

DRAFT
MINUTES OF A COUNCIL CAUCUS
Mayfield Village Civic Hall - Mayfield Village Civic Center
Monday, March 7, 2022 – 7:00 p.m.

The Council of Mayfield Village met in Caucus Session on Monday, March 7, 2022. Council President Schutt called the meeting to order at 7:00 p.m.

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

Also Present: Mayor Bodnar, Ms. Calta, Mr. Wynne,
Mr. Cappello, Chief Carcioppolo,
Chief Matias, Mr. Marquart,
Mr. Russell, Mr. Sipos, Mr. McAviney
Ms. Wolgamuth and Mrs. Betsa

Absent: None

PRESENTATION BY MAYOR BODNAR

- **Commendation for Exceptional Service on February 23, 2022**
 - **Patrol Officer Charles Pona**
 - **Sergeant Matthew Kostrab**

Mayor Bodnar stated, I am pleased to present to Patrol Officer Charles Pona and Sergeant Matthew Kostrab, who are both here this evening, a Commendation for Exceptional Service on February 23, 2022 for their quick action in helping to save a man's life. Officer Pona and Sergeant Kostrab would you please stand? I would like to read this Commendation into the record this evening.

TO: PATROL OFFICER CHARLES PONA
SERGEANT MATTHEW KOSTRAB
MAYFIELD VILLAGE POLICE DEPARTMENT

DATE: March 7, 2022

Dear Officer Pona and Sergeant Kostrab,

On February 23, 2022, you responded to a call to assist a male on Hickory Hill Drive who was possibly having a heart attack. When you arrived, you found the male in his vehicle, unresponsive and not breathing. Officer Pona immediately began chest compressions while Sergeant Kostrab administered rescue breathing. After several minutes of applying these life-

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saving techniques, the male began breathing. EMTs arrived and, after providing additional treatment, transported the gentleman to the hospital.

I have no doubt that your skill and quick actions saved this man's life. You provided lifesaving treatment, without hesitation, showing your caring, dedication and professionalism. Your response to this incident exemplifies the finest Mayfield Village has to offer, and I am pleased to present this Commendation to both of you for your actions on February 23, 2022.

Sincerely,



Brenda T. Bodnar

Mayor

Mayor Bodnar continued, before I end, I wanted to note that Chief Matias also received a letter from this gentleman and his wife and son and daughter-in-law. They also indicated their appreciation for your efforts. I will just read one thing that touched me from their letter:

“Due to the quick and effective actions of both officers, my father was alive Friday night when his 2-month-old great grandson whom he had never met visited from South Carolina. My father was so happy to meet his little great grandson.”

So, thank you very much. We appreciate your actions. I know you would do your job the same way whether or not you were commended or received thanks, but it's nice to receive a little appreciation for what you do. So thank you very much. We appreciate it.

Mayor Bodnar provided Officer Pona and Sergeant Kostrab with framed Commendations.

Council President Schutt stated, thank you Mayor Bodnar. Thank you, Sergeant Kostrab and Patrolman Pona.

Mayor Bodnar stated, I have one more thing. Thank you. I just wanted to report that the Beta Overlay Zoning District ballot issue is officially on the ballot thanks to the efforts of our Clerk, Mary Beth Betsa. So thank you, Mary Beth. We have received word from the Board of Elections that the Zoning District is going on the ballot. It will be lucky Issue 13 and it will read:

“SHALL THE ZONING MAP AND THE ZONING CODE OF THE VILLAGE OF MAYFIELD BE AMENDED TO ADOPT CHAPTER 1175 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MAYFIELD TO ESTABLISH THE BETA CORE COMMERCIAL DISTRICT OVERLAY TO APPLY TO CERTAIN PROPERTIES LOCATED ON BETA DRIVE.”

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So, as far as we know, there's still an election on May 3rd. If that changes, we will let everyone know, but for right now, it's still looking like May 3rd. Thank you everyone for all of your efforts in getting this to the voters.

Council President Schutt asked, are there any questions for Mayor Bodnar?

There were none.

Council President Schutt stated, thank you Mayor Bodnar.

PENDING LEGISLATION

- **Ordinance No. 2022-01**, entitled, "An Ordinance appropriating funds for current expenses and expenditures of Mayfield Village, Ohio for the period from January 1, 2022 to December 31, 2022 and declaring an emergency." Introduced by Mayor Bodnar. (First Reading in title only – January 18, 2022; Second Reading – February 21, 2022)

Council President Schutt asked, any questions?

There were none.

Ordinance 2022-01 will be on Third Read at our Regular Meeting of Council on Monday, March 21st.

- **Resolution No. 2022-02**, entitled, "A resolution requesting the Cuyahoga County Fiscal Officer to adjust the amended official certificate of estimated resources for 2022." Introduced by Mayor Bodnar. (First Reading in title only – January 18, 2022; Second Reading – February 21, 2022)

Council President Schutt asked, any questions?

There were none.

Resolution 2022-02 will be on Third Read at the Regular Meeting of Council on Monday, March 21st.

- **Ordinance No. 2022-02**, entitled, "An ordinance amending Mayfield Village Codified Ordinance Chapter 147 Commission on Aging." Introduced by Mayor Bodnar (Administration). (First Reading – February 21, 2022)

Council President Schutt asked, any questions?

There were none.

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Ordinance 2022-02 will be on Second Read at the Regular Meeting of Council on Monday, March 21st.

**COUNCIL
PRESIDENT**

I want to wish a Happy early Birthday to Councilman Mark Arndt. His birthday is on March 9th.

Mr. Arndt stated, thank you.

Council President Schutt stated, you're welcome. Also, I just wanted to remind everyone that Daylight Savings Time begins this weekend on Sunday, March 13th at 2:00 a.m. Please remember to spring forward. I don't know if anybody still has a clock that they actually have to move forward with I-phones and smart phones and everything else.

Also, I just wanted to say it's great to see everybody's faces. It's been almost two years. Everybody's smiling and I don't have to look all around like a bobblehead when I ask if there are any questions. It's great to have everybody back together without masks and to see everybody's faces again.

I also wanted to mention that our Regular Meeting of Council is scheduled for Monday, March 21st at 7:00 p.m.

ADMINISTRATION

- **Mayfield Community Improvement Corporation ("M.C.I.C") Annual Review of Incentive Agreements (immediately before the Regular Council Meeting on March 21, 2022 at 7:00 p.m.)**

Mr. Marquart stated, thank you Council President. It's that time of the year again where we review the performance of the companies involved in our municipal income tax rebate agreement program. I will have full details in your next packet and we will be reviewing those at MCIC on the 21st of this month and taking action at Council the same night. So just briefly, I will run through these Agreements.

First up is Wireless Environment, originally known as Mr. Beams. They have just completed year 5 of a 5 year program. Their minimum income tax receipts are established at \$30,000. Last year we collected \$93,281 from Wireless Environment. That is certainly exceeding the minimum of \$38,000 from last year. The agreement with Wireless Environment is for 30% of total receipts. Therefore, their rebate will be \$27,984.

Next up is PreEmptive Solutions. They have just completed year 3 of a 5 year program where the minimum income tax threshold was set at \$42,000. This past year we collected \$70,793 from

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PreEmptive Solutions, certainly exceeding the threshold and up \$20,108 from last year. The agreement with PreEmptive is for 30% of \$28,794, so their rebate due would actually be \$8,638. Of note, with this one the company was acquired last summer by a company in Texas. I am trying to track down the details of that acquisition. It may be that they remain an independent subsidiary. If that's the case, I think we can just write that check, but I will confer with Ms. Calta and Mr. Wynne as well, but I am still trying to get those details from the company. If that is not the case, we would need to sign an amendment to that agreement with the company.

Last up would be Omni Systems. They have just completed year 1 of a 5-year agreement. That agreement also has a 2-year extension of hiring goals that they met the first five years. Their minimum income tax threshold is established at \$44,400. This past year we collected \$145,716 from the company. It's certainly exceeding the minimum and indeed up \$12,140 from last year and they are actually up over \$100,000 since 2019 when we first started negotiating the agreement with them. Their hiring is roughly one year ahead of schedule, so that's great news. Their agreement is 35% rebate of their total income tax receipts. This year, that amounts to \$51,000 even.

The last thing to note would be Mars Electric. Their agreement was amended in year one to push the calendar back two months. We will review that one next month. They are tracking ahead of last year in year 5 of their 5-year agreement. They are showing steady growth and actually predicting additional hiring this year. Things are looking up there as well.

So, again, full details will be in your packet in two weeks and I am happy to answer any questions.

Mr. Murphy asked, John, a quick question. That's for payroll income tax, right, for the employees?

Mr. Marquart replied, correct.

Mr. Murphy stated, and Ron, I don't know if you wanted to jump in, have we considered any of the refunds that we anticipate people filing or a grace period into the contracts that we can go back to them and get some of the money back?

Mr. Marquart replied, to date, Councilman, we have not considered that, but I think it would be a possibility. The way that these agreements are written with the companies, it does indicate that this is calculated on income taxes for employees that perform and work in the Village. I may want to sit down with the Law Department and Mr. Wynne as well to evaluate if and when those rebate requests come back from employees that we would have the right to pull all that back. Again, I am no attorney, but as I read it, I think that may be a possibility based on the way the language is written.

Mr. Murphy stated, I would imagine a lot of the refunds are going to be April 17th or 18th, whatever the tax deadline is this year and more over until the October 15th deadline too. So, just something to keep in mind.

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Mr. Marquart replied, absolutely.

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

There were none.

Council President Schutt stated, thank you Mr. Marquart.

Mr. Marquart stated, thank you.

CLERK OF COUNCIL

. **Codification Services – 2021 legislation (Walter Drane) (Ordinance 2022-03)**

Mrs. Betsa reported, the 2021 legislation was sent to Walter Drane. They have updated the Codified Ordinances. The Ordinance adopting the revisions will be on the agenda for the Regular Council meeting for consideration.

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

There were none.

Council President Schutt stated, thank you, Mrs. Betsa.

ENGINEER

. **Parkview Pool Piping Replacement Project**

Mr. Cappello reported, this project is out to bid. The bid opening is Friday, March 18th. This project is a Phase I of potentially two phases. It is removal of about 150-200 feet of existing piping from the pumphouse to a certain section and then testing the remaining piping to see if we can find the leak in the pool.

. **Service Department Drainage Improvement (Change Order)**

Mr. Cappello reported, this work was done last year. As part of the project, the original bid was around \$41,191.50. They came across an unrecorded sanitary sewer which caused them to have to remove portions of the newly-installed storm sewer and also remove and replace additional pavement. So, there will be a change order of \$2,068.50 that we will be requesting.

Council President Schutt asked, any questions for Mr. Cappello?

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There were none.

Council President Schutt stated, thank you Mr. Cappello.

**FINANCE
DEPARTMENT**

. **2022 Budget**

Mr. Wynne reported, there have been several changes made to the budget since the copies you received. We discussed these changes at the last meeting when I made the presentation on the budget. We added \$5 million to municipal income tax revenue and then to offset that on the expense side, we added \$150,000 in expense to the Regional Income Tax Agency for tax collection services. Once Council approved the allocation of the photo enforcement revenue to the Capital Improvement Fund, we are budgeting \$300,000 in revenue for the photo enforcement program and then to offset that, \$120,000 in expense for the fee that gets paid to the company that handles the processing of those collections.

- . **Renewal of Life Insurance for employees (Resolution 2022-14)**
- . **Renewal of Dental Insurance for employees (Resolution 2022-15)**

Mr. Wynne stated, the life insurance and dental insurance for employees are up for renewal on April 1st. Life insurance came in with no increase. They agreed to hold the rate for a 2-year timeframe. Dental came in with a 6% increase which is the first increase we have gotten from them in five or six years. They have agreed to hold those rates too for a 24-month period.

Council President Schutt asked, any questions for Mr. Wynne?

There were none.

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

LAW DIRECTOR

. **Update to fireworks ordinance**

Ms. Calta reported, the State legislature about a year ago passed what is called HB 172, which has become affectionately known as HB 172 to all us of in the realm of having to amend our ordinances. There was a memo in Council's packets about it. The short version is that the State now is allowing consumer fireworks to be sold and discharged in the State. That was not the case before. Our ordinance as it stands does not allow consumer fireworks to be discharged in the Village. House Bill 172 allows municipalities to make their own decision as to whether to allow consumer fireworks to be discharged in your municipalities. We took Chapter 1519 which

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is on the books right now with the Village and we went through it. We updated some of it like the definition of devices which was included in the State Code that we did not have in ours. We mirrored that. You can see in 1519.04(b), it specifically bans the discharge, ignition or explosion of fireworks in the municipality. That's the purpose of the ordinance. The short version of it we have been discussing at our department head meetings with the Chiefs and Administration. I don't know if Chief you want to add to your discussions with other Chiefs in the area and what they are doing and how they have made their decisions and how you have made your recommendation, anything like that.

Chief Carcioppolo stated, like Diane said, we basically just updated an existing ordinance. Consumer grade fireworks have always been prohibited to discharge in Mayfield Village. The surrounding communities which I put in my memo are either updating their current legislation or enacting their own legislation to mirror this area. It's basically because there is no safe location; there's not enough property for people to discharge fireworks without being a hazard to your neighbors, not to mention people in general discharging fireworks. It's dangerous. Even when you have trained professionals doing it with commercial grade stuff, accidents still happen and people still get hurt. It was a housekeeping thing. We had to update our local legislation because of House Bill 172. The other departments are either updating theirs or they are going to look at ours. I will e-mail it to them so they can see what ours looks like. That's basically how it is in this area. As you go further rural, you will see communities not caring because the population density is less and it's less of a concern that you are going to do something on your property that's going to affect your neighbor or someone else.

Chief Carcioppolo asked, are there any questions regarding this? In discussions with Chief Matias, as far as there needing to be a public education campaign to kind of go along with it because all the State is saying in news headlines is that fireworks are legal now. They might not understand that they are still prohibited in certain areas. We have been discussing putting a note on the marquee outside and putting it in the *Voice of the Village* and educating the public here so they know that it's still not okay. We have gone on illegal discharge of fireworks as long as I have worked here. I am sure we are going to continue doing that. It's just part of selling fireworks is that you are going to have people buying them and discharging them. We are trying to limit that as much as we can within the best interest of the public safety of this community. Any questions?

There were none.

Council President Schutt stated, thank you Ms. Calta and thank you Chief Carcioppolo.

Ms. Calta stated, Mr. President I actually have one other matter you wanted me to mention. There were some updates to the Fire Code, I believe in 2020 and 2021. In reviewing this Chapter of the fireworks ordinance and in talking with the Chief and Asst. Fire Chief Libens-

Chief Carcioppolo stated, there was an error in one of the ordinances. A sentence was supposed to be repealed. The whole section was repealed. We need to just put the part back that wasn't supposed to be repealed and just take the sentence out.

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Ms. Calta stated, so we will also have that legislation for the next agenda if that's okay. That's the end of my report. Thank you.

Council President Schutt stated, thank you.

**PARKS AND
RECREATION**

- . **2022 Chemical Prices – Parkview Pool**
- . **Sound for 2022 Grove Season (Lone Wolf Sound Production - \$12,625)**

Mr. McAviney stated, I will have two memos for the next Council meeting. One is the 2022 chemical prices. They are up 40% from the last couple years. All of them across the board. Normally that bill is around \$14,000. It's close to \$22,000 this year. That's definitely an increase. In the chlorine industry, municipal water treatment plants are down the liquid chlorine. The prices went up from \$1.15 to \$1.91 a gallon. It was \$55 for 5 gallons of acid. We are at \$75 for the same 5 gallons of acid this year. We looked at two companies. My recommendation is going to be Sal Chemical for multiple reasons. One they were slightly lower. The other one, Ohio Pools, only can have the acid in one gallon containers. For my staff, that's actually 810 one gallon containers. So for a safety standpoint, I said that though your price for that is better than the other price, I can't justifiably say it's the best route to go.

There's only two companies any more. There used to be a half a dozen. Sal's done a great job in the past. So has Ohio Pools. But my recommendation will be for Sal and it is the most I have ever seen it in the 28 years I have worked around pool.

With regard to the sound contract, this is for the Grove and Gazebo and for other events like Memorial Day Service.

The last thing off the agenda is in your mailbox is our brochure. It just got completed. You should receive it at your home mailbox Wednesday or Thursday of this week. Programs are filling up very very quickly, even a faster rate than last year. Our day camp has been filled for over a month now.

With that, if anyone has any questions, feel free to e-mail me. Thank you.

Council President Schutt asked, any questions for Mr. McAviney?

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There were none.

ANY OTHER MATTERS TO COME 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 7:25 p.m.

Respectfully submitted,

Mary E. Betsa, MMC

Clerk of Council