

**CITY OF MAYFIELD HEIGHTS
COUNCIL MEETING MINUTES
February 22, 2016**

The public hearing was called to order at 6:45 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, Assistant to the Law Director Ray Schmidlin, Finance Director/Clerk of Council Robert Tribby and Deputy Clerk of Council Lisa Benedetti.

The purpose of the hearing was to hear comments from the public regarding 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. Schmidlin read the ordinance in its entirety.

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. Schmidlin read the amended portions of the ordinance.

Mr. DeJohn asked if someone recuses themselves do they have to give the same reason for excusing themselves, as Council does. Mayor DiCicco said yes. Mr. Schmidlin believes, in reading the way this is worded, all the rules apply.

Mayor DiCicco explained the reasons he is proposing these amendments. For the Board of Zoning Appeals cases the best and fairest situation for the applicant is to have a full board at every meeting in order to judge the merits of the request. For the Planning Commission amendment, he felt having the Mayor and Council Representative kind of direct and guide the planning of the City would be in the best interest of the City, as they know what they want to see and how it should be done. Some cities do it this way and some do not, but he believes it benefits the City. Mr. Manno stated he tends to agree, but would add a caveat that since the Planning Commission is the only place where the Mayor gets a vote, the voting should be rotated with the Mayor voting last so there is no influence by virtue of the office of Mayor. Mayor DiCicco noted he believes that procedure has been initiated since it was brought up recently by Mr. Manno. Mrs. Teresi agreed with Mr. Manno and added that each member should do their homework and make their own decisions without being influenced by the Mayor's vote. They need to ask questions and be informed. The Mayor believes the members do a great job and they have never come to him to ask him how to vote.

As there were no comments from the public, the hearing was closed at 6:59 P.M.

The regular meeting of Council was called to order at 7:10 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, Assistant to the Law Director Ray Schmidlin, Director of Finance/Clerk of Council Robert Tribby and Deputy Clerk of Council Lisa Benedetti.

The Pledge of Allegiance was said.

Mr. DeJohn moved to suspend reading of the Council minutes of February 8, 2016, and approve as written, seconded by Mrs. Snider. Mrs. Sabetta pointed out on Page 7, under Ordinance No. 2016-3, Mr. DeJohn is listed as voting in favor of the motion to place on second reading, when he actually voted no. Ms. Benedetti confirmed that was accurate. Mr. Manno, seconded by Mrs. Snider, moved to amend the minutes to reflect the correct vote. All in favor of the amendment, motion carried. All in favor of the original motion to approve the minutes, motion carried. *Minutes approved as amended.*

CORRESPONDENCE AND ANNOUNCEMENTS: None.

REPORTS OF OFFICERS:

Mayor DiCicco:

By now, eligible residents should have received two letters from NOPEC that contain opt out information; one for natural gas and one for electric. Deadlines to opt out are February 24 for natural gas and March 3 for electricity. There are several reasons why some residents may not have received an opt out notice:

- previously signed a notice from the utility that prohibits them from releasing a customer's information to independent suppliers
- under contract with another supplier and are not eligible
- inadvertently excluded from the database acquired from the utility
- ineligible because they are on a Percentage of Income Payment Plan (PIPP)
- ineligible because they are not current on their payment with the utility
- requested to be on the "Do Not Aggregate List" through PUCO or your provider.

If you did not receive a letter and have questions, contact NOPEC customer service at 1-800-292-9284 for Electric inquiries or 1-855-667-3201 for Gas inquiries. Visit our website for a complete list of FAQs about aggregation and NOPEC <http://oh-mayfieldheights.civicplus.com/FAQ.aspx>. For further information, visit: <https://www.nopecinfo.org/>.

The Mayor attended the Green Tie Gala last weekend, which was a benefit for the Mayfield Innovation Center. The school district and volunteers did an awesome job in planning and organizing the event. STEM2M has a focus beyond core curriculum that will allow our students to be competitive in the global workforce. The students already are making great achievements. The Mayor looks forward to all the good things certain to come from this new program. It is a true asset to our community.

Finance Director Tribby and the Mayor met with all department heads to review their budget proposals. The next step is review by the Finance and Audit Committee.

Completion of the police department renovation project is expected by week's end. The new space will allow for more efficiency in internal operations. The Mayor thanked Council for its support of this project.

The state of the city report is in mailboxes this week. Thanks to Renee Augustine and Tammy Clines for their work in compiling the information for print. In addition to reports from each department, there are upcoming programs and events listed. The Mayor urged residents to retain the copy for future reference.

The Primary Election will be held on March 15, 2016. All vote by mail and absentee ballots must be postmarked on or before March 14, 2016. Questions should be directed to the Board of Elections at 216-443-8683. The Board is still looking for help for the primary election.

Mrs. Teresi asked if the City Focus is mailed to all businesses in the City. Mayor DiCicco replied yes.

Director of Law Murphy: No report.

Director of Finance Tribby: Meetings were held with the Department Heads to review the budget. He will be preparing a draft for review by the Finance and Audit Committee.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn stated he spoke at the last council meeting about overnight truck parking on the west side at WalMart. The residents of Parker are still complaining to him about the situation and they also have been calling the Police Department about this matter too. There is a sign that states no truck parking and he hopes this can be addressed at the Legislative Committee meeting next week.

Mr. DeJohn stated a sign application was received by the City for Nick Mayer Ford. Law Director Paul Murphy reviewed it and his legal opinion was it was permitted under the court order pertaining to pole signs. Mr. DeJohn sent an email to all members that the sign application not be approved until Council had time to consider it. Mr. DeJohn does not believe this was Mr. Murphy's decision to authorize the permit; it should have come to Council with Mr. Murphy's recommendation. It is Council's decision to consider any legal action, for something that is as critical as that. Signage is a very important issue. There are only two pole signs in the City; one being Marshall Ford and one being Ferrara's. Both did not comply with the new sign ordinance put in place in 1993 and settled it by a court settlement. A lot of time and money was spent on the Mayfield Road master plan and these two pole signs do not fit into those plans.

Mr. DeJohn moved to hold an executive session after the regular business this evening to discuss pending litigation regarding this sign, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried.

Mayor DiCicco questioned the legitimacy of this subject being allowed in Executive Session. Mr. Schmidlin suggested discussion should wait until Mr. Murphy is back, as a matter of practicality, as Mr. Schmidlin is not totally familiar of the facts here. Mr. DeJohn agreed, but he did not want the sign to be approved before that time, since Mr. Murphy gave approval. Mayor DiCicco explained that it would not be approved before then. For the record, Mr. Murphy only gave his opinion on the court order; he does not have the authority to grant a permit. Only the Mayor and Building Director can authorize a permit. The Building Director referred it to Mr. Murphy for his interpretation of the court order. Mr. DeJohn mentioned that he would discuss at the table here, but in the agreement, it states it cannot be discussed publicly. Mr. Schmidlin reiterated that Mr. Murphy should be involved in this discussion.

Mr. Manno moved to table the motion to hold the Executive Session until the next Council meeting of March 14, 2016, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried.

Finance and Audit Committee: Mrs. Sabetta reported she is working on setting up a meeting to review the budget.

Legislative Committee: Mrs. Snider reported a joint meeting of the Legislative and Safety and Transportation Committees will meet March 1, 2016 at 7:00 P.M. to discuss amendments to Chapter 351, Parking Generally. Three ordinances are on the agenda this evening for third reading.

Public Works and Services Committee: Mr. Mercurio reported the Service Department is filling pot holes as quickly as possible. 4300 tons of salt has been used compared to 6900 tons last year over the same time period. The City was one of ten recommended for a \$150,000 block grant. Final approval will be made at this week's County Council Meeting. The funds would be used for the resurfacing of West Miner Road. He thanked the staff for getting the application prepared and submitted quickly. The 2016 road program is set and Mr. Mercurio will be scheduling a meeting to discuss it. Mayor

DiCicco added the 5 year road plan is being finalized and should be available soon. Mrs. Teresi asked if the City was ahead of schedule for the beginning of the road program. Mayor DiCicco replied the City is on target. There may also be extensive repairs for road work for Mayfield Road.

Recreation and Parks Committee: Mr. Manno stated the next meeting is scheduled for February 23, 2016. Upcoming events:

February 27 Taste of Italy
March 5 Family Fun Night
March 19 Breakfast with the Bunny

Safety and Transportation Committee: Mr. Mercurio reported the Police Department would be holding a Citizen Academy for children grades 8 to 12. This would be good for anyone interested in a law enforcement career or to learn what goes on behind the scenes. It will be held Saturdays, April 2 to April 30 with a limit of 20 participants.

Mayor DiCicco commended Chief Bittner for extending the adult version to younger people. It is a great way to reach out to the community. Mrs. Sabetta commented she is a graduate of the academy and it was a great experience and the children will enjoy it along with a good education of what the police do.

Board of Zoning Appeals: Mr. Mercurio reported on the meeting held February 9, 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 stated the codified ordinance section pertaining to the Commission on Aging was repealed and a meeting is being held with a sub-committee which will be working with the Parks and Recreation Commission.

Planning Commission: Mr. DeJohn reported on the meeting held February 15, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record.

PUBLIC COMMENT:

Mr. Teresi, 1580 Fruitland Avenue, as a member of the Mayfield School Board, he thanked the City for its donation and all the members who came to the Green Tie Gala to support the fundraiser for the STEM2M Program. He further thanked all the merchants for their donations, especially McDonalds. The event made \$52,000. Mrs. Teresi stated that was great and she pointed out the event will be held every other year.

RESOLUTION NO. 2016-15: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to John Grigoli, Epic Signs & Graphics, on behalf of The Drake Apartments, 6511 Marsol Road, a variance to place a temporary vinyl banner on the building located on the parcel (Cuyahoga County Permanent Parcel No. 862-33-043)." Mr. Schmidlin read the resolution by title only. Mr. DeJohn moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mrs. Sabetta. Mrs. Teresi stated the applicant requested a vinyl banner advertising available suites be placed on the west side of the building for a one year period. Mr. Mercurio stated this was a unanimous denial as there were no real reasons for a practical difficulty. If it were approved, it could open the door for other apartments in the City to request similar signage. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-16: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Timothy Quinn on behalf of Ashley Furniture, 1401 Golden Gate Boulevard, a variance to construct a retail building with one loading dock on the property (Cuyahoga County Permanent Parcel No. 862-13-001)." Mr. Schmidlin read the resolution by title only. Mrs. Snider moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion

carried. Mr. Mercurio moved for adoption, seconded by Mrs. Sabetta. Mrs. Teresi commented this request is to reduce the number of loading docks from three to one. Mr. Mercurio explained this site would only have furniture being dropped off for the showrooms, which is about once a week; there are no deliveries coming out of the store. He thinks this is a big plus as there will not be a lot of truck traffic. Mrs. Teresi asked how long the truck would be there. Mr. Mercurio believed it was 3-4 hours. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-17: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Timothy Quinn on behalf of Ashley Furniture, 1401 Golden Gate Boulevard, a variance to landbank 121 of the required 213 parking spaces in conjunction with a new retail building constructed on the property (Cuyahoga County Permanent Parcel No. 862-13-001)." Mr. Schmidlin 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: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mrs. Sabetta. Mr. Mercurio stated this was a unanimous approved. The applicant pointed out it is a low volume store in terms of customer traffic and this gives the opportunity to preserve green space. It could be developed for further parking if needed in the future.

Mrs. Sabetta stated she had a few people who were interested in landbanking and she read a definition of landbanking from Google and Wikipedia: *The buying and holding rather than developing of land for future use.* Mr. Mercurio added the applicant pointed out the Chagrin River Watershed developed a plan in 2009 to reduce the impervious cover whenever possible and this grants the City the opportunity to do that. Mrs. Teresi asked about some of the property being wetlands back in that area. Mr. DiCicco stated there is a retention basin and he believed there were some wetlands back there. Mr. Manno added it was classified as wetlands, but it was pumped out under the freeway into the sewer system to dry it out so it could be built on when Costco came in. He does not think there are any wetlands left. Mr. Mercurio pointed out the site plan still has to come before the Planning Commission. Mr. DeJohn concurred and it went to the Architectural Board of Review. He did not foresee any problems with it.

Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-18: "A Resolution declaring Friday, April 29, 2016 as "Arbor Day" in the City of Mayfield Heights." Mr. Schmidlin read the resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mrs. Snider. Mrs. Teresi mentioned Arbor Day is a holiday that began in 1893 in Nebraska and Ohio celebrates it on the last Friday of April every year. The City will be planting a tree in the park. Mrs. Teresi pointed out the state tree is the buckeye. The Mayor said a determination would be made on what type of tree would last. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, 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. Schmidlin read the ordinance by title only. Mrs. Snider moved to table the ordinance pending review by the Legislative and Safety and Transportation Committees, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is tabled.

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. Schmidlin read the ordinance by title only. Mrs. Snider moved to table the ordinance pending review by the Legislative and Safety and Transportation Committees, seconded by Mrs. Sabetta. Roll

Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The ordinance is tabled.

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. Schmidlin read the ordinance by title only. Mrs. Snider moved to table the ordinance pending review by the Legislative and Safety and Transportation Committees, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Sabetta, Snider, Teresi. NAYS: None. Motion carried. The ordinance is tabled.

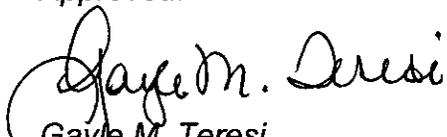
ORDINANCE NO. 2016-6: "An Ordinance amending Chapter 1101 of the Codified Ordinances of the City of Mayfield Heights entitled "Planning and Zoning Code" by amending Section 1101.01 pertaining to chairperson and vice-chairperson." Mr. Schmidlin read the ordinance by title only. Mr. Manno moved for adoption,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

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. Schmidlin read the ordinance by title only. Mr. Manno moved for adoption, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

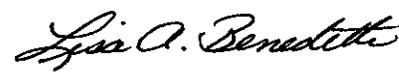
Mayor DiCicco believes there should be alternate members for the Planning Commission too, but the Charter needs to be reviewed for that commission. Mr. Manno inquired as to when a full review of the Charter was done. Mayor DiCicco and Mr. Tribby stated it has been a long time. Mrs. Teresi asked if all the members would be paid the same salary and the Mayor said yes.

There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 7:55 P.M.

Approved:


Gayle M. Teresi
Council President

Respectfully submitted,


Lisa A. Benedetti, MMC
Deputy Clerk of Council