

**CITY OF MAYFIELD HEIGHTS
COUNCIL MEETING MINUTES
February 8, 2016**

The regular meeting of Council was called to order at 7:05 P.M. by Council President Gayle Teresi.

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

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.

Special Presentation:

RESOLUTION NO. 2016-10: "A Resolution declaring February 9, 2016 the American Red Cross Give From The Heart 18th Annual Blood Drive at Executive Caterers at Landerhaven." 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: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried.

Mayor DiCicco read the resolution in its entirety and presented it to Harlan Diamond, Charles Klass and Andrew Tuzzeo of Executive Caterers. Mr. Diamond introduced Andrew Tuzzeo as the Vice President in charge of Landerhaven. Landerhaven will be getting even better than it is as a premier event facility. He will be there on a daily basis and will be responsible for keeping the building in proper repair and taking Landerhaven into the next generation. They have some great ideas and will be presenting them to the City in the near future. Mr. Tuzzeo stated he is honored to be at Landerhaven and to receive this resolution for the annual blood drive. Mr. Klass thanked everyone for their support over the years and especially for this blood drive. It is a chance to give back to the community. He is excited looking to the future.

The resolution is adopted.

Mr. Mercurio moved to suspend reading of the Council minutes of January 25, 2016, and approve as written, seconded by Mrs. Sabetta. All in favor, motion carried. *Minutes approved.*

CORRESPONDENCE AND ANNOUNCEMENTS:

Mrs. Teresi stated she received an email from Jennifer Mintz from the Cleveland Clinic regarding an event "Speaking of Women's Health: Mission Nutrition on Thursday, March 31, 2016 from 5:30–8:30 p.m. at Saint Noel's Banquet Center. The cost is \$20 and panelists will discuss women's health.

REPORTS OF OFFICERS:

Mayor DiCicco:

Mailing of the gas opt out letters began this week for NOPEC. The electric opt out letters will be mailed next week. For electric, there are separate letters for residential and commercial. "Be on the lookout" notices were posted on the City's various communication outlets. Full details are included in the letters that will be mailed to your home. The "cliff notes" of the residential gas and electric letters for the purposes of explanation are that residents will have three options:

- Option 1 No action is required; you are automatically enrolled to participate in the standard NOPEC program
- Option 2 Participate in the NOPEC program, but choose one of their available products. This requires some action from residents; details are in the letter.
- Option 3 Choose not to participate in NOPEC. Action is necessary by way of completing the opt out forms (one each for natural gas and electric) and returning it by deadline to NOPEC.

The opt out deadlines are February 24 for natural gas and March 3 for electricity. The best point of contact to have your questions answered is NOPEC customer service at 1-800-292-9284.

Sean Ward has applied for a Transportation for Livable communities grant through Northeast Areawide Coordinating Agency (NOACA) with support from Highland Heights and Mayfield Village. The proposed plan will consider safe multi-use trail linkages to schools and recreation facilities within the Mayfield School District, and will also consider connections to Mayfield Heights parks, healthcare facilities, and economic centers that our residents also utilize. The City of South Euclid is applying for the same grant with support from the City of Lyndhurst and our City for the purpose of creating a plan for the Mayfield Road corridor in South Euclid, Lyndhurst and Mayfield Heights, and to present recommendations aimed at improving safety and connectivity for pedestrians, bicyclists and public transit. Both of these projects fit well with the City's involvement in the Eastside Greenway Initiative which seeks to connect 19 eastern suburbs of Cleveland and with the City's Strategic Plan which aims at revitalization of the Mayfield Road retail corridor. The Mayor will keep Council apprised of the progress of these grant applications.

The Mayor attended the Goodwill Ribbon cutting ceremony on February 4. The company had a detailed agenda that went by the wayside in order to open the doors a bit quicker for the considerable line of customers who were waiting to do some shopping.

The Mayor enjoyed lunch at the soft opening of Big Boys Burgers and Shakes today. The burger was just as people will remember from back in the day! The menu has a mix of old favorites and new options. The store opens for business tomorrow.

Continuing with the food theme, the Mayor announced the Mayfield High School Key Club and the Hillcrest Kiwanis Club are hosting a Pancake Breakfast on Sunday, February 21, from 9:00 a.m. to 1:00 p.m. at Mayfield High School. All proceeds go toward community service projects and programs and to Student Scholarships. Tickets are available at the door. The cost is \$7 for adults; \$6 for students ages 6 – 12 years; \$6 for senior adults and free for children under age 6. The Mayfield High School Key Club has volunteered countless service hours at many City events, so the Mayor asked everyone to support their event this month.

The primary election will be held on March 15. Voter registration along with name and address changes must be completed by February 15. To vote by mail for the upcoming election, you must obtain, complete, and return a ballot application. Obtain an application or ask questions at 216-443-8683 or visit www.443vote.com.

The Cuyahoga County Board of Elections is seeking poll workers in Mayfield Heights for the Primary Election. Poll Workers earn \$172.10 for their service, which includes; successfully completing a Poll Worker training class, attending a 6:00 p.m. meeting the night before the election, and working Election Day from 5:30 a.m. until about 8:00 p.m. Applicants may apply on-line at www.443VOTE.com or call the Board of Elections Poll Worker Department at 216-443-3277.

Mr. Manno questioned the HVAC system again, as it was quite warm. Mayor DiCicco stated the company was on the premises today, but he will check.

Mrs. Teresi reported she stopped at the new Big Boy Restaurant and the man who put it together told her everyone in the Building Department was terrific to work with. Mrs. Teresi congratulated the Building Department.

Director of Law Murphy: Mr. Murphy pointed out his law partner Ray Schmidlin, Jr. was in the audience. If anyone cannot get in touch with Mr. Murphy they can call and speak with Mr. Schmidlin.

A memorandum was sent to all members regarding the lawsuit Salibra vs. Mayfield Heights regarding income tax on the exercise of stock options and the City prevailed.

Another pending lawsuit Sharona vs Mayfield Heights is a zoning case. The plaintiff also sued the Mayor and three Council Members, Mr. Manno, Mrs. Teresi and Mr. DeJohn. The City filed a motion last November to have these officials dropped from the suit as there was no claim made against them and today Mr. Murphy received an order from the court granting the City's motion to dismiss them from the case as under both Ohio common law and state law, these defendants are immune from liability both in their official and personal individual capacities as to the claims against them. The allegations fail as a matter of law because they constitute action or omissions in the scope of employment or official responsibilities of these defendants, that is voting in their official capacities on the Planning Commission or Council. The court found the plaintiff can prove no set of facts in support of its claims that would entitle it to relief against the individuals. The City will proceed with the zoning case. Mayor DiCicco asked what Mr. Sonenstein would have had to allege in order for the complaint not be dismissed. Mr. Murphy replied the opinion further states that the acts or omissions alleged against these defendants were done with malicious purpose, in bad faith or in a wanton or reckless manner nor that liability is in anyway statutorily imposed. So he would have had to allege that they went beyond their scope as elected officials and maliciously denied his request or acted wantonly. He did not allege that in the complaint.

Director of Finance Tribby: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn stated Mrs. Teresi brought to his attention that goods were being left out in front of the new Goodwill Store when it was closed. Mr. Jamieson checked that out, but the store had not yet opened. Mr. DeJohn sees that it is still happening after hours even though the store is now open. Something needs to be done. Mayor DiCicco stated that was extensively discussed at the Planning Commission meeting when the company came to the City, so they will have to address it somehow. They were willing to work with the City when it was brought up originally.

Mr. DeJohn read a letter from a 57 year resident, Charles, regarding the bad state of the roads. He lives on Genesee and feels the road needs to be totally reconstructed, as it makes the area look run down. He asked that the tar and chip process not be used on that road. Mr. DeJohn knows the City Engineer is working on a long term plan for the road repair program and he would like to see the City going out for bids sooner this year than is normally done for the 2016 road program.

A text was sent from a resident, Beverly, who lives on Parker regarding the Swift Trucking Company trucks. One was parked and running in the Walmart lot behind her house and this is the thirteenth incident since January 15, 2016. The signs do not work and the Police do not see it. She is tired of it happening. The first situation Mr. DeJohn reported to the Chief of Police who told him the truck was parked after hours. The current legislation only prohibits the trucks from parking there from 12 midnight until 6 a.m. The Swift truck is a Costco truck and kept the engines running while the residents are trying to sleep. He would like to have legislation to stop this practice both at Walmart and at Costco.

Mr. DeJohn stated Ms. Benedetti sent him a memorandum regarding the Community Reinvestment Area Housing Council (CRAHC), which detailed the history and responsibilities of the members. He wants to learn more about it and Ms. Benedetti informed him that she would be sending a packet of additional information to all the CRAHC members. This is a direct incentive property tax exemption program that permits municipalities to designate areas to encourage revitalization of existing housing and building stock and construction of new structures. This program was established in September 1993.

Finance and Audit Committee: Mrs. Sabetta reported the budget is being worked on. A meeting would be held in late February or early March.

Legislative Committee: Mrs. Snider stated a meeting will be scheduled in early March to review the Chapter 351 legislation and Mr. DeJohn's concerns about the commercial truck parking will be taken into consideration. Mr. DeJohn wondered if the meeting could be held sooner since there is a problem. Mrs. Snider stated the Police Chief is out of town, but she would try to schedule a meeting before the first Council meeting in March.

Public Works and Services Committee: Mr. Mercurio reported the first month with Kimble as the rubbish collection has been successfully completed. New heaters were installed at the building near the swimming pool. Sewer relining will be taking place on Gates Mills Blvd. soon and will last a week or two.

Mr. DeJohn inquired as to when there will be any information on the 2016 road program. Mr. Mercurio will follow up on that subject.

Recreation and Parks Committee: Mr. Manno reported on the meeting held January 26, 2016. The officers were chosen and same chair and co-chair were elected, Darcy Horvat and Heather Dilulio. The Taste of Italy event is scheduled for February 27 and tickets are available. Family Fun Night at the Wildcat Sport and Fitness center will be March 5.

Safety and Transportation Committee: No report.

Board of Zoning Appeals: Mr. Mercurio stated the next meeting is scheduled for February 9, 2016 and there are two applicants on the agenda.

Commission on Aging: Mrs. Teresi reported on the meeting held February 2, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record. Depending on the outcome of the legislation on tonight's agenda to repeal the section pertaining to the Commission on Aging, the next meeting is March 1, 2016. The services to seniors will continue to be provided by the Community Partnership on Aging and the current commission members can continue to participate in these events as a subcommittee through the Park and Recreation Commission.

Planning Commission: Mr. DeJohn reported on the meeting held February 1, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record.

PUBLIC COMMENT:

Recreation Director Sean Ward distributed an update on the Wildcat Sport and Fitness Center. They are trying to get the word out that the facility is available. There has been an increase in membership since last year of over 20%; up from 2877 to 3527. He went over the membership numbers by categories, ages and municipalities. Mayfield Heights represents almost 50% of the members. These are all actual memberships, not the number of enrollees in the various programs offered. Total usage has increased over 25%, but they still want to improve those numbers. They want to help the Mayfield area become a more healthy community. Mrs. Teresi asked if new equipment has been added and Mr. Ward said they try to add pieces every summer. They will continue to improve the facility either through equipment or amenities. Mrs. Snider inquired how the

Super Bowl event went. Mr. Ward stated it was all right, but they are still tallying the numbers. Mrs. Teresi asked if there are new programs in the works. Mr. Ward stated they are focusing on fitness classes and there is a new room where these programs can be held. Mr. Manno commented since the facility began it has come a long way and he congratulated Mr. Ward and the other administrators. Mrs. Sabetta asked about the "other" category under the Wildcat Residency. Mr. Ward stated that includes members who are not residents, but are employees of the municipalities or school who are eligible for membership.

Mrs. Teresi asked if any of the other suburbs are now giving money that had not done so before and Mr. Ward said no. Mr. DeJohn asked if Highland Heights contributed anything and Mr. Ward said it does not at this time. They only have a part time Recreation Department, which is seasonal. Mr. DeJohn pointed out that over a third of their residents participate. Mayor DiCicco added that Council needs to keep in mind the school district is maintaining the facilities and the two municipalities are doing the programming and staffing. While it may be frustrating, Highland Heights is contributing to the school district. Our contribution is a great deal for our residents and it is working. Mr. Mercurio inquired in terms of the programming, does Mayfield Heights have preference. Mr. Ward replied yes, it helps that the City can control the programming along with Mayfield Village. Previously, the City would be renting school space and did not have control. There is more control now and it is better.

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. DeJohn moved to table the resolution, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. The resolution is tabled.

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. Mr. Manno moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mr. Manno. Mrs. Teresi stated a memorandum from Service Director Joe Fornaro was sent to all members recommending the adoption of this contract as TMS does a great job for the City. With the retirement of Howard Fibich, that leaves a hole, which TMS helps to fill. Mrs. Teresi suggested, and this has been suggested in the past, all contracts should have RFP's taken each year. She further stated she never received a return call from Mr. Schweickart regarding issues she had with the Panini's expansion, especially the parking matters. Mr. Manno agreed with Mrs. Teresi and thinks most of the professional contracts should go out for RFP's. This is not to say the contract would not be awarded to the current company, but he wants to see what other information there may be out there. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-11: "A Resolution authorizing Change Order No. 2 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. Mr. Mercurio moved for suspension of the rules, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mrs. Snider. Mrs. Teresi remarked at the last Council meeting change order #1 was approved in the amount of \$4853 for extra and unforeseen site conditions. This is for change order #2 for new wall mounted cabinets in the existing break room at a cost of \$2850. Mr. DeJohn inquired if there would be any other change orders. Mayor DiCicco replied he did not think so. This will make the room more functional to use. Mrs. Teresi pointed out in the original proposal there is a cost for wall cabinets listed at \$5600. Mayor DiCicco replied these are additional cabinets. Mrs. Teresi asked

where the 60 skylights are located that were in the original proposal. Mayor DiCicco stated Council already approved those and the engineer would be the one to answer that. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-12: "A Resolution authorizing the mutual exchange of services agreement with the Mayfield City School District, the City of Highland Heights and the Village of Mayfield to provide for the mutual exchange of lifeguard services." 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, Snider, DeJohn, Teresi. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mr. Manno. Mr. DeJohn asked why there is the need for this agreement. Mayor DiCicco replied this came about two years ago because of the shortage of lifeguards near the end of the season. Mr. Ward came to the podium and explained lifeguards want to work outdoors in the summer so it is hard to staff the indoor pool at the school. And then it is hard to have enough staff to keep all the municipal pools open at the end of the season due to staff returning to colleges and schools opening. This allows for at least one pool in the area to remain open through Labor Day and will help to staff the indoor pool at the school throughout the summer. It is jointly managing how the pools are staffed.

Mrs. Sabetta inquired how many lifeguards this involves. Mr. Ward stated it would be for all four entities in the agreement. Mrs. Sabetta asked if this was for one year. Mr. Murphy replied it is for one year with an automatic extension for successive periods of one year. Any party can terminate it at the end of term with 30 day notice given. Mrs. Snider asked if the City of Highland Heights was on board with this agreement. Mr. Ward said yes, this matter would be going to its Council soon. Mr. Mercurio asked if each city is responsible for paying for its employees no matter which pool they are working at and Mr. Ward said yes. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-13: "A Resolution endorsing the Eastside Greenway Plan dated September 18, 2015, prepared by the Eastside Greenway Steering Committee and Project Team, and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. DeJohn moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mr. DeJohn moved for adoption, seconded by Mr. Manno. Mrs. Teresi explained this will support the Eastside Greenway agency's plans to connect eastside suburbs for residents through recreational roadways and greenway initiatives. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-14: "A Resolution authorizing the Mayor to execute a Memorandum of Understanding on behalf of the City with the Cuyahoga Soil and Water Conservation District." Mr. Murphy read the resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mr. Manno. Mrs. Teresi stated this is for a twelve month agreement with the annual fee not to exceed \$10,000. She stated the agreement states the City has to designate a contact. Mayor DiCicco stated the representatives are usually the Euclid Creek Watershed representatives, so that would be Mrs. Snider. Mr. DeJohn asked for examples of what they have done for the City. Mrs. Sabetta stated she got a copy of an invoice from Mr. Tribby, but they are hard to understand, as there is not much detail. They worked at different addresses such as technical assistance appropriation for storm water pollution prevention implements. Mayor DiCicco explained they consult with the City on soil erosion, new construction and water runoff matters to make sure the City is in compliance. Mr. DeJohn believes the City is mandated by the state EPA to do this and we elect to do it via the county and he wondered if it was the least expensive way. Mayor DiCicco thinks

it is cheaper than using an engineer and staff. Mr. Tribby added they work with the City Engineer and have for about nine years at the same fee. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion carried. The resolution is adopted.

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 to suspend the rules. There was no second. Mrs. Snider moved to place the ordinance on second reading, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Snider, Teresi. NAYS: DeJohn. Vote 5-1. Motion carried. The ordinance is placed on second reading.

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. Mr. Manno moved to place the ordinance on second reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Mercurio, Sabetta, Snider, Teresi. NAYS: DeJohn. Vote 5-1. Motion carried. The ordinance is placed on second 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. Snider moved to place the ordinance on second reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: DeJohn. Vote 5-1. Motion carried. The ordinance is placed on second 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 for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Snider. Mr. Murphy noted there was a revised version sent out in the Council packets and this should be amended to reflect those changes. Mr. Manno moved to amend the ordinance to include the "Whereas" clauses contained in the revised version distributed in the packets, seconded by Mrs. Snider. Roll Call on motion to amend: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. Roll Call on motion to adopt as amended: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

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. Mr. Mercurio moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Snider, DeJohn, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Snider. Mayor DiCicco explained this was discussed at the Parks and Recreation Commission meeting and the members agreed with the proposed change to have a sub-committee. He and Recreation Director Sean Ward discussed how they will involve the members under the Recreation umbrella. He wants the members to stay involved even though the Commission is dissolved. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

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. Mr. Manno moved to place the ordinance on second

reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is placed on second reading and a public hearing will be held February 22, 2016 at 6:45 P.M.

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 second reading, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mayor DiCicco commented these two ordinances have to go to the Planning Commission since they are part of Chapter 11 and will be on the next agenda. The ordinance is placed on second reading and a public hearing will be held February 22, 2016 at 6:45 P.M.

ORDINANCE NO. 2016-8: "An Ordinance amending Chapter 131 of the Codified Ordinances of the City of Mayfield Heights entitled "Mayor" by amending Section 131.05 pertaining to the salary of the Mayor." Mr. Murphy read the ordinance by title only. Mr. Mercurio moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mr. Mercurio. Mrs. Teresi stated this pertains to Ordinance No. 2015-12, which allowed for an equitable increase to the Mayor's salary. Mr. Mercurio had done a lot of research on this matter and came up with a formula based on the CPI and the City's budget and a detailed synopsis. Mr. Tribby explained he had suggested that the language specify the General Fund so it is not confused with all the different funds that are part of the budget, which would help to make it clear if there would be an increase or not. Mr. Mercurio added that was the original intent. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-9: "An Ordinance amending Chapter 121 of the Codified Ordinances of the City of Mayfield Heights entitled "Council" by amending Section 121.04 pertaining to Council salaries." Mr. Murphy read the ordinance by title only. Mr. DeJohn moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Snider, DeJohn, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Sabetta. Mrs. Teresi stated this amends Ordinance No. 2015-13 which allowed for equitable increase for council based on the same parameters as the Mayor's increase. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-10: "An Ordinance amending Section 953.02 (a)(1) of the Codified Ordinances of the City of Mayfield Heights, Ohio, pertaining to swimming pool fees." Mr. Murphy read the ordinance by title only. Mr. Manno moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Sabetta. Mrs. Teresi stated this will add a category for mid-season pass rates. Mr. DeJohn inquired why the actual date was not set in the ordinance for each year. Mr. Ward explained the season would be cut in half and that date changes based on the calendar as to when the pool opens and closes, so he wanted the flexibility to set the date. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

Mr. DeJohn, seconded by Mrs. Snider, moved to confirm the decision of the Planning Commission approving a preliminary site plan for a 1,530 sq. ft. addition and parking lot alterations for the multi-tenant retail building at 1314 SOM Center Road. Mrs. Teresi stated this is the building in which Jimmy Johns is located and a portion of this footprint has an open overhead canopy where a bank had a drive through. The plans are to enclose that canopy and create rentable space for tenants. Mr. DeJohn added the

parking lot was pushed out toward SOM Center Road and there will be one way traffic. Parking spaces will be created against the building, which are not currently there. He stated he forgot to ask at the Planning Commission meeting what would happen to the sign in front of the building.

Fred Margulies, Herschman Architects, 25001 Emery Road, was asked to come to the podium. The plan is to maintain that sign. Mr. DeJohn asked him if the current sign could be used due to the new configuration of the parking. Mr. Margulies stated he was not sure yet, but they are looking at having multi-tenants in the building, so all tenants would need to be listed on a sign. Mr. DeJohn also mentioned the copper color of the canopy looks dissimilar to the red stripe on the building. It is going to the Architectural Board of Review for a determination. Mrs. Teresi remarked the two areas do not seem to go together. Mr. Margulies stated some modification has been made based on the comments made, but the color is still there and they can look at something different. They are also looking at the existing tenant that does have this signature in what they do. Because it will be a multi-tenant building they felt that what they did with the colors bring the whole building together. Mrs. Teresi asked if the façade on the Jimmy Johns side will be changed or only the roof where the new tenants will be? Mr. Margulies stated they are capping the top portion of the existing building with a metal coping going all the way around the building to take away the old architecture that was there before the step façade, which was part of the original Metropolitan Bank design. Mayor DiCicco added he thinks the copper roof is more of an architectural feature than signage, which is why he asked the ABR to review it before the final site plan came before the Planning Commission. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. *Motion carried.*

Mr. DeJohn, seconded by Mr. Mercurio moved to approve the request of the Parks and Recreation Committee to allow minors under 21 years old to be volunteers at the Taste of Italy event sponsored by the City and held at the Ross C. DeJohn Community Center on February 27, 2016. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. *Motion carried.*

NEW BUSINESS; COMMENTS FROM COUNCIL:

Mrs. Sabetta went back to the question of what the Soil and Water Conservation District does for the City. They do proposed development, redevelopment and infrastructure renovation. She stated the quarterly invoices she received from Mr. Tribby are not very detailed and asked that there be more detail on future invoices.

Mrs. Sabetta also remarked that while the Commission on Aging has now been disbanded, she wanted to thank all the Commission members past and present for their hard work through all the years and hopes they stay active. Mrs. Teresi concurred. Mr. Manno added with this change he thinks more opportunities will open up for them. Mrs. Teresi remarked that periodically the way things are done currently have to be reinvented to do a better job.

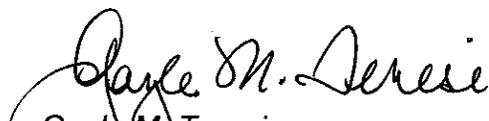
Mrs. Teresi commented that many residents have complained and have been frustrated about the poor communication when trying to view the council meetings. She is working with staff to upgrade the equipment and it may be expensive, but it would work much better, as the current equipment is old and outdated. Specifications will be prepared and bids taken. It will take time, but the administration should be putting specs together so bids can be received for supplying new equipment. Mrs. Teresi will keep residents and council apprised of the progress.

Mr. DeJohn explained why he wanted to suspend the rules for the three ordinances for Chapter 351 this evening. He believes sending these to committee slows the process down. By adopting these particular changes now, which are needed, it would get them on the books and other changes can go to the committee for review. He hopes these can be adopted at the next Council meeting. Mr. Manno replied he went through the whole chapter and found other amendments that should be part of the proposed legislation. He thinks it should go to committee to make sure everything is in it that needs to be before it is adopted, instead of having to amend the amendments. He sent Mrs. Finney and Mrs. Snider his suggestions. Mr. DeJohn remarked there are problems

that need to be addressed soon. Mr. Manno remarked it had been discussed with the Police Chief that the business owners should be fined when their trucks are parked on property. Mrs. Teresi stated she works for a developer who had these problems on property they owned. They have put up tow away zone signs along with the ordinance numbers and contracted with a towing company to tow away trucks parked at night, which seems to be working to stop illegal parking. Mr. DeJohn pointed out Chief Bittner did add the collection of fines and towing to the proposed legislation.

There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 8:50 P.M.

Approved:


Gayle M. Teresi
Council President

Respectfully submitted,


Lisa A. Benedetti, MMC
Deputy Clerk of Council