

Mr. DeJohn noted two changes: Page 3, under Building Committee, 2nd paragraph, 4th sentence – “Mr. DeJohn received an email from a resident . . .” and Page 3 under Planning Commission, 2nd paragraph, last line, the accessory uses was not part of the Committee of the Whole meeting. Add the sentence “A Building Committee meeting will be held June 2, 2016 to discuss 1171.02, Prohibited and Accessory Uses.”

Mrs. Finney, seconded by Mr. Manno, moved to approve the amendments. All in favor, except Mrs. Teresi who abstained as she was absent from the meeting. Amendments approved. Roll call on original motion to approve the minutes. All in favor, except Mrs. Teresi who abstained as she was absent from the meeting. Motion carried. *Minutes approved as amended.*

CORRESPONDENCE AND ANNOUNCEMENTS:

Mrs. Teresi thanked Council President Pro Tem Mr. Mercurio for conducting the May 23, 2016 Council meeting in her absence.

REPORTS OF OFFICERS:

Mayor DiCicco:

The Mayor extended our thoughts and prayers to the victims and families and all affected by the senseless tragedy in Orlando, Florida this weekend.

Within the last week or two, the City has lost some members of our own community and the Mayor recognized them at this time. They are Hank Jiannetti, Larry Sofia, and Kevin Lauer. Hank Jiannetti served as the Mayfield Heights baseball and softball commissioner for over 40 years. Larry Sofia served on the Parks and Recreation Commission, and the Mayor's Community Council for nearly 30 years and also planned and organized the Unity Days Parade for over 20 years. Lieutenant Kevin Lauer served on the Mayfield Heights Police Department for 23 years before his retirement last year. The Mayor thanked these men for their service and dedication to our community. We extend our most sincere condolences to their families.

The Mayor asked for a moment of silence to honor the memory of the Orlando victims and Hank, Larry, and Kevin.

Memorial Day Services were held on Monday, May 30, 2016. He thanked the Recreation Department for their work in planning the event. He appreciated all who joined us to honor and remember our Nations' fallen heroes.

Last week the Mayor had the honor of stopping by the retirement party for Police Auxiliary Officer Bob Toman. Bob served on the Auxiliary Unit for 58 years – taking his Oath of Office back in 1958! We thank him his selfless donation of time and his enduring dedication to our community. We wish him all the best in his retirement.

The Mayor is proud to announce that the City of Mayfield Heights landed in the top 20 at number 17 of Cleveland Magazine's Rating the Suburbs edition. That's 17 out of about 80 suburbs considered for the article. The magazine takes into account safety, education, number of home sales, home sale price, property tax, owner occupied units, roads/sidewalks, population, number of residents below poverty level and diversity. The top 20 are those suburbs that perform best in all of the categories combined. We also received First Place ranking in the Best Bargain category! He is proud of how we fared in the article and attribute it to a talented and professional administration both in city hall and in the school district, knowledgeable and dedicated employees, a committed and invested City Council, and residents and business neighbors who continue to maintain the vibrant atmosphere of our community. Our ranking truly is a testament to a team effort -- working together in a cohesive and collaborative manner is vital to maintaining and enhancing our city. He is truly pleased that the magazine recognized what we've all know all along – Mayfield Heights is a great place to live, work and play!

Summer recreation programs and activities are in full swing. Information is available at city hall and on our website. The Mayor hopes to see everyone at an event sometime soon. And, remember, Unity Days is in June again this year on the 24, 25 and 26.

Finally, Go Cavs --- PLEASE!

Director of Law Murphy: Mr. Murphy requested an Executive Session be held after the regular business of Council for pending/imminent litigation.

Director of Finance Tribby: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn reported on the meeting held June 2, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record. He stated the committee recommended making an amendment to Ordinance No. 2016-18 for prohibited uses by including the language "abutting to and near a residential area." The definition of Accessory Building will be added to Ordinance No. 2016-17. Both ordinances will then be sent back to the Planning Commission for review and recommendation. They should then come before Council at its June 27, 2016 meeting.

Finance and Audit Committee: No report.

Legislative Committee: No report.

Public Works and Services Committee: Mr. Mercurio reviewed Service Department activities. The road program began today with West Miner, Woodhurst and Kingswood. The Service Department is also preparing for Unity Days in about a week and a half.

Recreation and Parks Committee: Mr. Manno listed programs and events:

- Silver Shooters Bocce - June 15 – August 3
- Varsity Sports Camps - Basketball, football, swimming, cheerleading, speed and strength training,
- Concert in the Park - June 15 at 7:00 PM - Chardon Polka Band
- Unity Days - June 24 to June 26 at City Park. There will be great food, entertainment and carnival rides; highlights include Fireworks on Saturday Night at Dusk, and the Parade down Mayfield Road on Sunday.

Safety and Transportation Committee: Mrs. Finney noted Police Chief Bittner distributed a letter to all members this evening asking Council to defeat Ordinance No. 2016-23 pertaining to dual employment for department heads. Mrs. Finney also encouraged Council to vote against this ordinance.

Mrs. Teresi remarked she saw there was an area blocked off behind the Bob Evans Restaurant where semi-tractor trailers used to park and she wondered if the police department requested this. Chief Bittner stated the City had put barrels up along a portion of the parking lot, but these are concrete barriers and he believes it is the owner of Best Buy who installed those. The traffic officer is out of the office, so the Chief has not been able to speak with him. There have not been any issues since the barrels were installed.

Board of Zoning Appeals: Mr. Mercurio stated there is a meeting scheduled for June 14, 2016.

Planning Commission: Mr. DeJohn reported on the meeting held June 6, 2016. Copies of the minutes of the meeting were mailed to all members and are a part of the permanent record. Extended hours for the Costco fueling station was one item and he asked them to inform all residents of this request. The final site plan and lot consolidation for the Leedy Medical Building were approved with the contingency of the variance being approved, which is going before the Board of Zoning Appeals tomorrow evening. The applicant asked that no action be taken this evening on their items until the June 27 Council meeting. Mr. Murphy advised these could be placed on first reading. He also was under the understanding Costco asked for their request to be addressed at the June 27 Council meeting. Mr. DeJohn continued there was a lot of discussion on the proposed fence amendments. The Commission had additional recommendations and revisions. Mr. DeJohn forwarded these to the rest of the Ad Hoc Committee. A lot of time and money has been spent on this subject and Mr. DeJohn hopes common ground can be found, so the ordinance can be approved. Mr. Manno added that this would be the fifth meeting of the Ad Hoc Committee to review additional revisions and he hopes this will be the last time. Mr. DeJohn remarked perhaps one

final meeting can be held and then the changes can go to Council. Mrs. Teresi stated Planning Commission Member Sam Friesma sent an email. Part of his email stated that while there are some properties that are unsightly, he would rather have residents have more freedom and creativity than make the code too restrictive. While this may allow someone to paint their house pink or build a fence made of hubcaps and old ski poles, he feels there is diversity in the City and with creativity this helps to make the City great and encourages growth. Mrs. Teresi did not believe she would like to live next door to a house like this.

PUBLIC COMMENT:

Police Chief Fred Bittner stated he distributed a letter this evening asking Council not to adopt Ordinance No. 2016-23. He does not feel the department heads should be the only employees who cannot work at outside public agencies. While no outside work should interfere with the regular work, he has worked many outside jobs that have enhanced his ability to lead his department. He has been an adjunct college professor and this would prohibit him from teaching at a community college or state university, as well as many other opportunities that he has had. None have ever interfered with his duties as chief of police. Recently, he had requested parity for the chiefs and assistant chiefs with the union contracts. His goal was to prepare supervisory officers for the position of chief and captain. The pay differential has been an obstacle in the past and he feels this ordinance might create another obstacle for future candidates. He asked that consideration be given to the fundamental fairness of the law which only restricts department heads and no other employees and to consider harmonious relations and morale.

Sean Ward, Director of Recreation, reminded everyone Unity Days is a week from Friday and he informed Council of the Gold Resident Lunch, as well as some other activities for the event.

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. Mrs. Finney moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Finney, Mercurio, Snider, Teresi. NAYS: DeJohn, Manno. Vote 4-2. Motion failed. Mrs. Snider moved to place the resolution on second reading, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Finney, Snider, Teresi. NAYS: None. Motion carried. The resolution is placed on second 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. Mr. DeJohn moved to place the resolution on second reading, seconded by Mrs. Snider. Mr. DeJohn asked Mr. Murphy for an explanation of this matter. He has seen some publicity that there is some controversy, especially in the City of Richmond Heights. Mr. Murphy stated the sewer district determined to initiate a storm water management program for its entire service area in 2010 and was going to charge everyone for this program. Several municipalities litigated if the sewer district had the authority to do this and that it was really a tax and not a fee. It went all the way to the Ohio Supreme Court which ruled in favor of the sewer district. The program he believes, will be initiated in the second half of 2016. The money will be put in a separate fund for storm water purposes. Part of the end points of the litigation was that the sewer district was ordered to return 25% of the money collected from the residents back to a municipality, which can be used for its local storm water projects. By entering into this agreement, the City will agree to comply with the sewer district storm water code and will receive 25% of the funds paid by its residents. Mr. Murphy added he did send two memorandums to Council pertaining to this matter, which explain it in more detail. Mr. DeJohn asked if the City has to do this. Mr. Murphy said this is voluntary, but if it is not adopted, then the City would not get the 25% back, which is estimated to be about \$80,000 each year. Mrs. Teresi asked how many communities have passed this. Mr. Murphy stated at least 80%. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Teresi. NAYS: None. Motion carried. The resolution is placed on second 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. Snider moved for suspension of the rules, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Finney, Snider, DeJohn, Mercurio, Teresi. NAYS: Manno. Vote 5-1. Motion failed. Mr. Manno moved to place the resolution on second reading, seconded by Mrs. Finney. Mr. DeJohn asked for some discussion on this matter. Kevin Pugely from Gardiner came to the podium. Mr. DeJohn asked if this agreement was for gas and electric and which buildings. Mr. Pugely said yes, and it is for the City Hall complex except for the Service Garage. Mr. DeJohn clarified that Gardiner currently has a contract for maintaining the HVAC system and Mr. Pugely stated that is for heating, air conditioning and ventilating. Mr. DeJohn asked if he can assure the City that the system is running as efficiently as it can for the money that has been spent on it. Mr. Pugely said yes and the system is operational and it has been kept in good operating condition. They feel there is additional savings in gas and electricity by fine tuning and retro conditioning the control system. Mr. DeJohn remarked he spoke with the City of Garfield Heights and they saved \$33,000 over three years. They paid Gardiner \$18,000. Mrs. Teresi commented the City is still under contract for the maintenance for one more year and Mr. Pugely stated that was correct. Mrs. Teresi asked if this agreement was in addition to the maintenance agreement. Mr. Pugely said yes. Roll Call on motion as stated: AYES: Mercurio, Finney, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. The resolution is placed on second reading.

RESOLUTION NO. 2016-40: "A Resolution authorizing a contract for construction administration and inspection services with Osborn Engineering in conjunction with the Mayfield Road Repair Project 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: Snider, DeJohn, Manno, Mercurio, Finney, Teresi. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mrs. Finney. Mrs. Teresi stated a memorandum was sent by Mr. Tribby and the recommendation letter from the City Engineer was attached. Mrs. Teresi asked Mr. Cifra if there is an additional cost or penalty if the project is not finished in 120 days. City Engineer Greg Cifra stated there is a penalty to the contractor. Mr. Cifra stated the penalty to the contractor would be \$1,000 per day. However, the City would pay additional costs to Osborn for construction administration based on the rates provided as part of their proposal. He detailed the per hour cost of various personnel. Rates for the Senior Engineer are \$180.00/hr.; Project Engineer rates are \$150.00/hour and Inspector rate are \$50.00/hour. The cost they provided was a lump sum to complete the job in 120 days. If the contractor completes it before 120 days the City would pay Osborn for the actual number of hours they are on site and it would save the City money. Mr. DeJohn asked if this is standard to use a third party under ODOT regulations. Mr. Cifra replied it is under the LPA program, which this is being funded under. Because AECOM is a consultant engineer and not an employee of the City and did the design work, ODOT does not want a conflict of interest for the construction administrator. Mr. DeJohn asked if Osborn was the low bidder. Mr. Cifra stated this was not a bid, it was a qualification based process. All the firms who sent a proposal were scored by a method provided by ODOT. Then Osborn, as the highest scoring company, was contacted for pricing. If their pricing was in line with the estimate, then that is when he sent the recommendation letter. Mr. DeJohn asked who the other companies were. Mayor DiCicco pointed out they are listed in the resolution. Roll Call on motion as stated: AYES: Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-41: "A Resolution accepting a certain bid for concrete replacement and base repair on Mayfield Road and declaring an emergency (Fabrizi Trucking & Paving Co., Inc.)." 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, Finney, Snider, Teresi. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mr. Mercurio. Mrs. Teresi stated Mr. Cifra sent a letter of recommendation for this company. The total cost was \$190,776 less than what Mr. Cifra had estimated for the project. Mr. DeJohn commented this company is about \$166,000 less than the next closest bidder, while the other bidders were close and asked if that was usual. Mr. Tribby replied not necessarily and the other bids were also below the engineer's estimate. All the companies were on

the approved construction contractor list provided by ODOT. Mr. DeJohn remarked he wanted to make sure Mayfield Road is fixed right this time. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Teresi. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-42: "A Resolution confirming the action of the Planning Commission of the City of Mayfield Heights in approving the adjustment of the hours of operation for the fueling facility at the Costco store located at 1409 Golden Gate Boulevard, Mayfield Heights, Ohio." Mr. Murphy read the resolution by title only. Mr. DeJohn moved to place the resolution on first reading, seconded by Mrs. Finney. Mrs. Teresi noted this was at the request of the applicant, who could not be present this evening. Roll Call on motion as stated: AYES: Finney, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The resolution is placed on first reading.

RESOLUTION NO. 2016-43: "A Resolution approving a lot consolidation of Cuyahoga County Permanent Parcel Nos. 861-30-019 and 861-30-020, so as to create one parcel for the development of a new medical office building (2060 Lander Road)." Mr. Murphy read the resolution by title only. Mrs. Snider moved to place the resolution on first reading, seconded by Mr. DeJohn. Mrs. Teresi noted this was at the request of the applicant who could not be present this evening. Roll Call on motion as stated: AYES: Mercurio, Finney, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. The resolution is placed on first reading.

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

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 table the ordinance, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried. The ordinance is tabled.

ORDINANCE NO. 2016-20: "An Ordinance submitting to the Electorate of the City of Mayfield Heights, Ohio a proposed amendment to the Charter of the City regarding the elimination of the run-off election for the Office of Mayor, and providing for all necessary procedures in connection therewith, and declaring an emergency." 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, Finney, Snider, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mrs. Finney. Mr. Murphy explained there was a charter amendment submitted to the electorate and approved in 2015 to hold a non-partisan primary in May with the two highest vote getters going on the fall ballot. This ordinance will clean up the Charter by eliminating the requirement of a run-off election since there would only be two candidates on the ballot after the primary election. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-21: "An Ordinance amending Chapter 141 of the Codified Ordinances of the City entitled "Division of Fire" by amending Section 141.07 pertaining to emergency medical services." Mr. Murphy read the ordinance 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, Finney, Snider, Teresi. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mr. Mercurio. Mr. DiCicco explained this would allow for flexibility of setting the charges for EMS fees instead of requiring it only take place at the beginning of the year. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-22: "An Ordinance amending Chapter 351 of the Codified Ordinances of the City titled "Parking Generally" by amending Section 351.03 titled "Prohibited Standing or Parking Places." Mr. Murphy read the ordinance by title only. Mr. Manno moved for suspension of the rules, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Finney, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mr. Mercurio moved for adoption, seconded by Mr. DeJohn. Mrs. Teresi stated this was introduced by Mr. Manno and it pertains to vehicles blocking ingress/egress lanes in parking lots. Mr. Manno added this language mirrors language Mayfield Village has in its code and gives the police department more authority to ticket for this infraction. Roll Call on motion as stated: AYES: Mercurio, Finney, DeJohn, Snider, Manno, Teresi. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2016-23: "An Ordinance amending Chapter 149 of the Codified Ordinances of the City titled "Employees Generally" by enacting Section 149.12 pertaining to dual employment." Mr. Murphy read the ordinance by title only. Mrs. Teresi moved to table the ordinance, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Finney, Teresi. NAYS: None. Motion carried. The ordinance is tabled.

Mrs. Teresi noted the applicant for the motion requested no action be taken until the June 27 Council meeting, so she asked for a motion to table the motion.

Mrs. Snider, seconded by Mr. Manno, moved to table the motion to confirm the decision of the Planning Commission approving a final site plan for a new 5,500 square foot medical office building contingent upon receiving a variance to eliminate the required buffer wall on the west and south sides of the property for the Leedy Medical Office Building, 2060 Lander Road. Roll Call on motion as stated: AYES: Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. The motion has been tabled.

NEW BUSINESS; COMMENTS FROM COUNCIL:

Mrs. Teresi asked that Council reserve two dates for special meetings during the summer recess, if the need arises to hold a meeting. The dates are July 18 and August 22.

Mrs. Teresi sent best wishes and prayers and wished Mrs. Sabetta a speedy recovery.

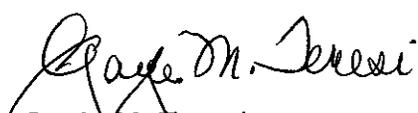
There being no further business to come before Council, Mrs. Teresi asked for a motion to hold an Executive Session.

Mr. Mercurio, seconded by Mrs. Snider, moved to hold an Executive Session to discuss imminent litigation. Roll Call on motion as stated: AYES: Manno, Mercurio, DeJohn, Finney, Snider, Teresi. NAYS: None. Motion carried.

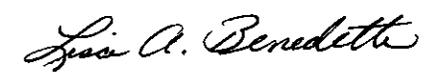
Mrs. Teresi recessed the meeting at 8:09 P.M. Council, except for Mrs. Finney, went into Executive Session at 8:10 P.M. and reconvened at 8:24 P.M.

There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 8:24 P.M.

Approved:


Gayle M. Teresi
Council President

Respectfully submitted,


Lisa A. Benedetti, MMC
Deputy Clerk of Council