

MINUTES OF A COUNCIL CAUCUS
Mayfield Village Civic Hall - Mayfield Village Civic Hall
Tuesday, September 6, 2022

The Council of Mayfield Village met in Caucus Session on Tuesday, September 6, 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. Schutt and Mr. Williams

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

PENDING LEGISLATION

- **Ordinance No. 2022-18**, entitled, “An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1128 “Comprehensive Stormwater Management” and replacing it in its entirety with new Chapter 1128 “Comprehensive Stormwater Management.” Introduced by Mayor Bodnar. (First Reading – August 15, 2022)
- **Ordinance No. 2022-19**, entitled, “An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1129 “Erosion and Sediment Control” and replacing it in its entirety with new Chapter 1129 “Erosion and Sediment Control.” Introduced by Mayor Bodnar. (First Reading – August 15, 2022)
- **Ordinance No. 2022-20**, entitled, “An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1130 “Illicit Discharge and Illegal Connection Control” and replacing it in its entirety with new Chapter 1130 “Illicit Discharge and Illegal Connection Control.” Introduced by Mayor Bodnar. (First Reading – August 15, 2022)
- **Ordinance No. 2022-21**, entitled, “An Ordinance amending Mayfield Village Codified Ordinance Section 501.99 “Penalty for Misdemeanors.” Introduced by Mayor Bodnar. (First Reading – August 15, 2022)

Council President Schutt asked, any discussion on these four Ordinances?

There was none.

Council President Schutt stated, since there’s no discussion, Ordinance Nos. 2022-18 through 2022-21 will move to Second Read at our Regular Meeting of Council on Monday, September 19th.

MAYOR

Thank you Council President, I have no comments this evening.

Council President Schutt stated, thank you Mayor Bodnar.

COUNCIL PRESIDENT

We would like to wish a Happy Birthday to Mr. Ron Wynne and Councilwoman Jennifer Jurcisek. Both of their birthdays are on September 20th. Happy Early Birthday to both of you.

Also, House Bill 9 training will take place in Reserve Hall on Thursday, September 15th. A number of us have already signed up for this training. If anyone else is still interested, please contact Mrs. Betsa.

**NEW BUSINESS FOR
DISCUSSION**

1) 2022 Tax Rate Resolution (Finance)

Mr. Wynne stated, if you recall, back in July we filed the Alternative Tax Budget for 2023 with the County. They have approved that budget and as a result of that, they gave us the tax rates for 2022. We have to pass a Resolution accepting those for when they send out the tax bills in 2023.

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

There were none.

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

2) Service Agreement with All Covered, a division of Konica Minolta Business Solutions, for data backup and monitoring effective October 1, 2022 (Administration/Finance)

Mr. Wynne stated, this is the company we have been using for years to do all of our data backup and recovery storage. The current Agreement expires and they are requesting a price increase from \$846 a month to \$995 a month so that's the reason for the new Agreement just to address the rate change.

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

There were none.

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

**3) 2022 Street Striping Program – Proposal from Pat Flowers, Inc for \$40,076.82
(Resolution 2022-36) (Engineer)**

Council President Schutt stated, this item is on tonight's Special Meeting Agenda for approval. Mr. Cappello, did you want to comment on this?

Mr. Cappello stated, this is our annual street striping program. We sent out requests for proposals and only received one.

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

There were none.

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

**4) Service Agreement with Motorola Solutions for support and maintenance of
Dispatch Equipment for 2022 (Police Department)**

Chief Matias stated, thank you Council President. This was originally on the agenda back in the beginning of the year. This is our annual renewal. It's a little delayed. Motorola had some errors on the original Agreement they submitted to us and then they had some personnel changes. It took a while to get it all together so that we were comfortable with what we were doing. Again, this is an annual thing which is support and maintenance of our Dispatch center.

Council President Schutt asked, any questions for Chief Matias?

There were none.

Council President Schutt stated, thank you, Chief.

**5) Agreement with Lake County Sheriff's Department for Jail Services (Police
Department)**

Chief Matias stated, as everyone knows, when we built our police station in 2010, we just had a 6-hour temporary holding facility. If we need to hold a prisoner because they need to post a bond or need to see the Judge or it's a felony, we have to hang on to the prisoner so we are always looking for places to house our prisoners and it's getting a little bit harder to do. We have a current Agreement with Geauga County but they often are unable to take our prisoners because of some staffing and COVID issues on their end. I met with the Lake County Sheriff Frank Leonbruno a few weeks ago and he offered to help us out. So this contract is to just kind of expand our network of jail space that we use on an as-needed basis.

Council President Schutt asked, any questions for Chief Matias?

Mr. Meyers asked, same money both places?

Chief Matias replied, no. Lake County is a little bit more expensive. I think their per diem is \$125 and Geauga County is \$50 or \$100; I'm sorry, I don't remember. So Lake County is a little more expensive.

Mr. Meyers stated, thank you.

Council President Schutt asked, any other questions for Chief Matias?

There were none.

Council President Schutt stated, thank you Chief.

6) Council Review of Board of Zoning Appeals Decisions (Law)

Ms. Calta stated, I wanted to bring this up. We have talked about it and the Administration has talked about it. It's one of those things that each time it comes up to Council there are questions. This is for the two appeals that have happened this year and then I have a little bit of history with a couple of appeals that have come to Council in the past.

Unfortunately neither the Code nor the Charter gives a lot of detail on how those appeals are to proceed. On the way here, I was thinking about other communities that have appeals from the BZA to Council and I have to say there just aren't any others that I can think of. I am sure if I looked I would find some, but I want to say that my experience is it's not very typical to have a BZA appeal to Council. BZA appeals typically will go directly to Common Pleas Court. They are called Chapter 2506 appeals. The Village has this extra step in there. I think it's been addressed similarly in each appeal, however, things like what the standard of review is for Council is not spelled out.

I wanted to give Council as much direction as possible. The first time it came up was in January. It was probably my very first meeting. I did a memo to Council and outlined what I could about the appeal and the structure. But the thought is to sort of test Council's thoughts on putting together an ordinance that gives you some direction on what this appeal means, what is the standard of review, are you required to look at the issue fresh and new and de novo from the beginning and make your own decision or are you looking at the decision that the BZA made and say, did they follow the criteria that they are required to follow?

Most of these have kind of followed a sort of informal process. You have the applicant come up and then you had a few people that kind of repeated themselves. That didn't go on for too long. In this ordinance we can spell out the applicant has this much time. Some of this is, you don't need it until you need it. I don't know that I can sit here and say we have had a hearing that has

gone hours and hours and on into the late night and had a room packed with people and all of those things that I would leave for another day but the thought was what would Council think about putting together an ordinance that would outline those sort of things; what your standard of review is; what you are required to do and what you are not required to do; who can speak; when they can speak; getting people time to rebut; giving Council time for questions. Things like that - laying that all out.

Mr. Meyers stated, maybe this is or isn't in line, but I go to all the meetings. The last BZA there were only 3 people there. Nobody shows up for the meetings, so how can you have a really good meeting and give the people a chance? They get voted down and they come to us. That's part of this problem. If the people would go to the meetings when they are supposed to and hear the item and vote on it it would be over rather than come to Council. I know it's hard to make people come, but I am just bringing that up because I see it a lot. You go to things and there's absolutely nobody there but the Board members and half of the Board members don't show up. That's why I am bringing it up. It could be something that could be eliminated.

Ms. Calta asked, you mean?

Mr. Meyers replied, for coming to Council.

Ms. Calta stated, an appeal from BZA to Council is in the Charter so that would have to be a Charter Amendment. As far as the number of people at the BZA meetings, my understanding is that if it's known in advance that there will only be three people there out of the five and you need three affirmative votes for anything to pass, that could put an applicant at a disadvantage. In those instances, when it's known in advance and typically the members are asked to let Debbie Garbo know whether they are going to be able to make the meeting, then the applicant is given the opportunity to go to another meeting if they don't want to have their application reviewed by just three members. I believe the appeal that ended up to Council the last time it was a 2-1 vote. That was a last minute thing. Somebody last minute couldn't make it. But in that instance you can still give the applicant the choice to present again at another meeting.

Mrs. Jurcisek stated, I thought about this the last couple of months. The resident does have a choice to table it. They are tabled for another month though. From a resident's perspective who has a project or contractors lined up especially in this day and age where it's so hard to get someone or everyone's on strict timing, it sort of becomes an inconvenience. I threw this out there before. I was talking to some individuals outside the meeting. I know it's five individuals on the BZA. I am open to what you suggested, but can you somehow maybe try to fix the source of it too whether we have the five individuals on there and maybe, and I know it's not written in the Charter this way, but three alternates or something like that so that there's a complete forum for individuals so if something like that happens and it's last minute.

Ms. Calta replied, the Mayor actually asked that question recently to me to see if that would be something that we could do based upon the language of the Charter and the ordinance that we have. I did review it and that is something we can do; put in some alternates. I don't think that would be in conflict with the Charter. I think that it would implement what the Charter requires

which is to make sure that we have a board available for applicants when they come in. That is pretty common to have alternates. I think we are looking at also proposing that with two alternates so that in those instances –

Mr. Meyers stated, they would have to understand it might be a last minute thing too. Like you said, you didn't find out until that day.

Ms. Calta stated, yes. You try your best, but things come up. Especially nowadays. I think if we layer it like that we can avoid those instances where you may have just three and an applicant in front of them not wanting to delay their decision.

Mayor Bodnar stated, Diane, correct me if I'm wrong, but I think we were looking at the ability to call in to alternates if we had anticipated that only three people were coming. We wouldn't wait until there were only three people. We were looking at maybe deploying those people even if there were three regulars there because they need three votes. Everybody's better off with five people voting.

Ms. Calta stated, okay. That's what we were thinking. I think if we look at that piece, that might eliminate some of the appeals. It's hard to say.

Mrs. Jurcisek stated, the other question that I had is, again looking at the source, should we look at some of the Charter and ordinances we have and recommend changes? Are they antiquated compared to some other communities where if there's things that consistently come up and you are saying that appeals are coming here more frequently than what you have seen elsewhere, is there anything else we can do to help fix the source of it?

Ms. Calta replied, I think when Charter Review comes up, this is probably one of those provisions that can be discussed. It's hard to say whether it's right or wrong. I think it's been in the Village for a really long time because it might be unfair for someone who comes in for a fence to say hey you are denied and your only remedy now is to go to court. I think you have to balance those sort of things. But it is for what it is, a mutual provision, but I think it served the Village well. You also look at what's Council called upon to do and we just don't have anything to say, here's what, if this were to go to Court having that in place and showing that this is what Council did and how they did it also helps with supporting decisions when you get into Court if that were to happen. So if Council would be interested, I can get something drafted and get it to everyone to take a look at and see if you want to move it forward.

Council President Schutt stated, I guess the only other thing is how quickly would we be able to move on having the alternates in place?

Ms. Calta stated, I think we can get the Code put together pretty quickly. We can also define people to fit that. It's two-fold. We can get the Code together pretty quickly. You would probably want to talk about more it at a Council meeting.

Council President Schutt stated, for sure. So we can tee it up sooner rather than later.

Ms. Calta replied, we can do that.

Mr. Meyers stated, yes. There's a lot of them that come up. It's not like it has to be immediate. They are few and far between.

Ms. Calta replied, it seems like there's a lull and then there's a bunch of them. Those things are hard to predict as well.

Council President Schutt asked, any other questions or comments?

There were none.

Council President Schutt stated, thank you, Ms. Calta and thank you everyone for your comments.

ANY OTHER MATTER BEFORE COUNCIL

Ms. Wolgamuth stated, I just wanted to let Council know that Citizen's Advisory will be meeting next Tuesday at 7:00 p.m. On the agenda is Diane Calta who is going to introduce herself formally to the group. We have an ADA transition plan we have been working on. You haven't heard about that yet, but you will. We are going to start there and talk to that group about it. They also want to talk about the ballot issues that are on the ballot. So next Tuesday, 7:00 here.

Council President Schutt stated, thank you, Ms. Wolgamuth.

Mr. McAvineu stated, Council President, I have a few items.

Council President Schutt stated, sure.

Mr. McAvineu stated, first, COA meets this Thursday, September 8th at 11:00 a.m. at the Community Room next door. The Parks Board will meet on September 21st in this room. We are going to meet a little bit earlier. If you haven't heard, our pool manager who has been with us since the beginning, Dave Perout, has stepped down. We will have a little reception for him on that particular day. One of the sadder events, the snowplow program is up and going. That means snow is coming. We have sent everything out. After we got all the proposals back in, we had to increase it. It was my recommendation to increase it by \$25, so we are at \$200 for a single driveway and \$250 for a circular. We have also made an adjustment. Instead of 2 inches it is up to 3 inches. We also made the adjustment saying that over a three-day period if you accumulate snow up to 3 inches, they will plow. It helps out with keeping the price down a little bit as well. We also have some upcoming events, the window decorating contest for the Middle school, St. Paschal's and St. Francis. We will also be looking for volunteers on October 15th for our Halloween Trick or Treat Trail at Parkview Recreation area. We need volunteers every year. It's a pretty large event. It's from 11:30-2:30. Any questions?

Council President Schutt stated, thank you Mr. McAvinew.

Mrs. Betsa stated, Council President, I have a couple of items. As Council President reminded everyone, House Bill 9 Training is on September 15th here in Reserve Hall. Also, in the evening the Northeast Ohio City Council Association presents the 3rd Quarterly Forum Cuyahoga County Executive discussion with Chris Ronayne and Lee Weingart from 6:30-8:00 at The Aviator Pub Restaurant in Cleveland. If anyone is interested in attending please let me know. With regard to NOPEC, they are temporarily transitioning into the standard program price for electric due to the current inflationary spike. I provided everyone with an e-mail from Executive Director Chuck Keiper and also a copy of a letter being sent to all residents. I have received calls from some residents who have not yet received their letter. If further information is needed, please feel free to have them contact me.

Due to staffing shortages, Shred Day had to be rescheduled to Saturday, November 5th from 9:00-12:00 at the Civic Center parking lot. Additionally, I have already secured May 20, 2023 for the first Shred Day. End of report.

Council President Schutt stated, thank you, Mrs. Betsa. Are there any other matters to come before Council this evening?

There were none.

There being no further matters, the meeting concluded at 7:24 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Clerk of Council