

Mayfield Middle School has decided to postpone their leaf raking until November 1, 2016. They will have the entire school raking on SOM Center, down Ridgebury from Bonnie Lane towards Lander. We will have the Service Department out vacuuming leaves to assist. There will be 900 students out helping in the community and we thank them in advance for their hard work.

Door to door Halloween Trick or Treat will be Monday, October 31, from 6 P.M. to 8 P.M. in the city. Please illuminate your porch lights if you plan to participate. Drive cautiously as our children make their way from house to house.

Director of Law Murphy: An Executive Session to discuss pending/imminent litigation and property acquisition will be needed after the regular business this evening.

Director of Finance Tribby: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mr. DeJohn stated a joint meeting with the Public Works and Services Committee will be held October 26, 2016 to discuss the engineering RFPs.

Finance and Audit Committee: No report.

Legislative Committee: No report.

Public Works and Services Committee: Mr. Mercurio stated leaf pick up would begin October 25, 2016. He also reviewed Service Department work activities, which included renovations of three ball diamonds. The joint meeting scheduled for October 26, 2016 will begin at 6:00 P.M.

Recreation and Parks Committee: Mr. Manno reviewed activities.

- Silver Social Dance was held October 22 with 50 people in attendance. The next social will be December 3, 6:30 pm to 9:00 pm
- Mayfield Heights Halloween Party is scheduled for October 29 at the DeJohn Community Center from 11:00 am - 12:00 pm. The cost is \$7/person
- 10th Annual Craft Show: November 6 10 am – 3pm at the DeJohn Community Center with over 30 vendors. Admission is \$1.00 per person. Concessions will be sold.
- Santa Breakfast: Saturday, December 3 – tickets on sale beginning November 7. \$7.00 per person.

At Wildcat Sport & Fitness:

- Indoor Swimming Lessons registration is open for residents of the school district. The session dates are October 29 - December 10. Private swim lessons are also available.

Safety and Transportation Committee: Mrs. Finney reported on the meeting held October 21, 2016. Copies of the minutes of the meeting were distributed to all members and are a part of the permanent record. Mr. Murphy stated the ordinance pertaining to this parking code will be on the November 14, 2016 Council agenda.

Mrs. Teresi asked Mrs. Finney to consider scheduling committee meetings in the evening so all Council members have the opportunity to attend. Mrs. Finney replied this was basically a housekeeping issue and she did not want to have the Police Chief and other employees return in the evening.

Board of Zoning Appeals: Mr. Mercurio reported on the meeting held October 11, 2016. Copies of the minutes of the meeting were distributed to all members and are a part of the permanent record.

Planning Commission: Mr. DeJohn stated the meeting of October 17, 2016 was cancelled due to lack of an agenda.

PUBLIC COMMENT:

Debbie and Greg Posante, 6356 Woodhawk Drive, spoke regarding their variance request for a driveway turnaround pad. After their first request was denied, they resubmitted a revised request as suggested by Council. That was also denied by the BZA and they would like Council to approve their request. They also asked for an update on 6495 Woodhawk Drive. The owner was supposed to get cited since a permit was not taken out when the driveway was extended.

Building Director Tom Jamieson came to the podium and stated he met with the Caprettas who own that property to let them know the situation. They believe they were in the right in paving where they did, because there was an overgrown asphalt extension already there. The code has allowed this for a long time. He did give them a permit violation notice, as the code requires a permit, which they did not get. Mrs. Teresi questioned if the asphalt driveway was there for a long time and if Google Earth could be used to determine that fact. Mr. Jamieson replied the house was there before the street was developed as Woodhawk Drive. It was Alexander Road at the time, so the asphalt driveway may have been there. He is waiting for a response on the violation notice. The next step would be determined by the prosecutor. Many of these complaints come after the fact and many were in place before the code was changed. He is doing what he can to come to the right solution. Council will need to change the code if they want more regulations.

Mr. Posante displayed aerial photos from a 2008 Google Earth photo of the driveway at 6495 Woodhawk Drive before and after the paving was done. He stated it was about 16 feet wide. They asked the Caprettas how they got this done and the Caprettas stated the City never said anything about the driveway, only about an addition they put on. Mr. Posante pointed out the amount of concrete located on that property. Now it shows as being 35 feet wide. He believes a driveway assessment on Woodhawk was done in March of this year and he questioned why no one saw this along with a Class A RV sitting there. Mrs. Posante added it is unfair that they cannot get a smaller version of what was allowed here and the resident works for the City. Mr. Posante stated they are asking for a 10 x 14 turnaround pad suggested by Mr. Jamieson. Mr. Jamieson was trying to work with the Posantes and they just want something for safety purposes, which the BZA did not feel was the case. Mrs. Teresi noted the BZA can grant a variance for practical or hardship purposes only. Mayor DiCicco stated there are two different issues here. The driveway across the street, while still being addressed, has nothing to do with their request. The BZA has two strict guidelines to base their decision on, which is why those decisions come to Council for potentially a more realistic approach to it. Things are different for residents now with the number of cars in each family. The Posantes and many people have situations as to where to put the cars. After the BZA reviews a case, Council has the opportunity to say what may be best for the resident.

Mrs. Teresi commented Council creates ordinances, but does not enforce them. The codes need to be enforced and City employees who see something should report it. She wondered how no one saw and questioned a newly laid driveway like this one. Mrs. Snider asked what happened at the Building Committee meeting where exterior paving was discussed. Mr. DeJohn replied the committee is still working on coming up with legislation. The current language is vague and Council cannot pick and choose who gets approved or not. In the past, some BZA decisions have been overturned and some have not. Council needs to follow the BZA decisions. He added he disagrees with the Mayor in that the BZA is upholding the law and Council should not come in and, because they feel bad for the applicant, overturn a decision. There are many properties around the City which do not follow the code for exterior paving. Mrs. Snider asked if there are any definitions for practical difficulty or hardships so everyone would be on the same page instead of having their own interpretations. Mr. DeJohn believes it is the BZA who needs to do that. Mrs. Snider stated she has a different perspective on this particular request since speaking with Mr. Mercurio and reading all the minutes from the BZA. Mr. Manno commented that if codes have to be adjusted all the time to accommodate situations, it just does not work. A variance stays with the land; it does not go away no matter who owns the property. There is a BZA board and the members are well versed in the code, so Council should not be reversing these decisions. Mrs. Teresi mentioned it would be easier for Council, if the codes were enforced properly, so Council was not put in uncomfortable positions. Mrs. Finney noted the BZA and Council act as a checks and balances to each other.

Mrs. Posante stated there are many extensions and turnarounds on their street and they have wider lots than other areas in the City. They have the room and they do not think they are asking for too much. She believes there is favoritism, which she thinks is unfair. Mr. Posante wondered if the code could be based on the square footage of the house or the lot size. Or perhaps a percentage could be used, as it used to be. Mr. Jamieson noted when the code included a 40% criteria, no permit was needed. He reiterated that the Capretta's case is still pending.

Konstantin Pavolotsky, DDS, stated he emigrated from the Soviet Union 26 years ago, came to Cleveland in 1996 and opened his practice in 1998. He rented space and this year he bought property and has updated it. He now wants to update the monument sign into the 21st century with an LED sign on which he would put various messages throughout the year and advertise his practice. His request was denied and he would like Council to reconsider that decision. He would like to use modern technology, which would be more attractive and would allow him to bring more business in. Jessica Ruff, from Ruff Neon Signs, added this sign would be an LED message center. Since people spend a lot of time in their vehicles, exterior advertising is prime. She also asked for reconsideration. Mr. Pavolotsky commented Dr. Levitt, his neighbor, has an LED type sign with the time and temperature, which looks good and he would like the same opportunity.

RESOLUTION NO. 2016-63: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to Debbie Wadkins-Posante and Greg Posante, 6356 Woodhawk Drive, a variance to add a 10 foot by 14 foot turnaround pad to the driveway (Cuyahoga County Permanent Parcel No. 863-15-046)." 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: Manno, Mercurio, DeJohn, Sabetta, Finney, Snider, Teresi. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mr. DeJohn. Mrs. Teresi noted the applicants went to the BZA with a revised request, which was unanimously denied. Mr. Mercurio explained the Posantes stated there was a practical difficulty due to the fact it was a busy street and it was a safety issue. However, they are west of the Woodhawk apartment/condo entrance and they are seven or eight houses from the end of the street. It was the BZA opinion that they do not see that much traffic and that was the reason for the denial. Mr. Murphy reminded Council the approval language was revised by Council last year to eliminate overturning a decision. If the decision of the BZA is not confirmed by a majority vote of Council, Council or the Mayor has 60 days to modify or reverse a decision by introducing a resolution. Mrs. Snider clarified then it does not go back to the BZA and Mr. Murphy said that was correct. Mr. Manno asked, if Council has the final decision, why have a BZA. Mr. Murphy replied because Council is the ultimate authority and the BZA is an advisory board; they recommend the action to be taken. Mayor DiCicco noted this is only if the majority of Council does not agree with the BZA decision. This change allows Council to determine if something else should be done with a request. Mr. Murphy added that in many cities the BZA decision is final. In Mayfield Heights, Council has determined that it will review the decisions to confirm it, modify it or reverse it. That can be changed, but that is how the ordinance is now. The next step is for the applicant to appeal to the Common Pleas Court. Mr. Jamieson asked how many votes would be needed to not confirm the decision. Mr. Murphy stated five votes. Mrs. Sabetta mentioned this matter has come up with another case, but she could not remember which one. Mr. Mercurio confirmed that did happen. Council has 60 days to change it, otherwise the BZA decision stands. Mr. Murphy reiterated this only comes up if the decision is not confirmed. Roll Call on motion as stated: AYES: DeJohn, Snider, Mercurio, Manno, Sabetta, Teresi. NAYS: Finney. Vote 6-1. Motion carried. The resolution is adopted.

RESOLUTION NO. 2016-64: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to Jessica Ruff, Ruff Neon Signs, on behalf of Konstantin Pavolotsky, DDS, 5843 Mayfield Road, a variance to include illuminated LED changeable copy within the existing ground sign located on the parcel (Cuyahoga County Permanent Parcel No. 861-05-009)." Mr. Murphy read the resolution by title only. Mr. DeJohn moved for suspension of the rules, seconded by

Mrs. Sabetta. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. Mr. DeJohn moved for adoption, seconded by Mrs. Sabetta. Mrs. Finney commented that due to the location of this property and the improvements Council wants to make on Mayfield Road, it may be time to review the use of electronic signs. Mrs. Teresi mentioned the consultant Mark Majewski may be asked to review the City's sign ordinance. Mrs. Finney noted when the City allowed electronic signs it was only for schools, churches and city buildings. Mr. DeJohn added this may also be covered under the Mayfield Road corridor project. Mr. Mercurio explained the BZA members looked at the request as a practical difficulty and there was none, so it was a unanimous denial. Roll Call on motion as stated: AYES: Mercurio, Sabetta, DeJohn, Snider, Manno, Teresi. NAYS: Finney. Vote 6-1. Motion carried. The resolution is adopted.

ORDINANCE NO. 2016-30: "An Ordinance amending Chapter 131 of the Codified Ordinances of the City of Mayfield Heights by enacting Section 131.06, Mayor/Director of Public Safety; Employment. (Making it full time)" Mr. Murphy read the ordinance by title only. Mr. DeJohn, seconded by Mr. Manno, moved to hold a public hearing on this matter before a decision is made. Mr. Murphy stated if this motion is approved, then the legislation would need to be tabled as this is the third reading. Mr. DeJohn stated he thinks this is too important not to have a public hearing. The last time the matter came up there were two public hearings held. Mr. DeJohn moved to table the ordinance and schedule a public hearing, seconded by Mr. Manno. Mrs. Finney stated this has been on the agenda for three meetings and there was plenty of time to schedule a Committee of the Whole and public hearings. It should be voted on this evening. Roll Call on motion as stated: AYES: DeJohn, Manno, Teresi. NAYS: Snider, Mercurio, Sabetta, Finney. Vote 3-4. Motion failed. Mr. DeJohn moved for adoption, seconded by Mrs. Finney.

Mr. DeJohn reviewed the history of the position of the Mayor becoming a full time position. When his father, Ross DeJohn, was in office it was a part time position and due to a full time job his father spent a lot of time in the evenings and on weekends at City Hall. Because he felt the City needed a full time mayor he went to Council and Council approved it. It became a full time job in 1984. When Mayor Egensperger ran for mayor, she promised the position would go back to being a part time position and the City would save money. Mr. DeJohn stated he felt that was short sighted and the City has suffered ever since with having part time mayors. He urged Council to approve this legislation. He feels the City has grown with a \$21 million budget and department heads now are basically acting alone and making decisions. A full time mayor is needed for everything to run properly. Mayor DiCicco stated he seriously disagreed with the statement that department heads are making decisions on their own. Every decision goes through the Mayor's office. And to say the City has suffered is an insult to him. Mrs. Finney commented she believes the City is run quite well and she sees the Mayor's car at City Hall all the time at different times of the day and evening. She does not believe the City needs a mayor to micromanage. She asked what the cost would be to the City for a full time mayor with benefits. Mr. Tribby stated the ordinance has the salary listed at \$125,000 and then there would be the benefits of pension (14%), health insurance (approximately \$25,000), workers compensation, and Medicare. Mrs. Finney calculated that would be around \$200,000 and Mr. Tribby replied he did not have the exact figures as no one asked him for them. Mrs. Finney stated she felt this is just for people who want a full time job with benefits. She feels that the elected officials are not doing this for the money, but what is best for the City. They are giving as much of themselves as possible.

Mr. Manno commented it is time for the City to have a full time mayor given the budget and all the things that are going on like the Mayfield Road corridor. People just have to look around the City and see the property values declining and empty commercial buildings. The salary is no more than the department heads. Mrs. Teresi agrees with the salary, as the department heads make that amount and some of the staff make more than the Mayor. It is difficult to have a full time job and work in the City part time for something not to slip. The amount of time spent to run the City is a lot. The Mayor has a lot of meetings and events to attend during the day and evenings and he also has a full time job. It could be difficult to get everything done well. Mrs. Snider stated she knows other municipalities in the area have part time mayors and does not see a problem. This job has been done part time for many years and she did not know

that the Mayor was not available for various duties. One works one's schedule around what is needed to do the job. She did not know why this matter came up. Mr. DeJohn stated this has been his goal ever since Mayor Egensperger took office when it changed back to part time. He spoke with Mayor DiCicco about making this position full time and he informed Mr. DeJohn this would only work if term limits were eliminated. This would allow a candidate to leave a private sector job without potentially only having 12 years in office. Residents voted against eliminating term limits last year. Mr. DeJohn feels without the head person at the office all the time, employees take a more relaxed attitude.

Mayor DiCicco replied Council should ask the department heads if their departments are lax and out of control because the Mayor is not present all the time. It is insulting to everyone to make comments like that. There are a lot of good things going on since he has taken office and working as a part time mayor and it is good that not everyone has the gloom and doom opinion of Mr. Manno of this City. If Council members want a full time mayor, the reasons should be stated without insulting the department heads, the employees and the Mayor. Mr. DeJohn stated he did not mean to be insulting. What he meant was that no one could effectively run the City as a part time mayor. He did not mean that no one was doing their job, but with a full time mayor the job could be done better. Mrs. Finney commented there has been a part time mayor for 25 years and it has worked out. Mr. DeJohn added that if cost is an issue, the part time mayor makes \$50,000 a year, which is a nice part time job. Mrs. Snider stated that all elected officials are on call 24/7; it is part of the job, so no one is ever "off duty" while they hold office and they know that going in. Mrs. Finney added the Mayor always answers her in a timely manner and the residents only have praise for his response. Mr. Manno also stated that his comments were not meant to insult anybody. He again mentioned that one only has to look around to see that everything is not great. Mr. DeJohn just asked everyone sitting here to ask themselves if the City is better today than it used to be. Roll Call on motion as stated: AYES: Manno, DeJohn, Teresi. NAYS: Sabetta, Mercurio, Finney, Snider. Vote 3-4. Motion failed. The ordinance is defeated.

ORDINANCE NO. 2016-31: "An Ordinance amending Chapter 1171 of the Codified Ordinances of the City titled "U-4 Local Retail and Wholesale Districts" by enacting Section 1171.12." Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on third 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 third reading with a public hearing scheduled for November 14, 2016 at 6:45 P.M.

ORDINANCE NO. 2016-32: "An Ordinance amending Chapter 1173 of the Codified Ordinances of the City titled "U-4-A Development Districts" by amending Sections 1173.04 and 1173.05." Mr. Murphy read the ordinance by title only. Mrs. Snider moved to place the ordinance on third reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: DeJohn, Snider, Finney, Mercurio, Manno, Sabetta, Teresi. NAYS: None. Motion carried. The ordinance is placed on third reading with a public hearing scheduled for November 14, 2016 at 6:45 P.M.

ORDINANCE NO. 2016-33: "An Ordinance amending Chapter 1174 of the Codified Ordinances of the City titled "U-4-B Planned Office and Restrictive Service Districts" by enacting Section 1174.11." Mr. Murphy read the ordinance by title only. Mrs. Snider moved to place the ordinance on third reading, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Finney, Sabetta, Snider, Manno, DeJohn, Mercurio, Teresi. NAYS: None. Motion carried. The ordinance is placed on third reading with a public hearing scheduled for November 14, 2016 at 6:45 P.M.

ORDINANCE NO. 2016-34: "An Ordinance amending Chapter 1180 of the Codified Ordinances of the City titled "U-9 Mixed Use District" by amending Section 1180.06." Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on third 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 third reading with a public hearing scheduled for November 14, 2016 at 6:45 P.M.

ORDINANCE NO. 2016-35: "An Ordinance enacting Chapter 1197 of the Codified Ordinances of the City titled "Design Standards." Mr. Murphy read the ordinance by title only. Mrs. Finney moved to place the ordinance on third reading, seconded by Mr. Mercurio. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Mercurio, Sabetta, Finney, Teresi. NAYS: None. Motion carried. The ordinance is placed on third reading with a public hearing scheduled for November 14, 2016 at 6:45 P.M.

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. Finney, moved to hold an Executive Session to discuss pending/imminent litigation and property acquisition. Roll Call on motion as stated: AYES: Sabetta, Manno, Mercurio, Finney, Snider, DeJohn, Teresi. NAYS: None. Motion carried.

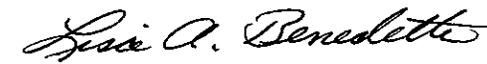
Mrs. Teresi recessed the meeting at 8:23 P.M. Council went into Executive Session at 8:27 P.M. and reconvened at 9:25 P.M.

There being no further business to come before Council, Mrs. Teresi adjourned the meeting at 9:26 P.M.

Approved:


Gayle M. Teresi
Council President

Respectfully submitted,


Lisa A. Benedetti, MMC
Deputy Clerk of Council