

**CITY OF MAYFIELD HEIGHTS  
COUNCIL MEETING MINUTES  
May 23, 2016**

The regular meeting of Council was called to order at 7:00 P.M. by Council President Pro Tem Joe Mercurio.

**ROLL CALL:**            **PRESENT:** Mr. Robert DeJohn, Mrs. Donna Finney,  
Mr. Donald Manno, Mr. Joseph Mercurio,  
Mrs. Susan Sabetta, Mrs. Diane Snider  
**ABSENT:**            Gayle Teresi

Also present were Mayor Anthony DiCicco, Law Director Paul T. Murphy, Director of Finance/Clerk of Council Robert Tribby and Assistant Finance Clerk Angela Ianiro.

The Pledge of Allegiance was said.

In attendance: Compliance Standards Officer Lorna Zeller, Building Director Tom Jamieson, City Engineer Greg Cifra, Fire Chief Bruce Elliott, Recreation Director Sean Ward and Police Chief Fred Bittner.

Mr. Mercurio moved, seconded by Mr. Manno to add the Ad Hoc Committee to the agenda. All in favor, *motion carried*. Committee added.

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

**RESOLUTION NO. 2016-34:** "A Resolution congratulating Gary Pearlman, a.k.a. Dr. U.R. Awesome, on becoming the new Guinness World Record Holder for both the indoor and outdoor largest free floating soap bubble". Mr. Murphy read the resolution by title only. Mrs. Snider moved to suspend the rules, second by Mrs. Sabetta. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, Manno, DeJohn, Mercurio. NAYS: None. Motion carried. Mayor DiCicco asked Mr. Pearlman to approach Council, and read the resolution in its entirety. Mr. Pearlman was presented with the resolution. Mr. Pearlman thanked City Council, and said he was proud to be a Mayfield Heights citizen. He said he will continue to keep the award in the City for a long time, and break the record. *The resolution is adopted.*

**RESOLUTION NO. 2016-35:** "A Resolution commending Larry Sofia for his years of service on the Parks and Recreation Commission." Mr. Manno moved to suspend the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Mercurio, Finney, Sabetta, DeJohn, Snider, Manno. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney. NAYS: None. Motion carried. Mayor DiCicco read the resolution in its entirety and recognized Mr. Sofia, who could not be in attendance, but is his hope to see him at the Memorial Day services. Mr. Mercurio, Mrs. Snider, Mr. Manno and Mrs. Sabetta all commented on how proud they were to work with Mr. Sofia, and thanked him for his service to the Commission as well as to our country as a Pearl Harbor survivor. *The resolution is adopted.*

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Mrs. Finney moved to suspend reading of the Council minutes of May 9, 2016, and approve as written, seconded by Mrs. Sabetta. All in favor, motion carried. *Minutes approved.*

**CORRESPONDENCE AND ANNOUNCEMENTS:**

Mrs. Snider congratulated Euclid Creek for the fifteen years of sharing the message of clean water and healthy habitat for people and wildlife in our watersheds. Throughout 2016 there will many activities to share with them. The next Euclid Watershed Council meeting will be held on June 23, 2016 at 8:00 a.m. at the Collinwood Recreation Center in Cleveland. A tour of the stream and wetland restoration project at Wildwood Park will follow the meeting. This is the second council meeting of 2016.

Mrs. Sabetta announced the twentieth anniversary of the Chagrin River Watershed. An event was held May 19, 2016 at the Willoughby Hills Community Center. The program began with a welcome and refreshments. Greg Student founder and still president received a standing ovation. This is Mrs. Sabetta's second time as trustee on the Chagrin River Watershed and she said they are a wonderful group of people, and a very small nucleus who still work together. Some of the things they have done are protected or restored over 19 miles of stream, 284 acres of wetland and 2,000 acres of land along lake, rivers and stream. They have also planted over 30,000 trees and shrubs to improve forest canopy and absorb stormwater. It was a very loving, touching anniversary and she congratulated them.

REPORTS OF OFFICERS:

Mayor DiCicco:

The Mayor said two memorandums from him were included in the council packets. The first pertains to Resolution 2016-37, approval of AECOM's proposal and he asks this be put on first reading to discuss at the Committee of the Whole (COW) meeting on June 9, 2016. The second pertains to Resolution 2016-39 a shared savings agreement with Gardiner. He said he is available for further discussion or questions when the matters come before Council this evening.

The free Heritage Home information session is scheduled for Monday, June 6, at 6:30 P.M. at the Highland Heights Community Center. If your home is fifty years or older and you've been putting off an exterior maintenance project or pining for an updated kitchen, the program is for you. This free program includes impartial rehab advice, free technical assistance and low interest financing which covers home rehab costs. The June 6th session will include a short presentation and Q&A to learn about this valuable, free program.

The county, through the Senior Center Innovation Fund, awarded Community Partnership on Aging (CPA) a \$25,000 grant. The grants were awarded to organizations that are responsive to addressing the changing needs of older adults in our communities. CPA will use the funds to enhance the safety and independence of older adults through minor home modifications, simple maintenance tasks and repairs, and assistance with coordination of required work. Congratulations to CPA Executive Director Stacey O'Brien and her staff.

Congratulations to the Mayfield High School Class of 2016 on their graduation. Their experience at Mayfield has prepared them well. He wished them the best in all of their future endeavors.

The school year ends for Mayfield students at the end of this week. Please drive with caution as our children are out and about in the neighborhoods.

Parents should be aware of the minor curfew laws which are:

Children under age 12 from darkness to dawn

Ages 12 - 15 from 11 P.M. to 6 a.m.

Ages 16 and 17 between midnight and 6 a.m.

Children may not be upon any city streets during these times unless accompanied by a responsible adult.

Finally, Go Cavs!

Director of Law Murphy:

Mr. Murphy requested an executive session after the regular business of Council. A motion has already been made and approved. Also to place Resolution No. 2016-38 regarding the Stormwater Management Program Service Agreement on first reading to allow Council to review the lengthy title itself and all exhibits he electronically distributed.

Director of Finance Tribby: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn reported that a Building Committee meeting is scheduled for June 2, 2016 to discuss 1151.05 and 1171.02 which are the Accessory Use and Prohibited and Accessory Uses sections of the Codified Ordinances.

Mr. DeJohn received letters from residents regarding the properties at 1139 and 1167 Summit Drive. He said the residents had legitimate concerns related to the driveways; one is gravel which is against the City's ordinance and the other is a driveway in total disrepair. He asked the residents to please call the Building Department and make the complaint. Mr. DeJohn said he received a letter from a resident who said the City streets, sidewalks and properties are in disrepair, and the perception is that Council is not doing a good job. He asked Council to take a better look at this.

Finance and Audit Committee: No report.

Legislative Committee: No report.

Public Works and Services Committee: Mr. Mercurio reported that the Service Department has completed a lot of work on the roads and in the parks. The Roads Department have made catch basin repairs on Sunningdale and Ashcroft, cut lawns for over twenty homes and business properties due to building department violations, and installed new scoreboards including new electrical wiring at Kolby Field. The Community Center has purchased new equipment, all flower baskets have been hung, City Hall property has been mulched and flowers will be planted in time for the Memorial Day services. Services on the pool have begun. The pool was not drained this year saving the City a significant amount of money. The main pump in the big pool was replaced, some repairs were made to the plumbing, and the toys in the baby pool were painted with new and vibrant colors. The pool was painted and caulked last fall, and is up and running and ready for the start of summer.

Mrs. Finney commented that the trip on Mayfield Road looks beautiful thanks to the trees and lights.

Recreation and Parks Committee: Mr. Manno stated that early bird pricing registration for resident pool passes will be ending May 27, 2016. Residents can register at the Parks & Recreation Department between 8:30a.m and 4:30P.M., Monday-Friday, A photo I.D., current gas or electric bill, and birth certificates of minor children if purchasing a family pass are needed to register.

Upcoming events:

5/23 to 9/2 Pickle Ball  
5/26 Interior concepts  
5/30 Memorial Service  
6/3 Movie in the Park  
6/15 to 8/3 Silver Shooters Bocce

Also, visit the City website or call the Recreation Department for information on varsity sports specialty camps.

Safety and Transportation Committee: No report.

Board of Zoning Appeals: No report.

Planning Commission: Mr. DeJohn reported a meeting was held on May 16, 2016 to discuss the preliminary site plan by Leedy Medical Office Building requesting a 5,500 square foot medical building at 2060 Lander Road. The preliminary plan was approved with a recommendation from the traffic engineer to eliminate the north drive. He said he agrees with the recommendation and also to put a south drive on Lander Road and one at Landerbrook Road.

The Mayfield Heights Commercial Corridor design manual was presented to the Commission and adopted. The plan will be discussed at the Committee of the Whole meeting scheduled for June 9, 2016 at 7:00 P.M. A Building Committee meeting will be held June 2, 2016 to discuss 1171.02, Prohibited and Accessory Uses.

Ad Hoc Committee: Mr. Manno reported a meeting was held May 17, 2016. Copies of the minutes of the meeting were mailed to all members and are part of the permanent record. He said the Planning Commission raised eight issues which were reviewed and addressed. Mr. Majewski is in the process of making the revisions to the legislation and forwarding the draft to Mr. Murphy.

Mr. Murphy said he received the draft legislation and it will be on the June 13, 2016 Council Meeting agenda.

Mayor DiCicco commented that the Ad Hoc meeting was productive and it was good to see all the pieces come together.

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PUBLIC COMMENT:

Mr. Ron Dinardo representing the property owner, Dr. Jason Leedy, Leedy Real Estate, LLC said he is here to answer any questions regarding the traffic concerns noted by TMS Engineers, Inc. and the Fire Department.

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RESOLUTION NO. 2016-36: "A Resolution authorizing the Mayor to apply for, and if awarded, enter into an agreement with the Ohio Department of Natural Resources, for a NatureWorks Program Grant for improvement to Oakville Park and declaring an emergency." Mrs. Finney moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Sabetta. Mr. Mercurio said the request for application was requested by Director of Parks & Recreation Sean Ward. Mayor DiCicco said this grant would allow residents to have better use of the property resources by adding a couple of ball fields and making improvements to the park. Mr. DeJohn asked how likely it is the City would be granted the award. Mr. Ward said two years ago the City applied for a \$220,000 grant from Cuyahoga County but did not get approved. He said he believes there may be a better chance of approval since it is a lower amount. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-37: "A Resolution authorizing an engineering services agreement with AECOM Technical Services for the purpose of providing the City of Mayfield Heights with necessary engineering services and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. DeJohn moved to place the resolution on first reading, seconded by Mrs. Finney. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta. NAYS: None. Motion carried. The resolution is placed on first reading.

RESOLUTION NO. 2016-38: "A Resolution authorizing the Mayor to enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District to provide for implementation of the Regional Stormwater Management Program." Mr. Murphy read the resolution by title only. Mrs. Snider moved to place the resolution on first reading, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, Manno, DeJohn, Mercurio. NAYS: None. Motion carried. The resolution is placed on first reading.

RESOLUTION NO. 2016-39: "A Resolution authorizing the Mayor to enter into a Shared Savings Agreement with Gardiner providing for engineering services to improve operational efficiencies at the City Hall Complex and declaring an emergency." Mr. Murphy read the resolution by title only. Mrs. Finney moved to place the resolution on first reading, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Mercurio, Finney, Sabetta, Snider. NAYS: DeJohn, Manno. Vote 4-2. Motion carried. The resolution is placed on first reading. Mr. DeJohn asked if the Gardiner Trane representative could approach Council to help him better understand how the process works. Nate Smith, Energy Engineer of Gardiner Trane introduced himself and Mr. DeJohn asked him what the company would be doing for the City. Mr. Smith said they would be looking at the existing HVAC system to optimize the controls of the system. Also, they will look at other capital investments, such as motion sensors. The savings are then tracked, adjusted for weather, reports are reviewed with the staff and operational team, and the savings are then split between Gardiner and the City. Mr. DeJohn asked if the City pays for the installation of equipment, and asked how the savings are split. Mr. Smith said after verification of the savings the savings are based

on the contract percentages. Mr. DeJohn said he has had experience with this type of business, and never received money in return even though they saved Mr. DeJohn's company money. Mr. Smith said there is no money invested up front it is all based on the actual savings and measurements. Mr. DeJohn asked how accurate the measurements are. Mr. Smith said utility bills are looked at before and after implementation and weather is a factor. Mr. DeJohn asked if this is done by an independent auditor or Gardiner Trane. Mr. Smith said it is done by Gardiner Trane, but an independent auditor can be hired. Mr. DeJohn asked who would pay the independent auditor. Mr. Smith said he believes the City would absorb the cost. Mr. Manno asked if Gardiner Trane's service includes the current HVAC system. Mr. Smith said the HVAC controls are serviced. Mr. Manno said the system has never worked properly, and asked what type of recommendation Gardiner Trane is offering. Mr. Smith said trends are taken from all the data from the automation system, and based on those trends they begin to implement the measures. Mr. DeJohn asked if the savings start in year one or after the three year contract. Mr. Smith said the savings are tracked after ninety days and reported quarterly. Mr. DeJohn noted then that the City is paid quarterly.

Mrs. Finney clarified with Mr. Smith that Gardiner pays for anything they change, and the City gives them 75% of the savings and the City gets 25% in savings. The City is not spending money, we cannot lose money and the City does not owe Gardiner anything. She believes this is a win, win situation.

The Mayor said he agrees with Mrs. Finney, and at the meeting with Gardiner Trane the same questions were asked that Mr. DeJohn and Mr. Manno asked. If they can do something that will straighten out the system and get it functioning properly without any cost to the City then this is a step in the right direction.

Mr. Manno said he is not that interested in the cost savings aspect, but more in getting the system correct. If the contract is awarded, the first order of business is a comprehensive study of the heating and cooling system and what it will take to fix it. Mayor DiCicco said that is a completely different contract than this agreement which is strictly a cost savings agreement. During this process they may identify things that are not correct and perhaps need to be fixed. He agrees that the system may need a huge overhaul, but at least it does not have to be done at first.

Mrs. Snider asked if Gardiner Trane is currently working with other surrounding communities. Mr. Smith said yes, Garfield Heights who experienced a 20-30% savings off their energy bills and are now Energy Star Certified.

Mr. Mercurio said he has looked into what the annual savings have been in communities Gardiner has serviced. The annual saving is \$12,000 per year and Rocky River saved 20%.

Mr. DeJohn asked for a contact in Garfield Heights. Mr. Smith suggested Mayor Collova. Mr. Mercurio suggested looking at Gardiner's website which has a video of their work with the City of Rocky River and it is very informative.

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**ORDINANCE NO. 2016-17:** "An Ordinance amending Chapter 1151 of the Codified Ordinances of the City of Mayfield Heights titled "General Provisions and Definitions" by amending Section 1151.05. Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on second reading, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney. NAYS: None. Motion carried. The ordinance is placed on second reading with a public hearing to be held on June 13, 2016 at 6:40 P.M.

**ORDINANCE NO. 2016-18:** "An Ordinance amending Chapter 1171 of the Codified Ordinances of the City of Mayfield Heights titled "U-4 Local Retail and Wholesale Districts" by amending Section 1171.02. Mr. Murphy read the ordinance by title only. Mr. DeJohn moved to place the ordinance on second reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn. NAYS: None. Motion carried. The ordinance is placed on second reading with a public hearing to be held on June 13, 2016 at 6:50 P.M.

**ORDINANCE NO. 2016-19:** "An Ordinance partially suspending the rules and regulations regarding the sale, possession and consumption of alcohol at the Mayfield Heights Park during Mayfield Heights Unity days for 2016. Mr. Murphy read the ordinance by title only. Mrs. Finney moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider. NAYS: None. Motion carried. Mr. DeJohn moved for adoption,

seconded by Mrs. Finney. Mr. Mercurio said this is the third year Council is permitting this and it is procedural. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta. NAYS: None. Motion carried. The ordinance is adopted.

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Mrs. Finney, seconded by Mr. DeJohn, moved to confirm the decision of the Planning Commission approving a preliminary site plan for a new 5,500 square foot medical office building contingent upon resolving the traffic concerns noted by TMS Engineers, Inc. and the Fire Department for Leedy Medical Office Building, 2060 Lander Road. Mr. Mercurio said the applicant, Mr. Dinardo is available for questions. Mr. DeJohn noted there was a problem with the South drive. Mr. Dinardo said they have worked out a solution by eliminating the North curb cut. Mr. Manno said he was looking for the same verification. Mayor DiCicco stated that the turn radius was to be discussed with the Fire Department, and Mr. Dinardo said they did have that discussion and the issue is resolved. Mr. Jamieson said there currently is a hydrant in place so there is no need for another. He said it is fifty feet to the building for the Fire Department connection. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta. NAYS: None. Motion carried.

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Mr. Mercurio recessed the meeting at 7:52 P.M. Council went into Executive Session at 7:52 P.M. and reconvened at 8:06 P.M.

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There being no further business to come before Council, Mr. Mercurio adjourned the meeting at 8:07 P.M.

Approved:



Joseph Mercurio  
Council President Pro Tem

Respectfully submitted,



Angela Janiro  
Assistant Finance Clerk