

**CITY OF MAYFIELD HEIGHTS  
COUNCIL MEETING MINUTES  
January 25, 2016**

The regular meeting of Council was called to order at 7:00 P.M. by Council President Gayle Teresi.

**ROLL CALL:**            **PRESENT:** Mr. Robert DeJohn, Mrs. Donna Finney,  
Mr. Donald Manno, Mr. Joseph Mercurio,  
Mrs. Susan Sabetta, Mrs. Diane Snider,  
Mrs. Gayle Teresi.  
**ABSENT:**            None.

Also present were Mayor Anthony DiCicco, Law Director Paul T. Murphy, Director of Finance/Clerk of Council Robert Tribby and Deputy Clerk of Council Lisa Benedetti.

The Pledge of Allegiance was said.

Mr. Manno moved to suspend reading of the Council minutes of January 11, 2016, and approve as written, seconded by Mrs. Finney. All in favor, except Mrs. Snider who abstained as she was absent from the meeting, motion carried. *Minutes approved.*

**CORRESPONDENCE AND ANNOUNCEMENTS:** None.

**REPORTS OF OFFICERS:**

*Mayor DiCicco:*

A public meeting was held last week to introduce our new refuse collection contractor and provide education on the new curbside recycling program. Thanks to Service Director Joe Fornaro and representatives from Kimble Companies and the Cuyahoga County Solid Waste District who assisted with the event. A list of acceptable items for recycling can be found on our website and on our Facebook page. As mentioned, the carts will be delivered to all homes around the first week in May.

Building Director Tom Jamieson and his team worked hard to pursue a Cuyahoga County Demolition Fund grant. The Department of Development has recommended awarding \$105,000 to the Cuyahoga County Land Reutilization Corporation on behalf of our city. The Board of Control will vote on the award at their February 1 meeting. The funds to support the award already have been appropriated in the county's 2016 budget. The funds will be used to demolish blighted or nuisance homes in our neighborhood.

Claire Groudle, Administrative Assistant in our building department, will retire on January 29, after 15 years of working with us. Howard Fibich, our Traffic and Sign Maintenance Supervisor in the service department, will also retire on January 29, after 44 years of service. On behalf of the city, we thank them for their dedication and loyalty and wish them good health and much happiness in their future endeavors.

The Mayor is pleased to welcome two, new full-time employees. They are Mary Fisco who will begin work tomorrow as Administrative Assistant in the building department and Cheryl Hilton who will move from a part-time to a full-time position as a Communications Officer in our police department at the end of this week. He wished them both much success and looks forward to working with them.

The county will host the ribbon cutting ceremony at the new Title Bureau office at Golden Gate Shopping Center tomorrow. Please note that the time was changed from 10:30 am to 1:00 pm.

The ribbon cutting for the new Goodwill store will take place on February 4, at 8:30 a.m.

State Representative John Barnes hosted a meeting this morning that was attended by the Mayor, Lorna Zeller and Tom Jamieson. The purpose of the meeting was to discuss ways the communities in his district could work together to attract international companies. A committee was formed to organize ideas and propose a next step. The Mayor will keep Council informed.

The Mayor met with Joe Fornaro, Greg Cifra and members of the Eastside Greenway Trail and Chagrin River Watershed partners to discuss a planning grant for the trail. A memorandum was received from Sean Ward on the grant and the Mayor would encourage passage of the resolution. To enhance the City's chances of securing the grant, it would require a 20% match that was not included on the resolution before Council this evening. If Council would entertain this match, he asked the resolution be amended. The grant being submitted is for approximately \$80,000 for planning the trail. The match would be no more than \$16,000.

Two memorandums were sent to City Council last Friday. One referenced the 2016 and 2017 salary ordinance and was accompanied by the proposed Ordinance. The Mayor wanted to provide the information so Council has time to consider it prior to its inclusion on the agenda.

The second memorandum pertained to the restructuring of the Commission on Aging. As he believes that will be put on first reading, he will save his comments for when it is discussed further.

The City Focus State of the City edition will be in mailboxes in the first part of February. Included among the reports from our departments is information about the curbside recycling program and the electric and natural gas aggregation programs. He encouraged residents to read it.

Mr. Manno stated he had mentioned to the Mayor and Mr. Fornaro at the recycling meeting about a flag hanging down in front of Midas Muffler and it is still there and needs to be removed. The Mayor stated he would take care of it.

Mr. DeJohn inquired if Kimble would be holding more meetings and the Mayor said yes. Mr. DeJohn asked if the City or Kimble would be sending out information to all residents. The Mayor said the opt out letter would be sent the first of February as well as literature explaining the program. Mrs. Teresi remarked it was important for residents to attend the meetings to find out important information about this new process. Mayor DiCicco added recycling has changed a lot so it is important to understand what can be recycled. Mr. DeJohn remarked that is true especially as a whole load can be contaminated by an item and that would be a waste.

Director of Law Murphy: An Executive Session would be needed at the end of the regular business to discuss pending and imminent litigation, specifically the Sharona vs. the City of Mayfield Heights case.

Director of Finance Tribby: The budget is being worked on.

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

Building Committee: Mr. DeJohn reported the house at 1446 Sunset has been condemned and is scheduled to be demolished in the next two weeks.

Dr. Debbie Irvine who lives at 1052 SOM Center Road owns a vacant lot next to Phase III of the Hidden Woods development and due to the proposal of a planned house to be built addressed the Architectural Board of Review at its last meeting. She is concerned for the higher than grade homes being built and flooding her property. Mr. DeJohn saw that was the situation after the first house was built last year and he spoke with Mr. Cifra. The next house was according to grade, but then subsequent houses were built higher. He had photos he distributed from Dr. Irvine. This seems to be a problem all over the City and while he is not sure who is responsible he asked the Mayor to resolve the problem.

Finance and Audit Committee: Mrs. Sabetta stated she met with Mr. Tribby to review finance and audit policies and thanked him for taking the time.

Legislative Committee: No report.

Public Works and Services Committee: Mr. Mercurio reported the new rubbish and recycling carts would be distributed April 25 and curbside collection would begin May 9. He commended the Service Department on keeping the roads clear. As of this January the City has used 2500 tons of salt compared to 4700 tons at this time last year. He reminded residents it takes time for the Service Department to loop around the City and he asked them to be patient and to use caution when snow is falling.

On the agenda this evening is the annual contract for the traffic engineers, TMS. They have been working in the City for many years. There is a rate increase, but it is only the second one in 15 years. Service Director Fornaro has had a good working relationship with TMS and he recommends approval of the contract.

Mrs. Finney reminded residents about the parking ban on streets when the snow is more than 2". Cars need to be put in driveways or the residents will be ticketed. Having no cars to go around helps the Service Department get the roads clear.

Recreation and Parks Committee: Mr. Manno stated the next meeting is January 26, 2016. The Taste of Italy event is scheduled for February 27, 2016. Healthy Mayfield is a partnership of municipalities, the school and the Metropark with the Cleveland Clinic to offer opportunities to become more fit and active. The next event will be hosted at Wildcat Sport and Fitness on Superbowl Sunday, February 7. A post card was sent to all residents with an offer to try the facility for free until February 15. Membership rates are very reasonable.

Safety and Transportation Committee: Mrs. Finney reported she met with Chief Bittner and saw the new expansion. Chief Elliott reported the Fire Department has a new squad and there is the possibility of a new grant of \$40,000 for firefighter gear and equipment. There were 3481 total runs made by the Fire Department in 2015 and 82% are for medical reasons. Smoke alarm installation and the lock box program are still available for residents.

Board of Zoning Appeals: Mr. Mercurio reported on the meeting held January 12, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record.

Commission on Aging: Mrs. Teresi reported Mrs. Zimmer has resigned from the Commission. The next meeting is scheduled for February 2, 2016.

Planning Commission: Mr. DeJohn reported on the meeting held January 18, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record. A detailed landscaping plan was submitted for the proposed Winking Lizard by Andy Hoffman. Mr. DeJohn would like to see a landscaping buffer along the full length of the east and south property line to screen it from the multi-family units, but the other members did not agree.

---

PUBLIC COMMENT:

Megan Hawkins, On The Fence, 1259 Cordova, representing James Jenks at 1633 SOM Center, stated he had applied for a solid side yard fence and was denied as the focus was on aesthetics. The applicant was trying to match what he has on his deck. She feels aesthetics are very important and asked that the variance be approved.

Andy Hoffman, Cosmo Eastgate, 30201 Aurora Road, stated the final site plan approval was on the agenda this evening for the proposed Winking Lizard. He reiterated the changes made to accommodate concerns of residents in the senior complexes adjacent to the property that have been stated at prior meetings. The landscaping would create an interesting buffer, but will not obscure the visibility of the restaurant from Mayfield Road until the plantings mature. Various types of plantings would be used to create

colors and textures through the seasons. In response to Mr. DeJohn's request to landscape the entire length of the property line, Mr. Hoffman stated the Planning Commission and the BZA wanted a buffer for the building. Landscaping would not buffer it any further from the adjacent buildings on floor 2 through 8. The offset of the building means people looking directly north will not see the restaurant. It would be very expensive as well as having no real effect for the residents in the high rise. There is already a row of shrubs on the Gates Mills Villa property running the entire length with some holes for residents to walk through. So they will continue to make sure these residents have access to Eastgate.

---

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. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider, Teresi. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mrs. Snider. Mrs. Teresi stated this was placed on first reading on January 11, 2016 in order to allow for more information to be received on this matter. A letter dated January 22, 2016 was received from Steve Barber explaining the need for the additional costs. In addition, letters from November 4, 2015 and another one dated December 2, 2015 sent from URS were also included again in the packet. The additional amount requested is \$5,042. Steve Barber, Senior Project Manager for URS, now AECOM, 1375 Euclid Avenue, Cleveland, spoke. The original contract for this project was \$56,000. \$5,042 was excluded from the proposal for the setting up and advertising for bids, which is typically done by the clients. He did not know that URS would be doing this for the City, which was why it was not originally included. He found out from City Engineer Greg Cifra after the proposal was prepared that URS/AECOM does this for the City for all projects. The \$28,000 mentioned in the letters was done under their Scope of Work, so they are not asking for money for that. Mr. Tribby clarified the City has normally had the engineering firms do the preparation and advertising for bids. Mr. Mercurio questioned the hourly rate and the makeup of the additional \$5,042 requested, as he cannot match up the fees with the hours submitted. Mr. Barber explained that when the proposal was prepared they were asked to give a lump sum cost. This is based on the senior project manager's hourly rate plus a multiplier for staff. Mrs. Teresi inquired who requested the contract only include a lump sum instead of it being broken out. Mr. Barber replied Police Chief Bittner had requested it. He apologized for not speaking with Mr. Cifra first.

Mr. Murphy commented it is not uncommon for small projects to be proposed as a lump sum. The proposal did indicate that the front end documents were not part of the lump sum. Therefore these would be extra and that is part of the \$5,042. He believes Mr. Mercurio is asking for specifics on the calculations for the additional amount so Council can make comparisons. Mr. Barber stated he can provide a breakdown on the costs. Mr. Murphy also remarked that there should not have been any negotiations with the low bidder, as a bid is final, once submitted. He would like to see an elaboration on that. Mr. Barber explained many of the bidders, including the two lowest bidders did not include testing as part of their bid and it was part of the bid specifications. He asked both bidders to come up with a cost. Mr. Murphy would like to see specifics on this and Mr. Barber stated he would provide that. Mr. Manno remarked this was not a particularly large project. The Chief should not have been part of the financial discussion; it should have been the Finance Director, Mr. Tribby. Mr. Barber stated it was his fault as he only dealt with the Chief. Mr. DeJohn stated he feels for a small project this cost is high. Mr. Barber replied small projects normally run higher than a larger one on a percentage basis, as the same tasks have to be done, but are spread out further. This was a renovation project and there were a number of things that had to be reviewed and looked at again. Renovations are very unpredictable. Mrs. Teresi suggested this be placed on second reading instead of being approved this evening.

Mr. Manno moved to place the resolution on second reading, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The resolution is placed on second reading.

RESOLUTION NO. 2016-5: "A Resolution providing for the employment of a traffic engineering firm for the City of Mayfield Heights and declaring an emergency." 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: Finney, Sabetta, Snider, Mercurio, Teresi. NAYS: Manno, DeJohn. Vote 5-2. The motion failed as six votes are needed to suspend the rules, so the resolution was placed on first reading. The resolution is placed on first reading.

RESOLUTION NO. 2016-6: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to On The Fence Inc., on behalf of James Jenks, 1633 SOM Center Road, a variance to erect a solid fence 24 feet long in the side yard of the property (Cuyahoga County Permanent Parcel No. 861-38-002)." 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: Mercurio, Finney, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. Mrs. Sabetta moved for adoption, seconded by Mrs. Snider. Mrs. Teresi stated this for a solid side yard fence for a resident. Mr. Mercurio explained it was a 3-1 denial by the BZA. It was felt the presentation was more for aesthetics rather than a practical difficulty. The Board felt a board on board fence would suffice. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-7: "A Resolution demanding that the Cleveland Plain Dealer and cleveland.com immediately stop littering public property with the "shopCLE" weekly circular, requesting that the Cleveland Plain Dealer begin mailing the circular to homes in the City of Mayfield Heights as has been done in Cleveland Heights and Newburgh Heights, and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried. Mr. DeJohn moved for adoption, seconded by Mrs. Snider. Mrs. Teresi stated shopCle is delivered and is thrown on everyone's property. She thought Mr. Murphy was working with a government body who said the City could not do this. Mr. Murphy stated there was an email from the Plain Dealer that indicated they would be stopping delivery at some point. Mr. DeJohn asked what the fine would be. Mr. Murphy replied there is no fine and it is not enforceable; it is a request to stop this practice. Mr. Manno also remarked this delivery is just thrown all over the properties and the people who pay for the advertising would have some say so. Mrs. Finney inquired why this was done by resolution and not by letter. Mr. Murphy replied the Mayor requested it so it comes from Council and the Administration. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-8: "A Resolution authorizing Change Order No. 1 with M. Downing Construction Co., Inc., for the expansion and renovation of the Mayfield Heights Police Department, and declaring an emergency." 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: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mrs. Finney. Mrs. Teresi stated a letter was received from AECOM, the City's Engineers, with a breakdown of the items for the additional \$4,853. Mr. Manno inquired why the costs are escalating. Mayor DiCicco replied the breakdown shows the items and unforeseen expenses and some modifications requested by Chief Bittner. Mrs. Teresi remarked some of the items look like they should have been known before the job began, like removing and replacing the concrete walk. The Mayor replied some of the items that were going to be reused ended up not being usable. Mrs. Teresi inquired about the removal of two windows and Mrs. Finney commented they were going to put in different kinds, if she understood correctly. Mr. Barber explained the Chief asked for two additional windows. They thought they could save the sidewalk, but could not. The hose bib was discovered to be leaking once demolition began. The drawings the firm was given were not accurate from the previous contractor

and engineer when the original building was constructed, so they did not know about the underground catch basin until it was excavated, as well as some other items not listed. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, DeJohn, Mercurio, Teresi. NAYS: Manno. Vote 6-1. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-9: "A Resolution authorizing the Mayor to apply for and if awarded, enter into a contract through the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding through the Transportation for Livable Communities Initiative (TLCI) and declaring an emergency." Mr. Murphy read the resolution by title only. Mrs. Snider moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Mercurio, Finney, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. Mr. DeJohn moved for adoption, seconded by Mrs. Finney. Mrs. Teresi stated everyone received a memorandum from Recreation Director Sean Ward. Mayor DiCicco pointed out the resolution does not state there will be a match from the City. If the grant is matched, it will weigh more on the grant request being approved. The match would be up to \$16,000 and this is for the overall planning study. Mr. DeJohn inquired if there was a plan for the track. Mayor DiCicco replied the Eastside Greenway Project has the plan on its website. The City may modify it to take it through our park. Mr. Murphy suggested language for an amendment to include a matching portion of funding by the City.

Mr. DeJohn moved to amend the resolution, seconded by Mrs. Sabetta, by adding the following language at the end of Section 1. *"That the Mayor . . . including a payment of a not to exceed \$16,000 local contribution by the City."* Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried. Roll Call on original motion to approve as amended: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The resolution is adopted as amended.

---

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. Manno moved to place the ordinance on first reading; seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

Mr. DeJohn asked if this could be referred to committee as there are other items he would like to see included in this chapter. Mrs. Teresi stated she would refer this and the next two ordinances to the Legislative and Safety and Transportation Committees.

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 to place the ordinance on first reading; seconded by Mrs. Snider. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

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. Mrs. Sabetta moved to place the ordinance on first reading; seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

ORDINANCE NO. 2016-4: "An Ordinance repealing Chapter 171 of the Codified Ordinances of the City of Mayfield Heights entitled "Commission on Aging." Mr. Murphy read the ordinance by title only. Mr. Manno moved to place the ordinance on first reading; seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Mercurio, Finney, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

ORDINANCE NO. 2016-5: "An Ordinance amending Chapter 169 of the Codified Ordinances of the City of Mayfield Heights entitled "Recreation and Parks Commission" to include provisions regarding senior citizens programs." Mr. Murphy read the ordinance by title only. Mrs. Snider moved to place the ordinance on first reading; seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

ORDINANCE NO. 2016-6: "An Ordinance amending Chapter 1101 of the Codified Ordinances of the City of Mayfield Heights entitled "Planning and Zoning Code" by amending Section 1101.01 pertaining to chairperson and vice-chairperson." Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on first reading; seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

ORDINANCE NO. 2016-7: "An Ordinance amending Chapter 1155 of the Codified Ordinances of the City of Mayfield Heights entitled "Board of Zoning Appeals" by amending Section 1155.02 pertaining to the composition of the Board of Zoning Appeals." Mr. Murphy read the ordinance by title only. Mrs. Snider moved to place the ordinance on first reading; seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider, Teresi. NAYS: None. Motion carried. The ordinance is placed on first reading.

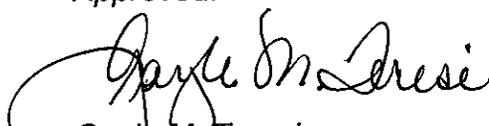
-----  
Mr. Manno, seconded by Mrs. Sabetta, moved to approve a final site plan for a new 7,400 sq. ft. free-standing restaurant building with a lesser number of parking spaces (90%), being not less than 67% of the required spaces, in accordance with *Section 1189.07(b); Separate or Combined Use of Facilities* for the Winking Lizard at 1355 SOM Center Road, Eastgate Shopping Center. Mr. DeJohn commented that looking to the west from the east property line which is Manor Care, they would be looking at the back of the building. Mrs. Teresi suggested perhaps Gates Mills Villa might upgrade its landscape. Mr. DeJohn said they indicated they would. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. *Motion carried.*

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

Mrs. Teresi recessed the meeting at 8:25 P.M. Council (except for Mrs. Finney) went into Executive Session at 8:27 P.M. and reconvened at 9:04 P.M.

-----  
There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 9:05 P.M.

Approved:

  
Gayle M. Teresi  
Council President

Respectfully submitted,

  
Lisa A. Benedetti, MMC  
Deputy Clerk of Council