisal of all commercial, residential and industrial property. The last detailed appraisal was in 2018 and in between that 6-year period they do what's called a triennial update where they update property values based upon trends in the marketplace. So, 2021 is when the triennial update took place and they just released those results. For Mayfield Village, the value of residential property increased by 13% and the County average is 16%. For commercial property, Mayfield Village increased by 4% and the County average is 4.8%. For industrial property, Mayfield Village increased by 10% and the County average is 8.7%. The County prepared a PowerPoint to the Finance Directors. I will give a copy to Mary Beth who will forward it to you so you can take a look at the detail behind this.

The last item I want to go over with you is our finances in general to give an update from the last time we talked. I am in the process of working on the September financial report. You will have that by the end of this week. It's going to reflect very solid results, but starting in October we are going to start to see a reduction in our General Fund revenue primarily in income tax. I think I had mentioned a few months back that Progressive was hoping to come back in August. That was delayed because of the Delta Variant to January. They are going to start withholding income taxes from their employees based upon where those individuals are actually working. It's finally to a point where we can kind of measure what that impact is going to be. Starting for us in October, we are going to start seeing a reduction in revenue of approximately \$525,000 monthly.

Just to give a little bit of history on where we are at. I think we are in a great position to weather this. We kind of put ourselves potentially in a position to handle something like this. At the end of 2008, we had a General Fund balance of \$957,000 and \$17.5 million in outstanding debt. During numerous Town Hall meetings in 2009 and 2010, the residents commented on a couple things on a regular basis and one was if Progressive were to downsize or leave, how would we handle that and that our debt is too high and are we going to pay that down? From that point forward, I have made a list of all of the reserves in the event some type of a situation would happen so that we could weather a storm and also to pay down our debt as much as possible. At the end

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of 2019, our General Fund reserve or rainy-day fund if you want to call it was at \$24.8 million. When COVID hit and we realized that this might impact us during that period of time and maybe going forward, we pretty much cut back our spending from a capital standpoint and an operating standpoint to barebones as to what we actually needed to operate with nothing additional. As a result of that, as of the end of September and you will see it in the reports, our General Fund reserves are at \$41.1 million and our debt is \$3.2 million but we have \$3.6 million in the Debt Retirement Fund to pay that down. So essentially on paper our debt is totally paid for. We just can't pay for it under the terms of the Agreement. In July or August of next year, we will come to Council asking for approval to call the bonds because that's the first time we are able to do that.

That's kind of where we are at. I think we are in a great spot to weather this. Hopefully it's for a short period of time and we just have to take it as dates come up with our largest employer to see what their plans are right now. They are slated to come back on January 3rd and we hope that that happens. If not, then we will re-evaluate it at that point in time. But I think at this point we are in a good spot. We will just keep tabs on it on a regular basis.

Council President Schutt asked, are there any questions?

There were none.

Council President Schutt stated, thank you Mr. Wynne.

PARKS AND RECREATION

- . **2021-2022 Senior Snow Removal**
 - o **Ameriscape Land Design (3 sections \$265/315 per driveway – not to exceed \$32,800)**
 - o **Arnold's Landscape Design-A&G Landscape (2 sections \$280/330 per driveway – not to exceed \$22,900)**
 - o **MJO Lawn, Inc. (2 sections \$280/330 per driveway – not to exceed \$22,900)**
- . **2021-2022 Senior Snow Removal Opt-Outs**
 - o **(\$75.00 with paid receipt – not to exceed \$11,000)**

Mr. McAviney stated, this is our annual senior snow removal program. It averages out to cost about \$50 more dollars per driveway. The Village increased the fee by 50% of that, so it went up to \$175 for a single driveway and \$225 for a circular driveway. I have not heard any negative feedback one way or another concerning the increase. The residents still look at it as a great value. Currently we are at 232 total driveways signed up for the program. It is passed the deadline but we will probably get another 20-30 driveways throughout the next month and a half. When the first snow hits, it's kind a reminder and we receive e-mails and calls.

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We also have the opt-out program. That goes through the end of the year. We have not gotten a lot of those in right now. But once again, once the snow starts flying, that's when they start coming in.

Council President Schutt asked, are there any questions?

There were none.

Council President Schutt stated, thank you Mr. McAvineu.

ANY OTHER MATTER BEFORE COUNCIL

Council President Schutt asked, are there any other matters to come before Council tonight?

There were none.

There being no further matters, the meeting concluded at 7:34 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Clerk of Council