



*Technicolor Dream Coat* on Thursday, April 7, at 7:00 p.m. in the Mayfield High School Auditorium. Admission is free. School buses will provide free transportation with pick up and return to apartment buildings and senior adult living complexes. For tickets and transportation, call the school district at 440-995-7222. The deadline for reservations is April 1.

The Primary Election will be held tomorrow. Polls are open from 6:30 A.M. until 7:30 P.M. The ballot will include candidates for presidential, senatorial, congressional, and judicial races as well as a county tax levy renewal. Be sure that your voice is heard; get out and vote.

Mr. DeJohn referenced his comments at the last meeting about the Nick Mayer sign application. Now that Mr. Murphy is present he would like to continue that conversation. Mr. Murphy sent us a copy of a letter addressed to Mr. Jamieson, Building Director, in which he stated that the May 27, 1997, settlement agreement between Marshall Ford, Ferrara's and Mayfield Heights, in his words is ambiguous and subject to different interpretations. He has several valid questions about the settlement and how it applies to the Marshall Ford sign. Mr. DeJohn, because of Mr. Murphy's opinion in that letter, made a motion to hire an independent real estate attorney to review the settlement and provide an opinion, seconded by Mr. Manno. Mr. Murphy recommended that discussion on this matter be held in Executive Session as it is a matter of litigation. Mr. DeJohn asked if there is pending litigation. Mr. Murphy said the existing settlement agreement between the parties is considered pending litigation. Mr. DeJohn does not believe there is pending litigation and that an Executive Session would not be valid in this case. Further, he is simply asking for a second opinion. Mr. Murphy said it is pending litigation and, if any party violates its terms, the court will be asked to resolve the matter. It is under the continuing jurisdiction of the court and is best discussed in Executive Session. Roll call on motion as stated: AYES: Mr. Manno, Mr. DeJohn, Mrs. Teresi. NAYS: Mr. Mercurio, Mrs. Sabetta, Mrs. Finney. Vote 3-3. Motion failed.

Director of Law Murphy: An Executive Session is requested to discuss pending and imminent litigation.

Ordinances 2016-12, 2016-13, and 2016-14 will be placed on first reading to be discussed among Council Members.

Mr. DeJohn requested that Ordinance 2016-14 be tabled to allow more time for review, seconded by Mr. Manno. Roll call on motion as stated: AYES: Mr. DeJohn, Mrs. Finney, Mr. Mercurio, Mr. Manno, Mrs. Sabetta, Mrs. Teresi. NAYS: None. Motion carried. Ordinance No. 2016-14 is tabled.

Director of Finance Tribby: No report.

Mrs. Finney made a motion to deviate from the agenda to hear from a representative of the Mayfield Area Historical Society, seconded by Mr. Mercurio. Roll call on motion as stated: AYES: Mr. Mercurio, Mrs. Finney, Mrs. Sabetta, Mr. DeJohn, Mr. Manno, Mrs. Teresi. NAYS: None. All in favor; motion carried.

Alfred Muhle, 13444 Cedar Acres Drive, Chesterland, President of the Mayfield Area Historical Society, thanked City Council and the Administration for their contribution. Ninety-one percent of the community contributions to the house, located at 606 SOM Center Road in Mayfield Village, go toward maintenance of the structure and grounds. The Garden Club is no longer maintaining the landscape, so an outside contractor was hired. Many students from area schools are hosted at the historical house. The house, celebrating its 40<sup>th</sup> Year, is open to the public. Attendance at this year's Ice Cream Social is expected to surpass former records.

#### REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn reported a joint Legislative and Safety and Transportation Committee meeting was held recently. Discussed was semi-tractor trailer parking at Walmart especially on the west side of the lot. Chief Bittner and Mr. Jamieson

will investigate the creation of a fire lane in that area to prohibit parking there. Walmart officials will be asked for more assistance in this matter. Mr. DeJohn stated that the minutes of the committee meeting misrepresented his stance. He has no problem with bus trip passenger loading and unloading. He has a problem with trucks unloading and idling on the west side of the parking lot especially after 9:00 P.M.

Finance and Audit Committee: Mrs. Sabetta reported the committee met to discuss salary ordinance modifications. Another meeting will be scheduled to continue the discussion. The 2016 appropriation ordinance was reviewed and recommended for approval to City Council. The matter is on this evening's agenda and can be discussed further at that time.

Legislative Committee: Mr. Mercurio stated there was a joint meeting of the Legislative Committee and the Safety and Transportation Committee. Discussed were parking ordinances, recreational vehicle parking and use of an outside firm for collection of fines. An amendment to the towing ordinance was recommended allowing for towing after three tickets instead of six. Detective Oberdoester was present and proposed legislation requiring surveillance cameras at businesses. This will be placed on first reading.

Public Works and Services Committee: Mr. Mercurio reported the committee met on March 7, 2016, to discuss the 2016 Road Program and a 5 Year Road Program proposal. Major overhauls are suggested on West Miner Road, Kingswood Road, and Woodhurst Road and a portion of Mayfield Road. Twenty others streets are slated for crack sealing. The engineer's estimated cost is \$2.7 million and we have received two grants totalling \$1.1 million to offset the cost. A motion is on the agenda this evening allowing the Mayor to advertise for bids. Mrs. Teresi complimented Mr. Mercurio and Mr. Cifra on their work with the grant application.

Recreation and Parks Committee: Mr. Manno reported the Breakfast with the Bunny will be held on Saturday, March 19, 2016, from 9:30 A.M. to 10:45 A.M. The cost is \$7 for children and adults. The event includes a continental breakfast, egg hunt and activities. Tickets are available in the Recreation Department until Friday at noon or until sold out.

The Activity Guide was mailed to all residents. It contains Spring/Summer 2016 programs, events and activities. Camp, swim lesson, and pool pass registration will begin on April 9, 2016. The guide was very well put together.

Mr. Manno announced the Pancake Breakfast will be held on April 10, 2016, from 8:30 A.M. until 12:30 P.M. It is all you can eat. Tickets are \$5 in advance and \$6 at the door. Children ages 6 and under eat free.

Wildcat Sport and Fitness is a great place to get your exercise. The annual rates are very reasonable at \$105 for a family, \$32 for individuals, and \$12 for senior adults.

Safety and Transportation Committee: Mrs. Finney stated there are three tabled items on the agenda; 2016-1, 2016-2, and 2016-3. The matter can be discussed further at that time.

Board of Zoning Appeals: Mr. Mercurio reported the board will meet tomorrow evening at 7:00 P.M. There is one item on tomorrow night's agenda.

Planning Commission: Mr. DeJohn reported that on the agenda this evening is confirmation of the final site plan at 1314 SOM Center Road a multi-tenant retail building. It is an addition to a former bank. The drive-thru will be enclosed and the building extended 18' west into the back parking lot. The matter can be discussed further at that time.

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PUBLIC COMMENT: None

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RESOLUTION NO. 2016-19: "A Resolution authorizing the Director of Finance to transfer funds in accordance with amounts listed in Ordinance No. 2016-11." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Finney, Sabetta, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mrs. Sabetta moved for approval, seconded by Mr. Manno. Mrs. Teresi said the 2016 appropriations were discussed in committee. City Council received a memorandum from Mr. Tribby who explained that Resolutions 2016-19, 2016-20, and 2016-21 are required by Ohio revised code because, even though funds are appropriated, the transfer must be authorized. Roll Call on motion as stated: AYES: DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-20: "A Resolution authorizing the Director of Finance to transfer funds in accordance with amounts listed in Ordinance No. 2016-11." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, DeJohn, Teresi. NAYS: None. Motion carried. Mr. Manno moved for approval, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-21: "A Resolution authorizing the Director of Finance to advance funds in accordance with amounts listed in Ordinance No. 2016-11." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: DeJohn, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for approval, seconded by Mrs. Finney. Mr. Tribby said funds must be advanced to pay the contractor for the Community Development Block Grant work. Cuyahoga County will reimburse the city. Roll Call on motion as stated: AYES: Finney, Sabetta, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The resolution is adopted.

Mrs. Finney moved to remove Resolution No. 2016-1 from the table and place on the agenda, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Mercurio, Finney, Sabetta, DeJohn, Manno, Teresi. NAYS: None. Motion carried.

RESOLUTION NO. 2016-1: "A Resolution authorizing the Mayor to enter into an amendment to the agreement with URS Corporation to provide additional professional consulting services in connection with the expansion and renovation of the Mayfield Heights Police Department, and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. Mercurio moved for approval, seconded by Mrs. Finney. Mrs. Teresi said the Resolution was tabled to await an hourly breakdown of charges requested by Mr. Mercurio. Mr. Cifra, 7875 Forest Valley, Concord, representing AECOM, formerly URS, said that Mr. Barber provided a response to City Council indicating that the hours pertained to bidding services. It was for 32 hours amounting to \$5,000, an additional service request. Mr. Mercurio said he wanted a breakdown of the hourly rate for each item. Mr. Cifra said all hours were associated with leading project architect, Paul Holland. Mr. Mercurio asked why the hourly fee for a project architect is \$95 and the hourly fee on these charges for an architect are \$157. Mr. Cifra said the hourly rate of \$95 is for the general engineering services contract. There was a separate contract for police department renovations which was a lump sum contract and not one where the city would be billed for time and materials. There is a different rate at AECOM based on the type of project work. Mr. Mercurio said the hourly rate per item did not vary at all. There were two hours for delivery charged at \$157 an hour. Mr. Cifra said that was to get the contract signed as expediently as possible by Mr. Holland who had the most knowledge of the project. Mr. Mercurio believes the cost is excessive. Mrs. Teresi agreed. Roll Call on motion as stated: AYES: None. NAYS: Sabetta, Manno, Mercurio, Finney, DeJohn, Teresi. Vote 0-6. Motion failed. The resolution is defeated.

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ORDINANCE NO. 2016-11: "An Ordinance making appropriation expenditures of the City of Mayfield Heights, State of Ohio, during the fiscal year ending December 31, 2016." Mr. Murphy read the ordinance by title only. Mrs. Finney moved for suspension

of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Teresi. NAYS: None. Motion carried. Mr. Manno moved for approval, seconded by Mrs. Finney. Mrs. Teresi said a memorandum referencing the appropriations was sent by Mr. Tribby to City Council. Mr. Tribby said the matter was discussed in committee. This year's General Fund budget estimated revenues are \$21,816,000 and expenditures are \$23,736,900. Technically, there will be a deficit this year of approximately \$1,947,000. As indicated in the memorandum, the operating budget is not in the red. The amount mentioned as a deficit is to transfer to Capital Funds for equipment purchases and road repairs so we technically have an operating balance. Roll Call on motion as stated: AYES: DeJohn, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-12: "An Ordinance amending Section 303.05(a) (11) of the Codified ordinances of the City of Mayfield Heights titled "Impounding of Vehicles; Redemption." Mr. Murphy read the ordinance by title only. Mr. Mercurio moved to place the ordinance on first reading, seconded by Mr. DeJohn. AYES: Finney, Sabetta, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

ORDINANCE NO. 2016-13: "An Ordinance enacting Chapter 787 of the Codified Ordinances of the City of Mayfield Heights regarding retail video surveillance." Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on first reading, seconded by Mrs. Sabetta. AYES: Mercurio, Finney, Sabetta, DeJohn, Manno, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

Mr. DeJohn moved to remove Ordinance No. 2016-1 from the table and place on the agenda, seconded by Mr. Manno. Roll Call on motion as stated: AYES: DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried.

ORDINANCE NO. 2016-1: "An Ordinance amending Chapter 351 of the Codified Ordinances of the City of Mayfield Heights entitled "Parking Generally" by amending Section 351.14 pertaining to parking of camping and recreational equipment." Mr. Murphy read the ordinance by title only. Mr. DeJohn moved for adoption, seconded by Mr. Mercurio. Mrs. Teresi said the legislation arose from the occurrence of trucks and recreational vehicles being parked overnight at Walmart. The matter was discussed in committee along with the next two Ordinances that will be removed from the table. Section 1 of Ordinance 351.14 under parking and storage of camping and recreation equipment has been amended to add number 8 camping and recreational equipment shall not be parked in any commercial parking lot or adjacent parking lot during periods outside of normal business hours of that particular commercial property. AYES: Sabetta, Manno, Mercurio, Finney, DeJohn, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

Mr. Manno moved to remove the Ordinance No. 2016-2 from the table and place on the agenda, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Teresi. NAYS: None. Motion carried.

ORDINANCE NO. 2016-2: "An Ordinance amending Chapter 351 of the Codified Ordinances of the City of Mayfield Heights entitled "Parking Generally" by enacting Section 351.24 pertaining to towing and impounding vehicles." Mr. Murphy read the ordinance by title only. Mrs. Finney moved for adoption, seconded by Mr. Mercurio. Mrs. Teresi said the matter was discussed in committee. Section 351.24, under Parking Generally, is new and has been added to the ordinance. It pertains to the towing and impounding of vehicles. Police Chief Bittner explained the new section at the committee meeting. AYES: DeJohn, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

Mr. DeJohn moved to remove the Ordinance from the table and place on the agenda, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Finney, Sabetta, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried.

ORDINANCE NO. 2016-3: "An Ordinance amending Chapter 351 of the Codified Ordinances of the City of Mayfield Heights entitled "Parking Generally" by enacting Section 351.25 pertaining to collection of fines." Mr. Murphy read the ordinance by title only. Mr. DeJohn moved for adoption, seconded by Mr. Mercurio. Mrs. Teresi said under this ordinance, Parking Generally 351.25, the collection of fines, has been amended to add subsections a and b. Chief Bittner was at the committee meeting and explained how more fines could be collected by utilizing the State of Ohio Attorney General's Office for collection which is similar to what the city of South Euclid has been doing. AYES: Mercurio, Finney, Sabetta, DeJohn, Manno, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

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Mrs. Finney, seconded by Mrs. Sabetta, moved to confirm the decision of the Planning Commission approving a final site plan for a 1,530 sq. ft. addition and parking lot alterations for the multi-tenant retail building at 1314 SOM Center Road. Roll call on motion as stated: AYES: DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. *Motion carried.*

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Mrs. Sabetta, seconded by Mrs. Finney, moved to advertise for bids for the 2016 road program. Mrs. Teresi said the matter was discussed in committee. Roll call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, DeJohn, Teresi. NAYS: None. *Motion carried.*

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Mr. Manno, seconded by Mr. Mercurio, moved to advertise for bids for concrete. Mrs. Teresi said this matter pertains to the 2016 Road Program. Roll call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Teresi. NAYS: None. *Motion carried.*

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Mrs. Finney, seconded by Mrs. Sabetta, moved to advertise for bids for asphalt. Mrs. Teresi said this matter pertains to the 2016 Road Program. Roll call on motion as stated: AYES: DeJohn, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. *Motion carried.*

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Mrs. Sabetta, seconded by Mr. Mercurio, moved to authorize the sale of vehicles through GovDeals:

- 1997 Ford F-350 VIN 1FDKF38FXVEC42298
- 2003 Ford F-350 Super Duty VIN 1FTSX31S14EA96493.

Mrs. Teresi stated this motion will authorize the city to sell the vehicles on GovDeals as has been done in the past. Mr. Tribby noted the police department facilitates the sales on that site. One of the vehicles has 158,000 miles and the other has an odometer that stopped operating. It is time to part with these assets. Roll call on motion as stated: AYES: Finney, Sabetta, Manno, DeJohn, Mercurio, Teresi. NAYS: None. *Motion carried.*

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#### NEW BUSINESS; COMMENTS FROM COUNCIL:

Mayor DiCicco announced that Mrs. Clines was responsible for the layout and design of the Parks and Recreation Department Activity Guide. She did a fine job. Mr. Manno agreed. Mrs. Teresi said Mrs. Clines possesses excellent graphic design skills. She added that Mrs. Clines and Mrs. Augustine did a terrific job on the City Focus State of the City, as well.

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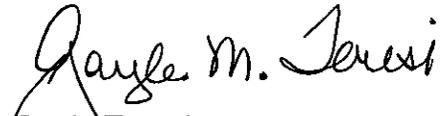
Mr. Mercurio made a motion to go into Executive Session to discuss pending and imminent litigation, seconded by Mrs. Finney. Roll call on motion as stated: AYES: Mercurio, Finney, Sabetta, DeJohn, Manno, Teresi. NAYS: None. Motion carried.

Mrs. Teresi recessed the meeting at 8:00 P.M. and reconvened at 9:00 P.M. Except Mrs. Finney who exited Executive Session at 8:30 P.M.

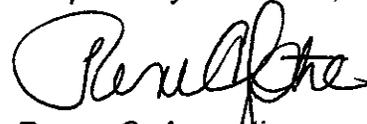
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There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 9:00 P.M.

Approved:

  
Gayle Teresi  
Council President

Respectfully submitted,

  
Renee C. Augustine  
Acting, Deputy Clerk of Council