

**CITY OF MAYFIELD HEIGHTS  
COUNCIL MEETING MINUTES  
January 14, 2019**

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

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

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

In attendance: City Engineer Dan Gerson, Fire Chief Bruce Elliott, Service Director Joe Fornaro, Building Director Tom Jamieson, Police Captain Doug Suydam and Recreation Director Sean Ward.

The Pledge of Allegiance was said.

Mrs. Sabetta moved to suspend reading of the Council minutes of December 10, 2018, and approve as written, seconded by Mr. Ballistrea. All in favor, except Mrs. Finney who abstained as she was absent from the meeting; motion carried. *Minutes approved.*

**CORRESPONDENCE AND ANNOUNCEMENTS:**

Mrs. Snider announced the City would be launching a Hometown Hero Banner Program. This program allows individuals to purchase a banner to honor residents who are currently serving or have served our country in any of the branches of the military. The banners will be displayed on Mayfield Road from Memorial Day through Veterans Day each year. Applications are now available.

**REPORTS OF OFFICERS:**

**Mayor DiCicco:**

The Mayor introduced Karen Fegan as the new Director of Finance/Clerk of Council, who will be replacing Mr. Tribby who is retiring January 31, 2019. The Mayor thanked Mr. Tribby for his years of service and he had been a tremendous asset to the Mayor while he has been in office. He welcomed Mrs. Fegan to the City.

The Mayor announced that 911Cellular, a safety app used by many local communities including Mayfield Village will be available to Mayfield Heights residents during the second week of February. This is a free app for residents downloadable to their smartphones. The app includes technology that allows safety forces to respond even more quickly to residents and businesses in the community. The app features include: An Emergency button that when pressed goes directly to MHPD dispatchers. It includes an indoor global positioning system which enables dispatch to see the location of a distressed individual within 300 feet. It can also send medical info to dispatch as well if that information is entered upon registration. Global Geo Fencing ensures that emergency calls from a cell phone go to the correct department every time. iReport allows residents to send instant and anonymous tips about suspicious activity, safety concerns or service requests. Even when anonymous, dispatchers can start a two-way conversation. Photos and videos can be attached if desired. Emergencies can also be sent via text when talking is not ideal. Resources provide residents with instant access to information from the city including the smoke detector program, vacation house watch, permit applications, and program registration forms just to name a few. FriendWatch enables residents to notify up to three family members or friends of their location and how long they intend to be there. If they're not back or don't respond, by

that time, it sends a notification to those individuals. Look for more information in the City Focus, and on our social media sites.

Mr. Manno stated he had several calls from residents about perhaps screening off the area adjacent to the freeway where the Service Department dumps debris and items with perhaps trees.

He also received some calls about a house on Maplewood near Costco where there is a landscaper and there are ruts in the lawn going to the back of the property where they had equipment being stored. Part of that property is owned by Shemo. They have already been cited by the City for this and he would like a follow up on the property to see if they are storing equipment back there again.

Mrs. Teresi noted that several years ago the Detective Bureau had the City enact legislation that required retail stores to install security cameras. She asked if all the stores have complied. Mayor DiCicco replied most of them have complied.

Director of Law Murphy: No report.

Director of Finance Tribby: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: No report.

Finance and Audit Committee: No report.

Legislative Committee: No report. Mrs. Finney asked about the tabled ordinance. Mrs. Teresi stated the committee will meet now that we are in the new year.

Public Works and Services Committee: Mr. Ballistrea stated a memorandum was received from Mr. Fornaro regarding the 2019 and 2020 road program and there are two motions on the agenda to authorize going out for bids for two portions left over from the 2018 road program. Mr. Manno remarked the roads were listed in an order and he asked if the corporate parks portion could be moved up. Mr. Ballistrea stated that nothing has been approved yet.

Recreation and Parks Committee: Mr. Manno reported as follows:  
The Taste of Italy - February 23 - 6:30 – 10:30 pm, cost is \$30.00. New this year, we will be adding a Wine Taste as well as a homemade wine contest for those who enjoy making homemade wine. Reservations can be made with the Parks and Recreation Department.

Registration opens on January 28, for kids in grades k-3 for our 1<sup>st</sup> & 10 Flag Football program. Program details can be found on our website [www.mayfieldheights.org](http://www.mayfieldheights.org) or by calling 440-442-2627.

Wildcat Sport & Fitness -

Residents should have received the Wildcat Sport & Fitness postcard. If you have not checked out the facility and the programs offered you still have time to use the "Try Us Free" coupons on the card until February 28.

WSF Membership Rates are very reasonable, and should not be your excuse to getting healthier in 2019. Now is time to change your exercise habits!

For more information on any Recreation program please call us at 442-2627.

Safety and Transportation Committee: Mr. DeJohn reported Resolution No. 2019-5 is on the agenda for the purchase of breathing apparatus for the Fire Department. A grant was received from FEMA to pay for the majority of this purchase and he commended the Chief for applying for the grant.

Board of Zoning Appeals: Mrs. Sabetta reported there are two cases on the agenda from the meeting held December 11, 2018. Copies of the minutes of the meeting were distributed to all members and are a part of the permanent record. Another meeting is scheduled for January 15, 2019 with three cases on that agenda.

Planning Commission: Mr. Ballistrea reported meetings were held December 15, 2018 and January 7, 2019. Copies of the minutes of the meeting were distributed to all members and are a part of the permanent record.

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PUBLIC COMMENT:

Nicole Flesher, Silk Body Boutique, 1771 SOM Center Road, Gates Mills, requested permission to perform microblading and semi-permanent cosmetics as accessory uses.

John Molchan, representing Fairchild Management, stated there is a motion to approve a preliminary site plan for a self-storage facility addition at 1413 Golden Gate Boulevard. He displayed a picture. The current building will be reskinned and an addition built. The portions of the wall between the property and the houses on Maplewood that are in need of repair and falling down will be rebuilt. He displayed what would be available for rent in the facility, such as a wine cellar. The inside can be accessed by car, so customers would be out of the weather. He reviewed the parking and traffic flow. Some concerns from the City were addressed. There will be five changes from the traffic study recommendations. There will be a right hand turn only sign as one pulls in the east entrance; the driveway on the north will be a minimum of 24 feet wide; arrows will be put around the southeast corner and a dividing line to maintain traffic; and the southeast driveway will be 24 feet wide with a larger turning radius.

Robert Miller, Davis and Smith Architects, Westlake, representing Conrad's stated he was in the audience.

Fire Chief Bruce Elliott stated there is a resolution on the agenda as Mr. DeJohn reported for the purchase of 17 breathing apparatus with a FEMA grant. The Fire Department was hoping to have two thermal imaging cameras right in the mask, but FEMA will not cover those so the bid cost is now reduced to \$128,240. There is an excess of \$48,090 from the grant that can be used for future equipment purchases.

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Mrs. Finney asked for a motion to hold an Executive Session after the regular business of Council regarding personnel matters to consider the employment of a public employee.

Mrs. Snider, seconded by Mr. Manno, moved to hold an Executive Session for the reasons stated above. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Snider, Finney. NAYS: None. *Motion carried.*

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RESOLUTION NO. 2019-1: "A Resolution authorizing the execution of a Memorandum of Understanding with the Cuyahoga County Board of Health regarding the provision of Phase II stormwater services in 2019-2021, and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mrs. Teresi. Roll Call on motion as stated: AYES: DeJohn, Snider, Teresi, Ballistrea, Manno, Sabetta, Finney. NAYS: None. Motion carried. Mr. Ballistrea moved for adoption, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Teresi, Sabetta, Snider, Manno, DeJohn, Ballistrea, Finney. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-2: "A Resolution authorizing a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District to provide technical assistance regarding Public Information and Public Education during 2019, and declaring an emergency." Mr. Murphy read the resolution by title only. Mr. Ballistrea moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Teresi. Mr. Ballistrea clarified the City

pays \$5500 to the Soil and Water District and then the City is reimbursed. Mayor DiCicco explained it is cost share funds and the City does ask for reimbursement. The City is required to do this for the PIPE Program and also the Memorandum of Understanding with the Board of Health approved in Resolution No. 2019-1. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-3: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Silk Body Boutique, 6647 Mayfield Road, permission to perform microblading and semi-permanent cosmetics as accessory uses at the beauty salon (Cuyahoga County Permanent Parcel Nos. 862-15-025 and 862-15-026)." Mr. Murphy read the resolution by title only. Mr. Ballistrea moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Teresi, Snider, DeJohn, Finney. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mrs. Sabetta. Mrs. Sabetta noted that with this permission it is understood that it does not include tattoos or body piercing. The applicant is moving and the Board of Health needs her to reapply. It does not license the applicant, it licenses the location. She would like to extend her microblading and the tool used is not a tattooed tool. This was a 4-1 vote. Mrs. Teresi asked where the boutique was located and where it is moving. Is this a variance? Mrs. Sabetta stated it is an accessory use. Ms. Flesher stated she was across the street from Eastgate on SOM Center Road and is moving across from Walmart. She explained she is moving into part of a store front that is no longer in use. Mrs. Teresi remarked she thought variances went with the land. Mr. Murphy stated this is not a variance; it is a declaration of accessory use, which the BZA can grant if it believes it to be in general keeping with the permitted uses allowed in a zoning district. It does not stay with the location. Mr. Manno commented that this applicant had been before the City for the other location and specifically stated she did not do tattoos. Mr. Kramer of the BZA defined body art as tattooing, permanent cosmetics and body piercings. Mr. Manno felt that if this door is open then he felt others would come and ask for tattoo parlors. He thought this would be a mistake because while this applicant states she would not perform tattoos, someone else could come in and do that because it was already approved. Mrs. Sabetta explained that the Board of Health uses the term body art and that is why the condition was put in the approval language that permission was not being given for tattoos. The applicant wanted to get more involved with doctors for cancer patients who need this type of service. Mrs. Snider asked what else would be done with the permanent cosmetics other than eye brows. Ms. Flesher noted that the definition for body art is very broad. She would be inspected once a month by the BOH and sees what is used. She cannot give tattoos with the tools she has and the BOH would see that. She is strictly cosmetic based and it has nothing to do with tattoos. The condition the BZA put on the approval gives more strength to the fact that she cannot do tattoos. Mr. Manno asked Mr. Murphy if this would hurt denying someone to open a tattoo parlor. Mr. Murphy replied they would have to comply with the City's ordinances or ask for a variance. This does not set a precedent. Mr. DeJohn inquired if there is a separate license for tattooing in Ohio. Ms. Flesher replied there is not a separate license, but within the BOH, there are different inspectors for the different types of body art. Mrs. Teresi noted the first time Ms. Flesher was here it was for microblading and now it is also for semi-permeant cosmetics. Ms. Flesher stated it basically is two different techniques and she does have customers who want more.

Roll Call on motion as stated: AYES: Ballistrea, DeJohn, Sabetta, Teresi, Snider, Finney. NAYS: Manno. Vote 6-1. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-4: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in upholding the direction of the Building Department made to Kazmi Family, LLC, to construct a garage at 5919 Maplewood Road, as required in the point of sale inspection (Cuyahoga county Permanent Parcel No. 861-10-062), and consequently denying its appeal." Mr. Murphy read the resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mr. Ballistrea. Roll Call on motion as stated: AYES: DeJohn, Snider, Teresi, Ballistrea, Manno, Sabetta, Finney. NAYS: None. Motion carried. Mrs. Sabetta moved for adoption, seconded by Mrs. Teresi.

Mrs. Snider, seconded by Mr. Manno, moved to reopen the public portion. All in favor, motion carried.

Donya James, 5707 Meadow Lane, Bedford, spoke for the property owner. He stated when he purchased the property he had spoken with the Building Inspector who denied the construction of a garage, as there was not enough space. They did give him a permit to put a shed on the property. There is \$15,000 in escrow and he needs a letter from the City to release the money.

Building Director Tom Jamieson explained the point of sale inspection was done in 2014. There must have been miscommunication because Mr. Jamieson did not think the inspector at the time would say that, but he did leave it off the list. So that was an error. Mr. Kazni bought several properties in Mayfield Heights and he is selling them all. In 2018 that inspector noted a garage was required and that is where the matter stands. The 2014 inspection was in error, but that does not mean it is correct. There was a unanimous decision by the BZA. The inspector is no longer employed by the City. Mrs. Teresi commented that every neighbor has a two car garage on the 40 foot lots, which are deep. Mrs. Sabetta noted the BZA felt the applicant failed to demonstrate a practical difficulty to overturn the decision of the Building Department. They felt there was room to build a garage. The applicant did indicate he is still negotiating the sale with the buyer to split the \$15,000 and understands a garage is required. Mrs. Teresi asked if the applicant is buying and flipping properties. Mrs. Sabetta stated he is not living in this one. Mrs. Teresi clarified that he is selling all the properties to one entity. Mr. Jamieson said yes, but not all are in Mayfield Heights. The buyer is another investor. Mrs. Teresi remarked they would all be rentals.

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

RESOLUTION NO. 2019-5: "A Resolution accepting a certain bid for self-contained breathing apparatus (SCBA), facepieces and associated equipment for the Division of Fire (Warren Fire Equipment)." Mr. Murphy read the resolution by title only. Mrs. Snider moved for suspension of the rules, seconded by Mr. DeJohn. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried. Mr. DeJohn moved for adoption, seconded by Mrs. Teresi. Mr. DeJohn stated this was a 95%/5% matching grant. The higher bid was determined to be the best bid because the equipment was better for the department. He asked why FEMA did not approve the thermal imaging equipment. Chief Elliott stated technology changes so rapidly now and FEMA is only approving things supported by the National Fire Prevention Protection Association. The Mayor asked how the City did not know that FEMA would not pay for the thermal cameras? Chief Elliott explained they do not always know what the grant would pay for upfront. Mrs. Snider inquired if the cameras could ever be added to these apparatus. The Chief stated the City could add them or buy an additional facepiece that has it. Having the camera in the hand is hard if a person is crawling around. For the purpose of approving the bid he did not want to include it. The Mayor commented that maybe this is the time to do it since the out of pocket expenses are not that great. Chief Elliott stated they can look into that. When he started in 1993 the cameras were about \$20,000 so the price keeps coming down. The Fire Department was impressed with this technology, as it was built into the facepiece. Mr. Ballistrea remarked he trusts their judgement on getting the best for the men. The other bid was \$18,000 less and he asked the Chief to explain why some of the men did not prefer this brand. With that additional money perhaps additional equipment could be purchased. Chief Elliott explained the grant is specific so it is not that additional money would be available. Back in the fall the equipment was tested and he was surprised that there was 80% agreement for this type when the men have been used to MSA. Comfort was a big factor and the mask provides better visibility and audio. He respects the opinion of the men using it. He decided it was the best bid.

Mr. DeJohn, seconded by Mrs. Teresi, moved to amend the resolution to reduce the bid amount to \$128,240.00 and the grant amount provided to \$122,133.33. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried.

Roll Call on original motion to approve as amended: AYES: Snider, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Finney. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-6: "A Resolution confirming the intention of the City of Mayfield Heights to sell property that is unneeded, obsolete or unfit for City purposes via Internet Auctions and authorizing the use of certain representative websites to conduct the Internet Auctions." Mr. Murphy read the resolution by title only. Mr. Ballistrea moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Teresi, Snider, DeJohn, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Sabetta. Mr. Ballistrea commented three sties sere sties; are they all used at the same time? Mayor DiCicco replied certain properties go on certain sites. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Snider, Finney. NAYS: None. Motion carried. The resolution is adopted.

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Mrs. Finney turned the chair over to Mrs. Snider as Mrs. Finney would be abstaining from the next item on the agenda.

Mr. Manno, seconded by Mrs. Sabetta, moved to confirm the decision of the Planning Commission approving a preliminary site plan for an 85,539 sq. ft. self-storage facility addition to the building at 1413 Golden Gate Boulevard contingent on the approval of all necessary variances. Mrs. Snider noted everyone heard from Mr. Molchan. Mr. Ballistrea added that some concerns of the City were addressed. Variances are needed and they are applying for those. Mr. DeJohn asked if there are garage doors on the outside. Mr. Ballistrea stated there would only be some on the north side of the building. These would be for landscapers and renters with dirtier equipment that should not be driven inside. Mr. Molchan added the garage doors are on the north side of the new addition. There is a 6' masonry wall for the residents to block most of the view. These would be for people to store cars or boats, which would fit in these units. Mrs. Snider asked how the garage is accessed. Mr. Molchan stated it is key access right now. Roll Call on motion as stated: AYES: Snider, Ballistrea, Manno, Sabetta. NAYS: DeJohn. ABSTENTIONS: Teresi, Finney. Vote 4-1-2. Motion carried. The resolution is adopted.

Mrs. Snider turned the meeting back over to Mrs. Finney.

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Mr. Manno, seconded by Mr. Ballistrea, moved to confirm the decision of the Planning Commission approving a preliminary site plan for Conrad's Tire Express and Total Car Care for a 6,270 sq. ft. auto service facility at 5739 Mayfield Road contingent on the granting of necessary variances and approval of the lot consolidation. Mr. Ballistrea explained this is the preliminary site plan for a new site for Conrad's at the corner of Eastwood and Mayfield Road. The new site will need a lot consolidation and may need variances. Conrad's is now in Golden Gate and will move. It does not own that site. Mayor DiCicco added there would be two variances needed for frontage and parking. Mrs. Teresi commented the TMS engineer's report recommends ODOT suggestions for a 24' access drive on Mayfield Road and will they do that? Mr. Ballistrea replied they would. They do not have to accept the ODOT suggestions and they would probably lose some of the landscaping, but they would comply. Mr. Ballistrea thought more landscaping was more in line with the Mayfield Road Corridor plan. Mayor DiCicco stated they split the difference between the original proposal and the ODOT recommendations. This will go back to TMS with the changes. Mrs. Teresi remarked it would be a great addition to that corner. Mrs. Snider asked if anyone represented Golden Gate and plans for that building. Mr. Ballistrea stated Conrad's still has the lease and it will be a number of months before they can move. But nothing was stated as to what would be done with that building. Mrs. Teresi asked if the property would have to be remediated. The Mayor did not know. Roll Call on motion as stated: AYES: Teresi, Sabetta, Snider, Manno, DeJohn, Ballistrea, Finney. NAYS: None. *Motion carried.*

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Mrs. Teresi, seconded by Mrs. Snider, moved to approve preparing specifications and advertising for bids for crack sealing for various streets. All in favor, *motion carried.*

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Mrs. Sabetta, seconded by Mrs. Snider, moved to approve preparing specifications and advertising for bids for milling and paving of Lander Road from the I271 overpass south to Cedar Road. All in favor, *motion carried*.

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Mrs. Snider, seconded by Mr. Ballistrea moved to authorize the sale of vehicles through GovDeals:

2011 Dodge Charger	VIN	2B3CL1CT3BH587682
2012 Dodge Charger	VIN	2C3CDXAT3CH190495
2013 Dodge Charger	VIN	2C3CDXAT6DH689941

All in favor, *motion carried*.

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Mrs. Sabetta, seconded by Mrs. Snider, moved to designate two appointees to the Community Reinvestment Area Housing Council for the term 4/1/18 to 3/31/21. Mr. DeJohn moved to nominate Mrs. Snider and Mrs. Sabetta. As there were no other nominations Mr. DeJohn moved to amend the motion to designate Mrs. Snider and Mrs. Sabetta as the appointees, seconded by Mrs. Teresi. All in favor, motion carried. All in favor of the original motion as amended, *motion carried*.

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Mr. Manno, seconded by Mrs. Snider, moved to approve the request of the Parks & 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 23, 2019. All in favor, *motion carried*.

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NEW BUSINESS; COMMENTS FROM COUNCIL:

Mrs. Teresi commented that Council would be getting iPad and she would like to see something done for the residents who listen to the meetings and have a terrible hum when the volume is increased.

Mr. DeJohn welcomed Mrs. Fegan and looks forward to working with her.

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There being no further business to come before Council, Mrs. Finney recessed the meeting at 8:20 P.M. Council went into Executive Session at 8:20 P.M. regarding personnel matters to consider the employment of a public employee and reconvened at 8:50 P.M.

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There being no further business to come before Council, Mrs. Finney adjourned the meeting at 8:52 P.M.

Approved:



Donna R. Finney  
Council President

Respectfully submitted,



Lisa A. Benedetti, MMC  
Deputy Clerk of Council