

**MINUTES OF A COUNCIL CAUCUS**  
**Mayfield Village Civic Hall - Mayfield Village Civic Center**  
**Monday, March 2, 2020– 7:00 p.m.**

The Council of Mayfield Village met in Caucus Session on Monday, March 2, 2020 in Civic Hall at the Mayfield Village Civic Center. Council President Schutt called the meeting to order at 7:14 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. Cappello,  
Chief Matias, Mr. Marquart, Mr. McAviney,  
Mr. Metzung, Ms. Wolgamuth, Mr. Thomas,  
and Mrs. Betsa

**Absent:**            Mr. Marrelli

**PENDING LEGISLATION**

**ORDINANCES:**

- **2020-03:** An Ordinance appropriating funds for current expenses and expenditures for Mayfield Village, Ohio for the period from January 1, 2020 and ending December 31, 2020 and declaring an emergency. (First Read – 1/21/20; Second Read – 2/18/20)

Council President Schutt asked, any discussion?

Mr. Wynne stated, I would just like to mention as far as the budget goes in general. The budget you were provided with several weeks ago has had several changes. Those changes all involve the capital budget. There were three projects that were impacted. Tom Cappello will be talking about the Wilson Mills Sidewalk Project a little bit later but we were also considering the possibility of doing a sidewalk on the north side of Wilson Mills east of SOM and it was in the budget at \$750,000. We decided to table that project for this year and take a look at it again in 2021. So there was a reduction there of \$750,000. We had to add \$100,000 to the Road Maintenance Program. Of that \$100,000, we will get reimbursed between \$40,000-50,000 from the County Grant. We added \$10,000 for a salt spreader that was needed for the Service Department which is actually coming in between \$4,000-5,000. Those are the only changes to the budget since you have received it.

Mr. Murphy asked, what was the reasoning with tabling the north sidewalk of Wilson Mills Road?

Mr. Cappello replied, we were asked to look into putting a sidewalk on the north side. Right now, it's on the south side from SOM Center Road to Hanover Woods. The things we are going to do this year goes from Hanover Woods to Village Trails on the south side and then it will cross on the north side from that point to Echo. The question came up if we wanted a sidewalk on the north side. We were going to look at it. That sidewalk would be very invasive. We have a lot of trees, a lot of grading that would need to be done. We were going to look and see if the need was there for that.

Mr. Murphy asked, so it's going to where this summer? Is it going to Village Trails?

Mr. Cappello replied, this summer it will go from Hanover Woods on the south side of Wilson Mills to Village Trails. It will end up at Echo. It will be on the south side of Village Trails and then on the north side from that point to Echo.

Mr. Murphy asked, okay, so this summer it will be going down Echo?

Mr. Cappello replied, yes.

Mr. Murphy asked, but further discussion is to go further down the hill?

Mr. Cappello replied, no. Further discussion will be to add another sidewalk on the north side of Wilson Mills then from Village Trails back to SOM if we see the need. That one is invasive as far as the amount of work that would need to be done outside the right of way.

Mr. Murphy stated, okay. So the plan is to have a sidewalk all the way down to Echo?

Mr. Cappello replied, correct. Yes.

Mr. Murphy stated, thank you.

Mr. Meyers asked, if they put a sidewalk on the north side, what's it going to connect to? There's no sidewalks on Kenwood, Oakwood, Robley, so what would be the advantage of putting a sidewalk on the north side?

Mr. Metzger replied, the thought is that it would make those neighborhoods more walkable. You don't have the traffic on Kenwood, Oakwood or Robley that you would have on Wilson Mills.

Mr. Meyers stated, but there's no sidewalks.

Mr. Metzger stated, people walk in the street. You have a lot of walkers over there with dogs and that sort of thing, so if they just want to walk around the block when you come to Wilson Mills, it becomes a little dicey.

Council President Schutt asked, any other questions?

There were none.

### **RESOLUTIONS:**

- **2020-12:** A resolution requesting the Cuyahoga County Fiscal Officer to adjust the amended official certificate of estimated resources for 2020. (First Read – 1/21/20; Second Read – 2/18/20)

Council President Schutt asked, any discussion?

There was none.

### **COUNCIL PRESIDENT**

Council President Schutt stated, just a reminder that Council on Monday, March 16<sup>th</sup> will be held in Reserve Hall so that the Board of Elections can set up in the Civic Center for voting on March 17<sup>th</sup>. Please remember to vote on March 17<sup>th</sup>. I know it's also St. Patrick's Day, but hopefully everybody remembers to vote.

Council President Schutt stated, also, we are springing forward this weekend as well so please remember to move your clocks up on Sunday morning.

### **CLERK OF COUNCIL**

- **Upcoming Events**
  - **Mayfield Area Chamber of Commerce State of the Schools  
March 10, 2020 – 7:45 a.m., Hilton Garden Inn-Mayfield Village**
  - **NOCCA Forum – March 19, 2020**
  - **OMCA Regional Training Sessions – 2020**
  - **Local Government Officials Conference – April 6-9, 2020**
  - **Ethics Commission Session – April 30, 2020 – Reserve Hall**
  - **House Bill 9 Training – May 6, 2020**
  - **Shred Day – May 16, 2020**

Mrs. Betsa stated, I have a list of all of the upcoming events on the agenda. If there is anyone interested in attending any of these events, please let me know. Thank you.

Council President Schutt asked, any questions?

There were none.

## **ADMINISTRATION**

### **. Firewall Replacement (AllCovered, aka Konica Minolta Business Solutions – not to exceed \$8,000)**

Mr. Thomas stated, I have the firewall replacement on for this month. The end of life for our current one expires in August. Last Fall, I asked our company AllCovered to look at enhancing our threat protection. Our current firewall is not capable of that so we are just going to upgrade it and add an APT protection, which is Advanced Persistent Threat protection. It protects against ransomware and malware. It also provides me with a tool that is like a cloud-based sandbox where it replicates our network. It doesn't touch our network, it just replicates it so if there is a file that is questionable, I can open it up in there and see how it reacts to our network.

Mr. Murphy asked, in light of the other cities, villages, in and around Northeast Ohio, Atlanta, Baltimore, have had these ransomware attacks, is this sufficient? Is this adequate?

Mr. Thomas replied, yes. Watchguard has been pretty much one of the front runners in advanced ware protection. They are proactively updating intrusions and anti-viruses.

Mr. Murphy stated, okay, I didn't know if there was the Cadillac or Mercedes out there.

Mr. Thomas replied, no. A lot of software companies are different.

Mr. Murphy stated, okay.

Council President Schutt stated, thank you Jeff. Any other questions?

There were none.

### **. Proposed Revisions to Chapter 1359 of the Codified Ordinances regarding Destruction and Removal of Trees**

Ms. Wolgamuth stated, in your packets on Friday you should have gotten a memo along with revisions to our ordinance regarding destruction and removal of trees. If everyone remembers, last fall we had a situation where the Highland Road Development had already been approved by the voters. It had gone to Planning and Zoning a couple of times and then we realized even after the preliminary plan was approved that it still needed a tree permit to remove the trees to build the development. That required that the developer go to the Board of Appeals to seek that permit. At the time it was raised by Councilman Meyers saying why, when in this situation where the development plan has already been approved by Planning and Zoning, would they have to again go back to get an additional permit to remove the trees? So that was one of the objectives that we looked at when we started looking at this ordinance. We also wanted to reduce the number of trees that are permitted to be removed from a property without a permit. So the old ordinance said no more than 10 trees. John Marrelli, John Marquart, Tom, Doug and I have been meeting with the Chagrin River Watershed Partners and they actually brought in

someone from ODNR to recommend other changes to the ordinance. So where we ended up was some cities require a permit even if you are taking down one living tree. We thought that was a little too extreme so we went with three. That's certainly up for discussion. I have not taken it to Citizen's Advisory which I would like to do later this month. I thought we would talk to Council first to see if everyone is in agreement with three living trees. We also defined the size of it and Doug you can probably talk to this better than I can. It was nine inches in diameter at a height of 14 inches above ground level and we are changing that to eight inches at chest high.

Mr. Metzger stated, it's more of an industry standard to measure at that height.

Ms. Wolgamuth stated, so as we did this, John Marrelli said taking this to Board of Appeals doesn't really make a lot of sense. It's kind of not in their wheelhouse. It's not what they normally do. So we changed the entire process so that the permit is actually issued by John Marrelli after he and Tom Cappello and our arborist, whether it be Frank Stupczy who is our current arborist at the Service Department or if we get another arborist, they would go look at it and they would issue the permit and if the person then getting the permit is not happy with that, if they denied it, they could then appeal it to the Board of Appeals. If they still got denied, they could then bring it to Council. That's kind of how we set up the ordinance.

Mr. Meyers asked, how will people know if they need a permit?

Ms. Wolgamuth replied, well, we are going to have to do some public education. So once this passes, or even while it's going through its reads, we can put some articles in the *Voice of the Village*, maybe do a Village mailing just so that people realize that now if they want to take down more than three trees in a year, they are going to have to apply for a permit.

Mrs. Mills stated, we did have an incident last Spring on Wilson Mills. The people bought the property, tore the house down and all of a sudden went in there and took down all the trees. They did not know they had to get a permit.

Ms. Wolgamuth asked, do you think it was more than 10?

Mrs. Mills stated, the reason why this ordinance was originally put in place was because when they built the condos up here on SOM they did the same thing. They took down all the trees. There was no ordinance for a permit. That's why it was created back then so it wouldn't happen again. But if you have a new person coming in like the person down on Wilson Mills, they just thought they owned the property and could do whatever they want with it. After the fact, John became aware of it. The trees were down by the time he knew anything about it. They went really quick.

Ms. Wolgamuth stated, I know a lot of times enforcement is the difficult part.

Mrs. Mills stated, it wasn't John's fault. The people just went in there, they had some Amish people there, and they were very efficient about how quickly they took down all the trees.

Ms. Wolgamuth stated, the old version and new version has a penalty section. I think it will be up to John Marrelli to determine how much he is going to enforce that.

Mayor Bodnar stated and we do get in our packets information on real property transfers in Mayfield Village. It's possible we could take a look at that and see if it would be viable that when a property transfers we can automatically send out a notice to new person saying, here's the rules, you have to comply with them. We can look into whether that would be a viable thing. We don't have that many property transfers.

Council President Schutt asked, any other questions or discussion?

There were none.

<b>ECONOMIC DEVELOPMENT</b>
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. **Mayfield Community Improvement Corporation (“M.C.I.C”) Meeting**

Mr. Marquart stated, on March 16<sup>th</sup>, prior to the Regular Council meeting, the Mayfield Community Improvement Corporation will be meeting for their annual review of economic development incentive packages to make sure these companies are in compliance.

Mr. Marquart continued, just briefly, in summary, QED, Quality Electrodynamics, 6655 Beta, they are in their fifth and final year of their agreement with us. Their minimum income tax threshold is \$133,000 roughly. Last year, they generated \$337,000. However, no payment will be due this year. If you remember, that agreement was a lump sum paid in year one versus annual payments. The second agreement is Marketresearch.com. They are in the fourth year of a five-year agreement. Their minimum income tax baseline is \$90,551. Last year, they generated \$65,820 therefore no payment will be due this year. You may recall that company was acquired in 2018 and the higher salaried executives were laid off as part of that mergers and that accounts for the drop in income tax. The third agreement is Wireless Environment, Mr. Beams. They are in the third year of five as well. Their minimum income tax threshold is roughly \$30,000. They generated \$51,000 last year. Payment will be due this year of \$15,327. Mars Electric, 6655 Beta, likewise in the third year of a five-year agreement. Please note however that this particular agreement will not be reviewed this month. The agreement was amended so the calendar actually runs from January to February versus January to December per the rest of the agreements so we will reconvene again in April to review that one. Pre-Emptive Solutions just wrapped up their first year of a five-year agreement. Their baseline threshold is \$42,000 in income tax receipts. They generated \$54,000 this year. Payment will be due roughly in the amount of \$3,623. One last thing to note, OMNI Systems was approved in 2019, however no payment is due this year. The agreement stated that the clock actually starts ticking in 2020 so we won't see a year one payment until next year. We will convene the group in a couple weeks to review those in detail and then bring it before Council immediately after that. Thank you.

Council President Schutt stated, thank you John. Any questions?

There were none.

## **ENGINEER**

### **. 2020 Concrete Road Program**

Mr. Cappello stated, the bid opening for this is March 13<sup>th</sup>. Hopefully Council will be able to approve it on March 16<sup>th</sup>. It entails slab repair on Wilson Mills and White Road, some on Lander. The major ones will be SOM Center, North Commons and Parkview Drive. They will be doing a little work on Bramblewood and Thornsway also. There are some minor repairs which need to be done on SOM Court. This also includes the new pool access maintenance drive off of SOM. That project is estimated at about \$1.2 million.

### **. Wilson Mills Road Sidewalk Project**

Mr. Cappello stated, I mentioned this project before. It will go from Hanover Woods to Village Trails on the south side and then on the north side from Village Trails to Echo. This bid opening is slated for April 10<sup>th</sup>.

Council President Schutt stated, thanks Tom. Any questions?

There were none.

## **FINANCE DEPARTMENT**

### **. Legislation accepting NOPEC's 2020 Energized Community Grant Funds**

Mr. Wynne stated, we will be introducing legislation at the meeting on the 16<sup>th</sup> to accept a grant that we have received from NOPEC. This is the third year they have awarded what they call Energized Community Grants. The past two years we have used the funds from those grants to change over the police station as well as the fire station to LED lighting. Our grant for this year is \$14,000 and change. We have not identified what we project we want to use it for yet but the first steps to use those funds is to introduce legislation accepting the grant award and then we have until June 30<sup>th</sup> to identify the project that we want to use it for.

Council President Schutt stated, thanks Ron. Any questions?

There were none.

**LAW DIRECTOR**

- **Follow-Up regarding Drainage & Infrastructure Committee**

Mr. Coyne stated, for some of the Council members, toward the end of last year we had a discussion about this Committee. Just as a brief overview, the Drainage & Infrastructure Committee was set up to address and engineer and approve, and help finance, drainage and infrastructure problems that affect residents in the community. There's a score card set up so that it has to affect a certain number of property owners. The cap is \$25,000. The property owners have to pay 10% of the amount equally.

One of the things that came up is the reason for doing it isn't real clear. I looked at other ordinances in other communities and there isn't a clear explanation as to why the Village does it other than there have been drainage and infrastructure problems historically in the Village. Typically, a community would do something like this is if there was causation that resulted from action or inaction of the municipal government. So maybe you approved a project where there was a large shopping center parking lot installed and the drainage from that parking lot resulted in flooding some neighboring property owners or maybe there was another development where you undersized the culverting so you caused some type of flooding so there's a causation issue.

We haven't really done a careful analysis of it but there seems to have been several that have come to the Village and the Drainage & Infrastructure Committee has recommended providing assistance but that causation isn't really very well established. So, the question was should we continue to do that or not and one of the things that I looked at is what some other communities do in similar situations, and that is to create a claims commission or a moral claims commission. I am not exactly sure what we call it. We can discuss that. But I wanted to bring to your attention through the Administration that we are looking at maybe a better way to address those items so that there would be compensation if there was evidence presented that because of the action or inaction of the Village in some type of governmental capacity a property owner was somehow damaged.

This could cover other things too. For example, there was an incident with snow removal where we damaged a resident's fence pretty significantly. We had to decide whether we were going to handle paying for it or not. That could result in litigation too, but at the same time you want to keep the residents protected, keep them satisfied that they are living in a community with superior services so we addressed it. I think that it might be better to look at a claims commission that would have an application come in for compensation and it can be reviewed in that way. Did the Village do something to cause it? Were there complaints in the past about flooding and now it's gotten worse and there's a drainage ditch that's causing flooding that the Village normally would maintain? I am just giving you a preview.

I am going to try to put something together and at the end of the day what we would do is if Council agrees to do it, rescind the Drainage & Infrastructure Committee potentially and establish a new commission that would operate a little more effectively. I think Ron might want to mention it, but one of the things we talked about, and there was an issue with a matter in

Strongsville, where somebody got their compensation, but then the next person came in and didn't get it and they ended up in a lawsuit over why did they get it and I didn't get it and so then how do you say no. One of the ways you can say no is how is the Village connected to what happened? I would be glad to discuss it with you further. I will be getting something to you in the next month probably.

- **Proposed Revisions to Section 123.02 of Codified Ordinances re: Contracts: Advertising for Bids; Awards**

Mr. Coyne stated, this is a suggestion to bring up to the 2020's the spending authority of the Village and the process by which we issue expenditures. Currently, the Mayor's spending authority is less than \$5,000. Council has the authority to authorize expenditures between \$5,000 and \$25,000 after receiving two minimum bids. Anything over \$25,000 goes through the competitive bidding procedure. The suggestion is and there is an attachment to your materials of what other communities are generally doing. The thought is to increase the spending authority of the Mayor to \$10,000. The competitive bidding process would go from \$25,000 to \$50,000. Anything over \$50,000 would be competitively bid. There's a memo with a proposed ordinance which also would provide with more specificity than we have now a spending authority for emergencies so if there was an emergency, a furnace had to be replaced or something like that, obviously there would be a report back to Council that that had to get done. I am glad to entertain any questions on this. It was mentioned that for the two quotes from expenditures between \$5,000-25,000, we are supposed to have two quotes. We probably should consider modifying that language to best efforts because what if you don't get a second quote? There are matters that that happens.

Council President Schutt stated, any questions?

There were none.

<b>PARKS AND RECREATION</b>
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- **Parkview Recreation Complex Wages**

Mr. McAviney stated, there is an ordinance for Parkview Recreation Complex Wages which needs to be revised. One of the reasons is we wanted the term minimum wage put onto this. That way if minimum wages goes up over the years that pay class goes up. Secondly, we didn't have a pay class for private swim instructor at Parkview Pool so we are going to add that. Does anyone have any questions?

There were none.

Mr. McAviney stated, I do have one more thing. I met with Mayfield Heights today for the second time about Parkview Playground. They are going to look at what parts they can use. If there are parts they can use, we will come to Council for an intergovernmental transfer to

Mayfield Heights. I did talk to the construction company today. They said to be able to remove them they would have to actually cut the bases of those playgrounds out and then somebody would be liable for welding them back together and what would happen if they would snap, so it's not a viable option to remove the playground. The pieces are. The slide pieces and stuff like that but the interior of the playground is not.

Council President Schutt stated, thank you Shane.

### **SERVICE DEPARTMENT**

Mr. Metzung stated, it's March so it's leaf mulch ordering time, so get those leaf mulch orders in. The leaf mulch doesn't get delivered until after Mother's Day.

#### **. 2020 Fertilizer program (TruGreen Commercial - \$12,339.98)**

Mr. Metzung stated, this is for our Mayfield Village areas not including our sports fields and Grove. We do that internally. We did have three bids. TruGreen was our lowest bidder. We used them a while back. I would recommend that we go ahead with awarding to TruGreen. They are going to use the same products we have used in the past which is the more mild attack on the weeds and bugs and things of that nature.

Council President Schutt stated, thank you Doug. Any questions?

There were none.

### **ANY OTHER MATTER BEFORE COUNCIL**

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

There were none.

There being no further matters, the meeting concluded at 7:45 p.m.

Respectfully submitted,

Mary E. Betsa, MMC  
Clerk of Council