

**MINUTES OF THE REGULAR MEETING OF COUNCIL  
Mayfield Village Civic Hall  
Tuesday, February 19, 2013 - 8:00 p.m.**

The Council of Mayfield Village met in Regular Session on Tuesday, February 19, 2013 at 8:00 p.m. at Mayfield Village Civic Hall. Council President Buckholtz called the meeting to order.

ROLL CALL: Present: Mr. Buckholtz, Mr. Marrie, Mr. Marquardt,  
Mrs. Mills and Mr. Delguyd

Also Present: Mayor Rinker, Mr. Wynne, Ms. Calta, Chief Edelman,  
Acting Chief Girbino, Mr. Marrelli, Mr. Metzung,  
Mr. Thomas, Mr. Cappello, Mr. Esborn,  
Ms. Wolgamuth and Mrs. Betsa

Absent: Dr. Parker, Mrs. Cinco and Mr. Dinardo

The Pledge of Allegiance to the Flag was given.

**OPEN PORTION**

5-minute limit imposed by Chair. Those who wish to speak must first state their name and address.

There were no comments.

**CONSIDERATION OF MINUTES:**

**Regular Council Meeting – January 22, 2013**

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

ROLL CALL: AYES: All  
NAYS: None

Motion Carried  
Minutes Approved

**Special Council Meeting – February 4, 2013**

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

ROLL CALL: AYES: All  
NAYS: None

Motion Carried  
Minutes Approved

**COMMENTS FROM MAYOR RINKER**

*A Proclamation Congratulating the Mayfield Village Parks and Recreation Department for Receiving An OPRA 2012 Annual Award of Excellence* was presented by Mayor Rinker to Mr. Thomas. The Proclamation is attached hereto.

Mr. Thomas thanked Mayor Rinker.

**COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ**

There were no comments.

**DEPARTMENT HEAD REPORTS:**

**SERVICE – Douglas Metzung**

There was nothing to report.

**BUILDING – John Marrelli**

There was nothing to report.

**ENGINEERING – Tom Cappello**

There was nothing to report.

**LEGAL DEPARTMENT – Diane Calta**

There was nothing to report.

**FIRE – Acting Chief Girbino**

Acting Chief Girbino reported that the Fire Department purchased two thermal imaging cameras last week. I have one here and would be happy to give you a demonstration after the meeting.

**FINANCE – Ron Wynne**

Mr. Wynne reported, the Health Care Task Force has held a couple of meetings over the past month. Our dental plan is up for renewal on April 1<sup>st</sup>. We received a renewal letter from MetLife asking for a 14.5% increase. I went to market and got quotes from several other providers. It is the Task Force's recommendation to change our coverage from MetLife to Delta

Dental which is willing to provide us with a two year contract at a slight savings. This item will be further discussed at the March Council meeting.

Council President Buckholtz asked, it's the same coverage?

Mr. Wynne replied, same coverage with a much better participating network of dentists than MetLife.

Mr. Delguyd asked, it is actually going to go down from the current cost?

Mr. Wynne replied, a few hundred bucks a year. But it is a two-year contract.

#### **POLICE – Chief Edelman**

There was nothing to report. There is one item on the agenda this evening.

#### **PARKS & RECREATION – Bill Thomas**

Mr. Thomas reported that he was approached by Mayfield Schools. They have been doing the Special Olympics program for years. They asked if we would be willing to coordinate that program. I thought it was appropriate because of our large extensive program that we do with persons with disabilities. All it entails is track and field and bowling. We will now be coordinating that program.

From our Senior Department, Mayfield Village residents may have their income taxes prepared by AARP on March 18<sup>th</sup> and April 8<sup>th</sup>. Give the Senior Services Department a call if you are interested. The next Foot Clinic will be held on March 15<sup>th</sup>. Call the Senior Services office for details. The Lunch N' Movies at the Civic Center is going well. The next program is tomorrow February 20<sup>th</sup>. The next trip is scheduled to the Cleveland Museum of Art on April 17<sup>th</sup>.

#### **ARCHITECT – Ron Dinardo**

There was no report.

#### **PLANNING DEPARTMENT - Ted Esborn**

There was no report.

#### **ADMINISTRATION – Diane Wolgamuth**

There was no report.

#### **STANDING COMMITTEE REPORTS:**

**Activities Committee** – Mrs. Mills reported that the Activities Committee talked about the following scheduling: Mother's Day Pancake Breakfast–May 12<sup>th</sup>; Memorial Day Ceremony–

May 26<sup>th</sup> at Whitehaven Cemetery; Cruise Night–June 8<sup>th</sup>; July 4<sup>th</sup> Celebration–June 29<sup>th</sup>; Summer Concerts–July 11<sup>th</sup>, 25<sup>th</sup> and August 22<sup>nd</sup>. On August 8<sup>th</sup>, the Friends of the Library will be handling the concert.

**Architectural Review Board** – Mr. Marrelli reported, Architectural Review Board met last Tuesday and approved a storage building at the High School.

**Board of Appeals** – Mr. Marrelli stated, there was no meeting. There is no report.

**Cemetery** – Mrs. Mills stated, there was no report.

**Citizen's Advisory Board** – Mr. Marrie reported, Citizen's Advisory Board will be meeting Monday, February 25<sup>th</sup>. The presentation by Jack Schron at the last meeting was a huge success. He went in to great detail on Cuyahoga County and in particular all of the new projects downtown.

**Safety and Service** – Safety and Service met on February 4<sup>th</sup>. All of the items discussed are on this evening's agenda.

**Finance Committee** – Mr. Delguyd reported, Finance met tonight. All of the items are on the agenda. In addition, we discussed some preliminary budget issues which everyone received in their packet this week. If you have any questions, refer them to Ron. Our discussion will be in the Minutes.

Council President Buckholtz asked, what is the timeframe? At the next Caucus, we will discuss the budget? We have a special budget meeting eventually?

Mr. Wynne replied, we discuss it at the Caucus. The Finance Committee has extensive discussions on it and then they would bring it to the floor.

Council President Buckholtz stated, okay, if anyone has any questions, let Ron know so that we are ready to discuss it at Caucus.

**Historical Society** – Mrs. Mills reported, we started the *Our Town* tours with Center School on February 12<sup>th</sup>. We had 66 children come through. The next tour is March 8<sup>th</sup>.

**Hillcrest Council of Councils** – Mr. Delguyd stated, there was no meeting. There is no report.

**M.A.R.C.** – Mr. Thomas reported, M.A.R.C. will be meeting on Thursday, March 7<sup>th</sup> at the Board of Education.

**Ordinance Review Committee** – Mr. Marquardt reported, Ordinance Review met on Tuesday, February 12<sup>th</sup>. The only item worth mentioning is the texting while driving which is on the agenda this evening.

**Planning and Zoning** – Mr. Marquardt reported, Planning and Zoning met on February 4<sup>th</sup>. There were two items on the agenda. One was the preliminary site plan and conditional use

permit for Governor's Village which passed and the second one was conditional use permit for Sign-A-Rama on Beta Drive which was also passed on for approval by Council.

**Recreation Board** - Mr. Marrie reported, Recreation Board will be meeting tomorrow night at 7:00 p.m. They will be discussing the restrooms for the soccer and softball fields. They will have a senior program update and plans for the Easter Party for the children which is set for Saturday, March 23<sup>rd</sup>, between 1:30 and 3:00. Volunteers are welcome. The Debbie Hudacko Run will also be discussed. The interviews for the scholarships are on April 24<sup>th</sup>.

**Commission on Aging** - Mrs. Mills reported, the Commission on Aging met February 12<sup>th</sup> and discussed programs and bus trips. Also, a resident will be going to the Community Partnership on Aging meeting on February 28<sup>th</sup>.

**SPECIAL COMMITTEE REPORTS:**

**Information & Technology** - There was no meeting. There is no report.

**Records Commission** - Mrs. Mills reported, Records Commission is meeting on Wednesday, March 6<sup>th</sup> at 12:00 in Civic Hall.

**Community and Economic Development Committee** - Mr. Delguyd stated, there was no meeting. There is no report.

**OLD BUSINESS**

- **Second Reading of Ordinance No. 2013-01**, entitled, "An emergency ordinance authorizing and directing the Mayor to enter into a Development Agreement with East Commons, Ltd." Introduced by Mayor Rinker and Council as a Whole. (First Reading - January 22, 2013)

Ordinance No. 2013-01 was left on Second Read.

**NEW BUSINESS**

- **Motion to approve recommendation from Planning and Zoning for conditional use permit for Governor's Village.**

Mrs. Mills, seconded by Mr. Delguyd, made a motion to approve recommendation from Planning and Zoning for conditional use permit for Governor's Village.

Council President Buckholtz asked, any discussion? There was none.

Roll Call:     AYES: All  
                  NAYS: None

Motion Carried  
Conditional Use Permit Approved



- . **Motion to authorize an expenditure in the amount of \$5,000.00 to City of Mayfield Heights for annual fee for Hillcrest Mobile Air Unit and Tech Rescue Team.**

Mrs. Mills, seconded by Mr. Delguyd, made a motion to authorize an expenditure in the amount of \$5,000.00 to City of Mayfield Heights for annual fee for Hillcrest Mobile Air Unit and Tech Rescue Team.

Council President Buckholtz asked, any discussion? There was none.

Roll Call:      AYES: All                                      Motion Carried  
                     NAYS: None                                      Expenditure Approved

- . **Motion to authorize an expenditure in the amount of \$7,000.00 to OneCommunity for annual fiber ring maintenance fee.**

Mrs. Mills, seconded by Mr. Delguyd, made a motion to authorize an expenditure in the amount of \$7,000.00 to OneCommunity for annual fiber ring maintenance fee.

Council President Buckholtz asked, any discussion? There was none.

Roll Call:      AYES: All                                      Motion Carried  
                     NAYS: None                                      Expenditure Approved

- . **Motion to authorize an expenditure in the amount of \$96,415.03 to Bureau of Workers' Compensation for yearly assessment.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize an expenditure in the amount of \$96,415.03 to Bureau of Workers' Compensation for yearly assessment.

Council President Buckholtz asked, any discussion?

Mr. Wynne stated, last year's figure was \$91,831.00 so this small increase over the prior year was mainly due to an increase in the rate we are being charged because of the experience of the pool we are in. Payroll dollars were pretty much the same for 2011 and 2012.

Council President Buckholtz asked, any questions or comments? There were none.

Roll Call:      AYES: All                                      Motion Carried  
                     NAYS: None                                      Expenditure Approved

- . **Motion to go out to bid for sandblasting and painting of Parkview Pool.**

Mr. Marrie, seconded by Mr. Delguyd, made a motion to go out to bid for sandblasting and painting of Parkview Pool.

Council President Buckholtz asked, any discussion?

Mr. Thomas stated, it's well overdue. When we had the construction, there was a lot of concrete torn up. We have to do it.

Mr. Thomas continued, I am also going to replace the rubberized surface under the water play area that has been there. We bought that in 1999. We replaced it maybe 5 years later. It's been a good number of years. The product that we have down underneath that water area was not really designed for chlorine or water use, so we have had problems over the last couple years with it eating away by the chlorine. This new product will be able to take the punishment that the water and liquid chlorine does. It will have a longer life cycle. I thought it was appropriate too because Doug's staff will be removing it and saving us on costs that the company would do when they come in and remove it. Because of the pool being sandblasted, I thought it was appropriate to take everything out and start fresh.

Council President Buckholtz asked, that new covering is or is not included in this?

Mr. Thomas replied, it is not included in the sandblasting.

Council President Buckholtz asked, this is just sandblasting and painting?

Mr. Thomas replied, that is correct, it is not.

Council President Buckholtz asked, any other comments? There were none.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Bidding Approved

**Motion to authorize the Mayor and Council President to execute the Memorandum of Understanding between the Village and the International Association of Firefighters, Local 2619 regarding Interim Chief compensation.**

Mrs. Mills, seconded by Mr. Marrie, made a motion to authorize the Mayor and Council President to execute the Memorandum of Understanding between the Village and the International Association of Firefighters, Local 2619 regarding Interim Chief compensation.

Council President Buckholtz asked, any discussion? There was none.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Authorization Approved



Mr. Delguyd asked, there was wording in the Ordinance about you can't specifically get pulled over for this?

Ms. Calta replied, it depends. There's a distinction between someone who is a juvenile versus an adult, so yes, with an adult, it's not a primary offense to which you could be pulled over for. However, if you are driving under a temporary license or any sort of license under 18, you can be pulled over for the offense. It mirrors the State law, however, it would now be codified as a local ordinance that you can cite under and collect the fines from. Did everyone get a copy of the memo that summarized the main points?

Council President Buckholtz asked, what are the fines?

Ms. Calta replied, \$150. For a second offense, \$300.

Council President Buckholtz asked about the Bluetooth device.

Ms. Calta replied, it has to do with texting, so it's not talking on your Bluetooth, it's texting, but they don't want you texting on any sort of device. We talked about it in Ordinance Review, any PDA, it may not be a cellphone, but anything you can text on, like the I-touches you can text on, but they are not cellphones. So you can't do anything that would involve a text message or an e-mail.

Council President Buckholtz stated, the clear distinction here is, under 18, no anything and over 18, strictly prohibiting texting?

Ms. Calta replied, right.

Council President Buckholtz asked, the Bluetooth is on the under 18 side?

Ms. Calta replied, it's all geared towards texting.

Council President Buckholtz stated, but it says here, under 18, no texting, no e-mailing, no talking on your cellphone, Bluetooth, Bluetooth speakers, OnStar, any similar devices, no computers, laptops, no playing video games, no using your GPS unless it's voice operated and hands-free. It's saying unless it's hands-free and then it is saying no Bluetooth under 18, but clearly for adults, it's at this point just texting, correct?

Mr. Delguyd replied, correct.

Ms. Calta stated, ask the question again?

Mayor Rinker stated, the memo doesn't jive with the legislation.

Council President Buckholtz is not sure that it doesn't jive with the legislation. I am saying on one hand it says no using the phone unless voice-activated. In the two previous

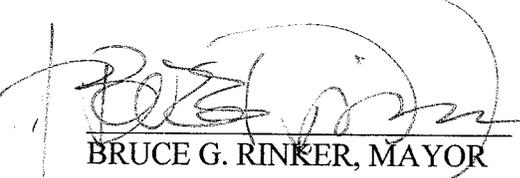


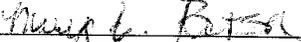
**ADJOURNMENT**

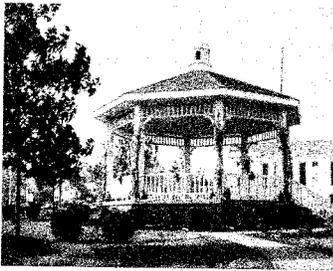
Mrs. Mills, seconded by Mr. Marquardt, made a motion to adjourn.

The meeting adjourned at 8:40 p.m. The next Council meeting is scheduled for Monday, March 18, 2013 at 8:00 p.m.

  
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WILLIAM BUCKHOLTZ, COUNCIL PRESIDENT

  
\_\_\_\_\_  
BRUCE G. RINKER, MAYOR

  
\_\_\_\_\_  
MARY E. BETSA, CLERK OF COUNCIL



# MAYFIELD VILLAGE

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**Bruce G. Rinker, Mayor**

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## **AGENDA OF THE REGULAR MEETING OF COUNCIL**

**Tuesday, February 19, 2013 at 8:00 p.m.**

**MAYFIELD VILLAGE CIVIC HALL**

MEETING CALLED TO ORDER.....ROLL CALL.....PLEDGE TO FLAG

OPEN PORTION - 5-minute limit imposed by Chair. Those who wish to speak must first state their name and address.

CONSIDERATION OF MINUTES:           Regular Council Meeting – January 22, 2013  
  Special Council Meeting – February 4, 2013

COMMENTS FROM MAYOR RINKER

COMMENTS FROM COUNCIL PRESIDENT BUCKHOLTZ

DEPARTMENT HEAD REPORTS:           Douglas Metzung (Service)  
  John Marrelli (Building)  
  Tom Cappello (Engineer)  
  Joseph Diemert/Diane Calta/Tom Hanculak (Legal)  
  Acting Chief Mike Girbino (Fire)  
  Ron Wynne (Finance)  
  Chief Richard Edelman (Police)  
  William Thomas (Parks & Recreation)  
  Ron Dinardo (Architect)  
  Ted Esborn/David Hartt (Planning Department)  
  Diane Wolgamuth (Administration)

STANDING COMMITTEE REPORTS:  
Activities Committee                       Mrs. Mills  
Architectural Review Board               Mr. Marrelli  
Board of Appeals                            Mr. Marrelli  
Cemetery                                       Mrs. Mills  
Citizen's Advisory Board                   Mr. Marrie  
Safety and Service                          Mrs. Cinco  
Finance Committee                          Mr. Delguyd  
Historical Society                           Mrs. Mills  
Hillcrest Council of Councils              Mr. Delguyd  
M.A.R.C.                                       Dr. Parker  
Ordinance Review Committee               Mr. Marquardt  
Planning and Zoning                         Mr. Marquardt  
Recreation Board                            Mr. Marrie  
Commission on Aging                       Mrs. Mills

SPECIAL COMMITTEE REPORTS:  
Information & Technology                   Mr. Buckholtz  
Records Commission                        Mrs. Mills  
Community and Economic Development   Mr. Delguyd

**OLD BUSINESS**

- **Second Reading of Ordinance No. 2013-01**, entitled, “An emergency ordinance authorizing and directing the Mayor to enter into a Development Agreement with East Commons, Ltd.” Introduced by Mayor Rinker and Council as a Whole. (First Reading – January 22, 2013)

**NEW BUSINESS**

- **Motion to approve recommendation from Planning and Zoning for conditional use permit for Governor’s Village.**
- **Motion to approve recommendation from Planning and Zoning for conditional use permit for Sign-A-Rama.**
- **Motion to authorize an expenditure in the amount of \$16,935.00 to Frost Building Maintenance for masonry repairs to Civic Center Tower.**
- **Motion to authorize an expenditure in the amount of \$5,643.00 to TAC Management Co. for replacement of MDT for PD unit #4640.**
- **Motion to authorize an expenditure in the amount of \$5,000.00 to City of Mayfield Heights for annual fee for Hillcrest Mobile Air Unit and Tech Rescue Team.**
- **Motion to authorize an expenditure in the amount of \$7,000.00 to OneCommunity for annual fiber ring maintenance fee.**
- **Motion to authorize an expenditure in the amount of \$96,415.03 to Bureau of Workers’ Compensation for yearly assessment.**
- **Motion to go out to bid for sandblasting and painting of Parkview Pool.**
- **Motion to authorize the Mayor and Council President to execute the Memorandum of Understanding between the Village and the International Association of Firefighters, Local 2619 regarding Interim Chief compensation.**
- **Motion to acknowledge receipt of financial reports for January 2013 and to approve of same as submitted.**
- **First Reading of Ordinance No. 2013-02**, entitled, “An emergency ordinance to supplement the Codified Ordinances of Mayfield Village, Ohio by enacting new Sections 331.43 and 331.44 prohibiting the use of wireless handsets to text message while driving.” Introduced by Mayor Rinker and Council as a Whole.

- **First Reading of Ordinance No. 2013-03**, entitled, “An ordinance appropriating funds for current expenses and expenditures of Mayfield Village, Ohio for the period from January 1, 2013 and ending December 31, 2013 and declaring an emergency.” Introduced by Mayor Rinker and Council as a Whole.
- **Resolution No. 2013-05**, entitled, “An emergency resolution re-establishing terms, conditions and compensation for the services of the Prosecutor of Mayfield Village, Ohio.” Introduced by Mayor Rinker and Council as a Whole.

ANY OTHER MATTER THAT MAY COME BEFORE COUNCIL

CLOSING COMMENTS

ADJOURNMENT

BB/mb