



Earlier this month the Mayor had the pleasure of swearing in the newest member of our police department. David Sheely was sworn in on January 17. Officer Sheely comes to the City of Mayfield Heights with seven years of experience. We continue to fill vacancies from retirements in the Police Department with top notch personnel. He welcomed patrolman Sheely and wished him God's speed in his MHPD career.

Director of Law Murphy: No report.

Director of Finance Tribby: No report. Mrs. Finney noted this was Mr. Tribby's last meeting and he will be missed.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: No report. Mr. DeJohn stated he received a complaint from a resident about the sidewalks and would like to recommend the sidewalk program be reviewed. Mr. Ballistrea stated he also received a complaint and was adding it to the Public Works Committee meeting agenda.

Finance and Audit Committee: No report.

Legislative Committee: Mrs. Teresi reported she scheduled a meeting for February 5, 2019 at 7:30 A.M. pertaining to amendments to Council abstentions.

Public Works and Services Committee: Mr. Ballistrea reported a meeting has been scheduled for January 30, 2019 at 5:30 P.M.

Recreation and Parks Committee: Mr. Manno reported as follows:

Taste of Italy - Saturday, February 23, 6:30 – 10:30 pm. Cost is \$30.00 and open to all 21 and over. New this year will be a Wine Tasting conducted by "Bottle To Glass" and a Homemade Wine Contest – Please submit your Homemade Wine to the Recreation Department by February 20, to be entered into the contest.

1st & 10 Flag Football registration is open for school district residents. 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. There is no excuse to not get in shape in 2019, WSF Membership Rates are very reasonable!

Safety and Transportation Committee: No report.

Board of Zoning Appeals: Mrs. Sabetta reported on the meeting held January 15, 2019. Copies of the minutes of the meeting were distributed to all members and are a part of the permanent record.

Planning Commission: Mr. Ballistrea reported on the meeting held January 21, 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:

Mike Loya, 1517 Woodhurst, is the owner of Nitros Bar & Grill. He would like to have a smoking area in the back. He has owned it since 2014 and made many improvements. His sales have increased tremendously. He has 16 security cameras and on weekends he has a door man checking IDs. About 50% of the customers are smokers and an awning that the smokers used to stand under was taken down by the landlord. Mr. Loya wants to separate smokers from the non-smokers and the proposed outdoor smoking patio is dead space. It would only be for people being able to smoke and bring their drinks outside. No sales would be conducted there. He would have a six foot privacy fence with an exit gate only. There is no neighbor behind him.

Mark Silverstein, 2205 Landerhaven Court, stated that some of his neighbors are asking about the development of CA Senior Living on Landerhaven Drive. They were to give a conservation easement to the City and while the property transferred several months ago, the easement has not yet been recorded. Mr. Murphy explained it should have been recorded with the deed, but here was a delay and it was not. He has now been signed and will get it back to them this week.

Wendy Albin Sattin, Director of the Community Partnership on Aging, spoke. She stated all members received a report. She reviewed several aspects of their programs and the need for these programs in the various municipalities.

Robert Miller, Architect for Conrad's was here.

John Molchan, Fairchild Management, stated in connection with the self-storage facility they had asked for a secondary sign on the east side of the building that was denied and he would like consideration for it. 85% of self-storage customers learn about a facility by driving by it and which is why they think a sign is important. Without a sign on that side there would be no way to know what the building was for and that is the side where a lot of the traffic would be. Many studies state 25,000 cars per day are needed for such a facility. The part of the code that was cited was in order to have a sign there has to be a door with unrestricted ingress/egress. There are 11 doors on this building. All of them having unrestricted egress and not a single one has unrestricted ingress. He believes the legislative intent was that it was a customer entrance and this would be a practical difficulty. The second part of the request was to allow a larger sign. The Mayfield Road Corridor Design Manual automatically allows a sign on the back of buildings on that corridor. There are only five properties in this area that are not on Mayfield Road.

Mrs. Sabetta, seconded by Mrs. Teresi, moved to extend the time. All in favor, motion carried.

Mr. Molchan displayed pictures of buildings in the area that were allowed secondary signs with no access or unrestricted ingress.

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RESOLUTION NO. 2019-7: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Nitros, LLC, 5881 Mayfield Road, a variance to conduct outside sales/display of merchandise by establishing an outdoor smoking patio in the rear of the building (Cuyahoga County Permanent Parcel No. 861-05-013)." Mr. Murphy read the resolution by title only. Mrs. Teresi moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Snider, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mr. Ballistrea. Mrs. Sabetta explained this establishes an outdoor smoking patio at the rear of the building. The BZA decided it would be a benefit by the controlling of the liquor laws and the loitering issues by allowing this patio. There are no houses directly behind the building. Roll Call on motion as stated: AYES: DeJohn, Snider, Teresi, Ballistrea, Manno, Sabetta, Finney. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-8: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Conrad's Tire Express and Total Car Care, 5739 Mayfield Road, a frontage variance of five (5) feet to permit the operation of an auto service facility on the property (Cuyahoga County Permanent Parcel Nos. 861-01-003 and 861-01-004)." Mr. Murphy read the resolution by title only. Mrs. Snider moved for suspension of the rules, seconded by Mr. Ballistrea. Roll Call on motion as stated: AYES: Teresi, Sabetta, Snider, Manno, DeJohn, Ballistrea, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Snider. Mrs. Sabetta explained they need a 5' frontage variance to build. The lot has 145' and the minimum required frontage is 150' for this type of facility. The BZA felt this is an inherent hardship in the land use as it cannot be expanded. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2019-9: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Conrad's Tire Express and Total Car Care, 5739 Mayfield Road, a variance to increase the maximum number of parking spaces from 24 to 37 (Cuyahoga County Permanent Parcel Nos. 861-01-003 and 861-01-004)." 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: Snider, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Finney. NAYS: None. Motion carried. Mrs. Snider moved for adoption, seconded by Mr. Ballistrea. Mrs. Sabetta explained a variance was needed to increase the maximum number of parking spaces. The BZA felt it is an inherent hardship in land use. There also are not any other establishments competing for the spaces. Mr. Ballistrea remarked these types of places usually have a number of cars waiting to be picked up. Will there be enough or will they maybe have to park on Eastwood. Mrs. Sabetta replied that it was brought up. Mr. Miller came to the podium. He stated Conrad's stated the number of cars they would be serving was similar to other facilities so there would be adequate parking. Mr. DeJohn clarified there should not be a problem with the City putting up no parking signs on Eastwood and Mr. Miller said no. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Teresi, Snider, DeJohn, Finney. NAYS: None. Motion carried. The resolution is adopted.

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

RESOLUTION NO. 2019-10: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Fairchild Management Company a use variance to permit a self-storage facility at 1413 Golden Gate Boulevard, a use not permitted in a U-4 Zoning District (Cuyahoga County Permanent Parcel Nos. 862-06-050, 862-06-071, 862-06-072, and 862-06-073)." 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: Manno, Ballistrea, DeJohn, Sabetta, Snider. NAYS: None. Motion carried. ABSTAIN: Teresi, Finney. Vote 5-0-2. Motion failed. The resolution is placed on first reading.

RESOLUTION NO. 2019-11: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Fairchild Management Company a variance to reduce the minimum parking spaces necessary from 572 to 12 to permit a self-storage facility to operate on the property at 1413 Golden Gate Boulevard (Cuyahoga County Permanent Parcel Nos. 862-06-050, 862-06-071, 862-06-072, and 862-06-073)." Mr. Murphy read the resolution by title only. Mr. Ballistrea moved for suspension of the rules, seconded by Mr. Manno. Roll Call on motion as stated: AYES: DeJohn, Snider, Ballistrea, Manno, Sabetta. NAYS: None. Motion carried. ABSTAIN: Teresi, Finney. Vote 5-0-2. Motion failed. The resolution is placed on first reading.

RESOLUTION NO. 2019-12: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Fairchild Management Company a variance to allow the main identification sign to be on the south side of the proposed self-storage building at 1413 Golden Gate Boulevard (Cuyahoga County Permanent Parcel Nos. 862-06-050, 862-06-071, 862-06-072, and 862-06-073)." 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: Sabetta, Snider, Manno, DeJohn, Ballistrea. NAYS: None. Motion carried. ABSTAIN: Teresi, Finney. Vote 5-0-2. Motion failed. The resolution is placed on first reading.

Mr. Ballistrea, seconded by Mrs. Sabetta, moved to deviate from the agenda and take Resolution No. 2019-14 next. All in favor, *motion carried.*

RESOLUTION NO. 2019-14: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to Fairchild Management Company a variance to allow a secondary sign on the east side of the proposed self-storage building where there is no unrestricted ingress and egress to the inside of the building at 1413 Golden Gate Boulevard (Cuyahoga County Permanent Parcel Nos. 862-06-050, 862-06-071, 862-06-072, and 862-06-073)." Mr. Murphy read the

resolution by title only. Mr. Manno moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Ballistrea, Sabetta, DeJohn, Snider, Manno. NAYS: None. Motion carried. ABSTAIN: Teresi, Finney. Vote 5-0-2. Motion failed. Mr. Ballistrea stated he agrees with the applicant about being allowed a secondary sign as other buildings have additional signs in that area. These are allowed for visibility. He does not think this property should be treated differently and he would vote to overturn these two decisions. Mr. Manno agreed with Mr. Ballistrea. He asked Mr. Molchan if he presented the same information to the BZA. Mr. Molchan came to the podium. He stated he did, but he did not hear any discussion as to why Mr. Kramer stated it was not a practical difficulty. Mr. Manno asked Mrs. Sabetta why this decision was made when the other businesses in that area have this signage. Mrs. Sabetta replied he did show the pictures, but Mr. Molchan sent her more information via email afterward. Mr. Molchan stated even though they would not be able to get the sign up before the variance expires, it is important for them to know they can get a sign. If they know they cannot get a sign, then they would walk away now. Mrs. Sabetta remarked the BZA members understood from Mr. Jamieson and Mr. Kramer that their hands were tied with all the signage he would be allowed and that is currently there. Mr. Manno felt it should have been approved. Mrs. Sabetta noted the other properties cited there are further in the back for freeway visibility purposes, not residential. Mr. Molchan remarked there was not consistency with the properties cited for that reason. The resolution is placed on first reading.

RESOLUTION NO. 2019-13: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in denying to Fairchild Management Company a variance to allow a 178 foot secondary sign on the east side of the proposed self-storage building at 1413 Golden Gate Boulevard (Cuyahoga County Permanent Parcel Nos. 862-06-050, 862-06-071, 862-06-072, and 862-06-073)." Mr. Ballistrea moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Snider, DeJohn. NAYS: None. ABSTAIN: Teresi, Finney. Vote 5-0-2. Motion failed. The resolution is placed on first reading.

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

RESOLUTION NO. 2019-15: "A Resolution ratifying and adopting the City's Credit Card Policy and declaring an emergency." Mr. Murphy read the resolution by title only. Mrs. Sabetta moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Snider, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Snider. Mrs. Teresi asked why this came up that many employees need credit cards. Mrs. Fegan replied the credit cards have been out there in use. What is new is that the state passed HB312, which requires each municipality to adopt a policy. These are all existing cards for the efficient use of City time and City business. Mrs. Teresi noted Council has never received a quarterly report. Mrs. Fegan stated that is part of the new requirements and Council would be receiving them. Mayor DiCicco commented the expenditures incurred by credit cards are in the expenditure reports. They are just not noted as credit card purchases, but are normal City expenditures. Roll Call on motion as stated: AYES: Snider, Teresi, Ballistrea, Manno, Sabetta, Finney. NAYS: DeJohn. Vote 6-1. Motion carried. The resolution is adopted.

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ORDINANCE NO. 2019-1: "An Ordinance amending Chapter 169 of the Codified Ordinances of the City titled "Recreation and Parks Commission" to provide for the recommendation of participation fees and charges." Mr. Murphy read the ordinance by title only. Mr. Manno moved for suspension of the rules, seconded by Mrs. Snider. Roll Call on motion as stated: AYES: Teresi, Sabetta, Snider, Manno, DeJohn, Ballistrea, Finney. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mr. Ballistrea. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Snider, Manno, Finney. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2019-2: "An Ordinance amending Chapter 147 of the Codified Ordinances of the City titled "Department of Recreation and Parks" to address setting fees for all recreational activities." Mr. Murphy read the ordinance by title only. Mr. Manno moved for suspension of the rules, seconded by Mr. Ballistrea. Roll Call on motion as stated: AYES: Snider, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Finney. NAYS: None. Motion carried. Mrs. Teresi moved for adoption, seconded by Mr. Manno. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Teresi, Snider, DeJohn, Finney. NAYS: None. Motion carried. The ordinance is adopted.

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Mr. Manno, seconded by Mr. Ballistrea, moved to confirm the decision of the Planning Commission approving a final site plan for a 6,270 sq. ft. auto service facility at 5739 Mayfield Road contingent on the approval of the variances by Council and a lot consolidation. Mr. Ballistrea stated this is a final site plan. The access drive was widened and there is additional landscaping. It is still contingent on a lot consolidation. All in favor, *motion carried.*

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Mr. Ballistrea, seconded by Mrs. Sabetta, moved to approve the expenditure from the Community Relations Fund of \$1000 for sponsorship of the Green Tie Gala in support of the Mayfield STEM2M Program and the Mayfield Innovation Center. Mr. Manno questioned if this could be done with elected officials getting this for free per the Ohio Ethics Commission. Mrs. Finney noted a fund was approved several years ago for this purpose and other purposes. Mayor DiCicco noted this event is not a gratuity, which is what the Ohio Ethics Commission pertains to; this is a paid event. Mr. Murphy added the state law provides members of council cannot receive anything of value from someone who does business with the City or gets something from the City. This is money coming from the City and is not from anyone who would be getting anything from the City and he does not see using this fund as being wrong. Mrs. Teresi remarked that if everyone on the dais supported the schools, they should pay for the tickets themselves. All in favor, except Mr. Manno and Mrs. Teresi, who voted no. Vote 5-2, *motion carried.*

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#### NEW BUSINESS; COMMENTS FROM COUNCIL:


Mrs. Teresi commented the City should consider an ordinance to require carbon monoxide detectors in homes for the safety of the residents.

Mayor DiCicco stated this was Mr. Tribby's last Council meeting and congratulated him on his retirement. We really appreciate everything Bob has done and he will be missed. He was congratulated. Mr. Tribby commented his first Council meeting was in November 1981, so it has been a long time.


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There being no further business to come before Council, Mrs. Finney adjourned the meeting at 8:10 P.M.

Approved:

  
Donna R. Finney  
Council President

Respectfully submitted,

  
Lisa A. Benedetti, MMC  
Deputy Clerk of Council