

MINUTES OF A COUNCIL CAUCUS

Monday, July 6, 2020 – 7:00 p.m.

Videoconferenced in Main Conference Room-Mayfield Village Civic Center

Present in Main Conference Room: Council President Schutt and Mrs. Betsa. All other members of Council, Mayor Bodnar, Ron Wynne, Law Director Coyne and Mr. Metzger in attendance via ZOOM. The remainder of the Department Heads accessed the meeting via videoconference.

This meeting can be accessed by going to <https://www.youtube.com/watch?v=Wv5E6r9nlrI>

Council President Schutt stated, I'd like to call the Caucus Meeting of Monday, July 6th to order. This Caucus and the Special Meeting of Council immediately following this meeting was duly noticed and is being held in accordance with Ohio Revised Code Section 121.22 specific to recent amendments made in light of the current COVID-19 declared emergency (House Bill 197). Under the orders of Governor DeWine and the Director of Health of Ohio, and pursuant to Ordinance 2020-20, adopted March 16, 2020, Council is meeting remotely, via electronic means. The public was encouraged to offer any comments or questions prior to Caucus to be read into the record during the Special Meeting of Council and addressed at the meeting. The public was also invited to view the meeting live through a link posted on the Mayfield Village website.

Mayfield Village is conducting these proceedings in compliance with all applicable State laws and regulations.

PENDING LEGISLATION

ORDINANCES:

Council President Schutt stated, Ordinance Nos. 2020-12 through 2020-16 will be considered for Second Read during the Special Meeting of Council immediately following Caucus. Is there any discussion or questions on Ordinance Nos. 2020-12 through 2020-16?

Mr. Coyne stated, the reason for tonight's Special Meeting is to ensure that Ordinance 2020-12 has three reads and is voted on prior to the August 5th Board of Elections filing deadline. We are also placing the Charter Review amendment Ordinances for Second Read tonight even though the deadline for their submission is September 4th. Because the issue of compensation originated at the Charter Review meetings, it also addresses the Charter Review Ordinances. They are inter-related to that degree. It is the intention of Council and the Administration to consider all of these Ordinances, 20-12 through 20-16 together. They all require voter approval.

There is also no requirement in our Charter or Ordinances for a public meeting. As you know, during these difficult times with COVID-19 we have been meeting using electronic means via Zoom for the safety of all of those who are participating in our meetings and in compliance with the Governor's Orders and his Health Director's Orders. Again, the Charter Review

Commission meetings were open and public meetings. These are advertised public meetings and the public may send their comments to the Clerk of Council until the evening of the meeting and obviously they can comment or ask questions about these Ordinances or any other matter before the Village Council.

Mr. Murphy asked, is there one of these Ordinances that requires a tighter deadline? I think you said August 5th versus a couple other were September? I know there was a tight timeframe for the Charter Review Commission and I think the intent at the beginning when we started it was to get the readings on three full months and not have to call a special meeting for one of the readings, so if you could elaborate on this?

Mr. Coyne replied, yes. It's just the one. It's the one at issue, so it would be the one concerning the compensation to the Mayor, Council President and Council. The Charter amendments are actually later. September 4th is their final date, but again, if you look at when the decision of the Charter Review Commission was made, I think I sent you a memo on or around June 11th so we are just trying to keep them all together because they are related. That was really the way to proceed, so at that time we noticed and notified you that we would need to get the additional reading in which is why we will be holding a Special Meeting of Council after this meeting. That's a procedure we have done in the past as well when there has been any kind of a deadline on an ordinance or resolution for that matter.

Mr. Murphy asked, and the 2020-12 is the one that requires the deadline of August 5th?

Mr. Coyne replied, yes.

Mr. Murphy asked, and that's because it's not an amendment, it's a new ordinance?

Mr. Coyne replied, it's an issue. It would be a new ordinance so it still needs to go to the vote of the people as well as the Charter amendments. When the Charter Review Commission made that recommended change, it resulted in this becoming an issue, not a Charter amendment.

Mr. Murphy asked, which resulted in the Special Meeting?

Mr. Coyne replied, yes, just for that one. And since they are inter-related, it made sense to keep everything together.

Mr. Murphy stated, thank you.

Mr. Coyne stated, sure.

Council President Schutt asked, any other questions?

There were none.

- **Ordinance No. 2020-12**, entitled, “An ordinance amending the compensation of the Mayor, President of Council and Members of Council.” Introduced by Council President Schutt, Council President Pro Tem Meyers, Councilman Williams, Councilwoman Jurcisek and Councilman Murphy. (Administration) (First Reading – June 15, 2020)

Council President Schutt stated, as you are aware, we received a memorandum from Mayor Bodnar supplementing the information that was also provided by our Law Director, Mr. Coyne.

- **Ordinance No. 2020-13**, entitled, “An ordinance proposing an amendment to Article III, Section 6, relative to the compensation of the Mayor and Members of Council.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)
- **Ordinance No. 2020-14**, entitled, “An ordinance proposing an amendment to Article V, Section 6(E), of the Charter of Mayfield Village to allow competition for the appointment to the position of Chief within the Police and Fire Departments and Assistant Chief of Fire within the Fire Department to include individuals outside of the department should there be two or less qualified interested individuals from the supervisory lower ranks.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)
- **Ordinance No. 2020-15**, entitled, “An ordinance proposing an amendment to Article V, Section 12, to substitute the term “Board of Zoning Appeals” for “Board of Appeals”, “Board” and “BZA” in this section and throughout the Charter where applicable.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)
- **Ordinance No. 2020-16**, entitled, “An ordinance proposing an amendment to Article IV, Section 4 and Article V, Section 5, of the Charter of Mayfield Village, so as to provide gender neutral language.” Introduced by Mayor Bodnar. (Administration) (First Reading June 15, 2020)
- **Ordinance No. 2020-17**, entitled, “An ordinance repealing Mayfield Village Codified Ordinance Chapter 955 Drainage and Infrastructure.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)

Council President Schutt asked, discussion? This Ordinance will be on Second Read at the Regular Meeting of Council on July 20th.

- **Ordinance No. 2020-18**, entitled, “An ordinance enacting Mayfield Village Codified Ordinance Chapter 159 Moral Claims.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)

Council President Schutt asked, discussion? This Ordinance will be on Second Read at the Regular Meeting of Council on July 20th.

- **Ordinance No. 2020-19**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Section 1105.02 relating to granting variances.” Introduced by Mayor Bodnar. (Administration) (First Reading – June 15, 2020)

Council President Schutt asked, discussion? This Ordinance will be on Second Read at the Regular Meeting of Council on July 20th.

MAYOR

Thank you, Council President. I do have a brief report tonight. First, I want to say that I hope everyone had a relaxing and enjoyable Independence Day weekend. I will just briefly reiterate what Council President mentioned on Ordinance 2020-12 and the Charter Review amendment ordinances that are on for second read tonight. All of these of course will go to the voters if Council passes them along.

With respect to 2020-12, there was a memo contained in your packets that I hope gave you a little bit more comprehensive and updated look on area comparables. I believe there was also included an older article from *The Plain Dealer* covering the same grounds. I hope that’s given you a little bit bigger picture and a clearer picture of what’s going on in the area. Of course when it comes up, I will be happy to answer any questions tonight at the Special Meeting.

I also wanted to give everyone a brief update on the COVID-19 situation. As you know, we have been able to reopen our pool this year. We have also opened up some of our sports programming this summer. Honestly, I didn’t know if we were going to be able to do that, but I met with Shane McAviney and Diane and we worked through the rules and the regulations and Shane convinced me that we could open the pool safely so we did do that. Shane has been working very hard. The pool staff has. I have to really give most of the thanks to Mayfield Village residents because we didn’t know if they would want to do it this way; if they would want to make reservations for a pool date and jump through all the hoops and follow all the rules, but really thanks to the people who have wanted to use the pool or have used the pool and followed the rules. We are able to keep the pool open right now. A lot of people are having a good time. Thanks to everybody for participating in that and doing the right thing.

I also wanted to briefly go over Governor DeWine’s press conference from last Thursday. At that press conference, the Governor instituted a public health advisory system creating four levels of emergency alert. Cuyahoga County is unfortunately in the third highest level of public emergency. Our numbers of COVID cases have significantly increased over the past several weeks. As of 2:00 today, we are second only to Franklin County. In Franklin County, the cumulative number of COVID-19 cases is 10,410 and in Cuyahoga County, our number is 7,883. Unfortunately, we are much higher in hospitalization numbers than Franklin County. Their number of hospitalizations total 1,131 and as of today, ours total 1,575. We are not able to pinpoint the Cuyahoga County numbers to specifically Mayfield Village. We can look at zip codes so we have looked at 44040 and 44143 and those numbers have been on the rise since the beginning of June. I know that we are not the only municipality in either of those zip codes, but

that gives us a rough indication. Governor DeWine is going to give us an update every Wednesday and at that point we will know what phase and what color we are in. We are in Phase 3, the color red. We will also know a comparison as to what direction we are going. Hopefully we will be moving back toward stage 2 and not toward the purple stage which is the worst.

Whether you know, Mayor Frank Jackson has issued an order requiring that everyone in the City of Cleveland wear face masks in public. That order went into effect last Friday evening. Cuyahoga County Council will be looking at similar legislation tomorrow. I got an e-mail about 6:45 p.m. It was a text of that legislation but I have not had time to read it yet. They are meeting at 2:00 in the afternoon tomorrow. We will be keeping an eye on that and we will report on any action that's taken. In the meantime, I would urge everyone in Mayfield Village to please wear face masks in public and continue social distancing. We know that it's not just to protect ourselves but also our neighbors, the store clerks, the stylists, the barbers, the waiters and all who serves our needs here in the Village.

I have always known Mayfield Village to be a community of responsible families and businesses. This is no different. I would like everybody to stay healthy. Thanks to all of the residents, to the Mayfield Village family of employees who are working hard to keep everybody safe and to serve everybody's needs. We are marching together on the same path and I believe we are going to march through this and get out on the other side safe and healthy. Thank you.

Thank you, Council President.

Council President Schutt stated, thank you Mayor Bodnar.

COUNCIL PRESIDENT

Council President Schutt stated, we have a few birthdays. Happy birthday to Chief Matias on July 17th. Happy early birthday to Denny Murphy, July 28th and also Happy early birthday by a couple of days to Councilwoman Patsy Mills. Patsy, on behalf of all of us, congratulations. Mayor Bodnar would like to present you with something.

Mayor Bodnar stated, thank you Council President. So tonight, I have the privilege of honoring a very special lady who has served Mayfield Village with integrity and dedication for many many years. Patsy Mills has been a friend not only to me over the last several years, but Patsy has truly been a friend to everyone in this Village and even beyond. I would like to read this Proclamation into the record in honor of your 90th birthday:

PROCLAMATION OF APPRECIATION TO LILLIAN “PATSY” MILLS ON THE OCCASION OF HER 90TH BIRTHDAY

WHEREAS, Lillian “Patsy” Mills was born on July 8, 1930 and has lived and worked in Mayfield Village for more than 50 years, working as a real estate agent and owning a flower shop, while raising her three sons, Art, Ralph, and Jimmy, in her home on Kenwood Drive;

WHEREAS, Patsy Mills was first elected to Mayfield Village Council in 1985 and has been a valued Council member for 35 years, having served as Council President and chairing, at some point during her tenure, virtually every Council subcommittee;

WHEREAS, Patsy Mills has always been an avid gardener with a love for beautification, flower arranging, horticultural education, event planning, art, music and history. It is because of Patsy that the Civic Center is properly adorned with flowers for every season. She was a founding member of the Mayfield Village Garden Club and is its only remaining active founding member. Patsy has also been a long-serving member and officer of the Mayfield Women’s Club and the Mayfield Township Historical Society;

WHEREAS, Patsy Mills’ greatest devotion has been to the community of Mayfield Village. She has dedicated a lifetime to government and leadership, offering sound guidance to Council and the Administrations under which she has served, and placing her very personal mark on all special events in the Village, including the Mother’s Day Pancake Breakfast and Cruise Night. She has always had great influence on how these events were organized, always willing to help with planning and setup, and always ready to serve residents. For the past 35 years, Patsy has worked at virtually every community event, and we all know she was a fixture making popcorn in the old concession stand trailer;

WHEREAS, on July 8, 2020, Patsy Mills will celebrate her 90th birthday; and

WHEREAS, Mayfield Village would not be recognizable without the contributions of Patsy Mills. Mayfield Village has benefitted from her vast knowledge, her willingness to share it, her tireless participation in countless Mayfield Village events, her support of Mayfield Village improvement projects, and her wisdom in understanding that progress and change can be a positive thing as long as we remember, honor and appreciate our past.

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Brenda T. Bodnar, am honored to recognize Patsy Mills on this occasion of her 90th Birthday. Her tireless dedication to this community is unsurpassed. On behalf of Council, Department Heads, staff and the residents of Mayfield Village, I congratulate you Patsy on your many achievements and I thank you for your leadership and for your friendship. Happy Birthday. Here’s to the next 90 years in service to Mayfield Village.

Mrs. Mills stated, thank you very much. I didn’t know I did all that. Thank you everyone.

Mayor Bodnar stated, it’s too much for any person to keep track of Patsy.

Mrs. Mills was presented with a cake.

Mrs. Mills stated, it's a good way to start the next 90 years. Do you think I will be around that long? My genetics are really good. It's a good thing. Thank you very much, all of you.

Mrs. Mills blew her candles out.

Mayor Bodnar stated, the good news is you don't have to share the cake.

Mrs. Mills stated, I don't know how we could share it, but it would be nice if we could.

Mr. Williams stated, they are working on that technology.

FINANCE DEPARTMENT

. Special Revenue Fund for Corona Relief

Mr. Wynne reported, as Council will recall, last month you passed Resolution 2020-31 which confirmed our compliance with the Federal government guidelines on House Bill 481 so that we could receive funding as a result of the CARES Act. We have received that funding. We received \$41,564.59. We also received from the State of Ohio, the Office of Budget and Management, the guidelines we must follow on how to account for those funds and how to spend them. At the Council meeting, you will be getting two pieces of legislation. One will be to set up a special revenue fund on the books so that we can account for the receipt of these monies and then also the expense of those monies. The second piece of legislation will be the actual budget for that fund to show how that \$41,000 will be spent.

. Sewer Maintenance Fee

Mr. Wynne stated, a little bit of history before we get to the maintenance fee. Over the past few years, we have kind of put in place a process where we have been looking to return some money to our residents and property holders in the Village. In 2018, if you remember, Council decided to eliminate the street lighting assessment which returned \$82,000 to property owners. Last year, when the 2.3 mill renewal levy was up, we decided not to put that back on the ballot for renewal and let it expire, making that return \$131,000 to the residents. The last piece we were planning had to do with the sewer maintenance fee. The way the maintenance fee works right now is we own the sanitary sewer lines in the Village. We contract with the County Department of Public Works to do the maintenance on those lines. Every property owner pays \$4.00 per foot annually on their property taxes towards the cost of the maintenance of those lines. If a property owner has a lot that is 100 x 200, they are paying \$400 a year, \$200 a half towards the maintenance fee. The County Department of Public Works maintains that money. It's not on our books. They take away from that money as they expend it during the year in the maintenance of our sewer lines. Every year they give us an annual report to show what lines have been checked, cleaned

and inspected during the year and how the money was spent. As of the end of last year, that fund that the County maintains had \$1,958,000 in it. As a result of that, what we want Council to consider, and we would need a decision on this by the August Council meeting, is to reduce that \$4.00 per foot to \$2.00 per foot thereby returning \$300,000 annually to our property owners. That's both residential and commercial property owners who would benefit from that change.

. **Balance owed on Village portion of ODOT 2016 SOM Center Road Resurfacing Project (Treasurer of State c/o Ohio Department of Transportation - \$12,596.35)**

Mr. Wynne stated, we received an invoice from ODOT for \$12,596.35. Back in 2016, ODOT was doing a project in a neighboring community and we kind of piggy-backed on their project and asked them to do some work in the Village. At that time, it was estimated to be \$77,130 and we gave them a check at that time for that knowing that there would be a final accounting coming for the project. The final accounting took a lot longer than anticipated but they did finally get it to us and the actual numbers came in where we owed them an additional \$12,596.35. I believe the Village Engineer gave a detailed memo on the history of that project and what the result of that additional \$12,600 was all about.

Mr. Wynne stated, I would be happy to answer any questions anybody might have on any of these items.

Mr. Murphy asked, it sounds like it wasn't a typical construction contract so they didn't probably provide any change orders or anything. Were there parameters that, if they ran into issues were they going to let you know? You hate to see an invoice for \$100,000. They trued up what we owed them and it was only \$12,000. Were we getting updates throughout the project?

Mr. Wynne replied, I do not know.

Mr. Murphy stated, I could follow up with Tom too just to see. That \$12,000 isn't that much. Had they run into any issues, we already paid them \$77,000 and they came back and said it was going to be \$177,000. I am sure there was communication there, but I was wondering what kind. I can follow up with Tom.

Mr. Wynne stated, sorry, I can't answer that.

Mr. Murphy stated, that's all right.

Mr. Williams asked, on the topic of the sewer maintenance fee, when you say it's returned to the residents, in what form is it returned?

Mr. Wynne replied, it will be a reduction on their property tax bill. That's the reason I mentioned we would have to get approval by August because in September, that's when the County starts putting everything together for the property tax bills that they will generate in December and January for payment next year. If we lower the fee down from \$4.00 per foot, we

will notify the County of that and they will change their assessment schedule and the tax bill that the resident or businesses will receive next year will actually be less to \$2.00 per foot.

Mr. Williams stated, thank you.

Council President Schutt asked, any other questions?

There were none.

Council President Schutt stated, thank you Mr. Wynne and Councilmen Denny Murphy and George Williams.

LAW DIRECTOR

Mr. Coyne stated, just to follow up on Ron's report, we will prepare the emergency resolution to create the Coronavirus Relief Fund for the monies to be deposited that Mr. Wynne just talked about.

I also wanted to bring to Council's attention that the Director's Order; we call it the Director's Order for the Director of Health in the State of Ohio really through Governor DeWine but a good part of that Order will be expiring tomorrow. There may be extensions that are going to affect operations of businesses and possibly certain operations with the Village. We are going to monitor that. There's a provision even for the social distancing and the size of group gatherings that could expire tomorrow. It also could be extended. The Governor made some changes last week regarding going back to school in the Fall. We are going to monitor that. Some of this has been a little bit confusing I think in general. We will report back to the Administration as well.

Council President Schutt stated, thank you Mr. Coyne.

SERVICE DEPARTMENT

- . **2020-2021 Salt Bid (Compass Minerals - \$50.20 a ton – 1,800 tons – not to exceed \$99,396.00)**

Mr. Metzger stated, thank you, Council President. One of the two items we have today are the salt bid for this year. As you remember back in March, or maybe you don't because it was still snowing, we had to agree with the State of Ohio to go to bid with ODOT for the purchase of salt. Those bids have come in for Compass Minerals at \$50.20 a ton which is \$23.00 less than last year a ton. We have never worked with Compass. They have had contracts in the State. This year they have the majority of the State. We will see how that works out for us. It's not actually something at this point we could change anyhow. We have already agreed to make this purchase through the program.

. **Purchase of aerial bucket truck (Versalift - \$40,000)**

Mr. Metzung stated, for our capital budget this year, I had requested \$150,000 to purchase an aerial truck that over the years has become more and more necessary for our department. We have had the great fortune of borrowing trucks from Highland Heights and Lyndhurst the last few years. But really the time has come that it's time for us to own our own. I have been on the lookout for a used truck for years. With our bidding process being at \$25,000 in the past made that very difficult to find a truck, trying to bid that truck and then get the truck in a timely manner. Having raised the bid threshold up to \$50,000, we can now look at a truck that I think will be a quality truck. I have one that I am particularly interested in and we are going to look to pursue that truck for the next meeting. If you have any questions, I am certainly available. That concludes my report.

Council President Schutt stated, if there are no questions, thank you Mr. Metzung.

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 7:30 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Clerk of Council