The regular meeting of Council was called to order at 7:05 P.M. by Council President Diane Snider.

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 Karen Fegan and Deputy Clerk of Council Victoria Savage.

In attendance:  Police Chief Fred Bittner, Fire Chief Bruce Elliott, City Engineer Dan Gerson, Building Director Tom Jamieson, Recreation Director Sean Ward.

The Pledge of Allegiance was said.

Mrs. Finney moved to suspend reading of the Special Council Meeting minutes of January 13, 2020, and approve as written, seconded by Mrs. Sabetta.  All in favor. Motion carried. Minutes approved.

Mrs. Sabetta moved to suspend reading of the Council minutes of January 13, 2020 and approve as written, seconded by Mr. Ballistrea.  All in favor. Motion carried. Minutes approved.

CORRESPONDENCE AND ANNOUNCEMENTS:

Mr. Manno reported that he had received several telephone calls regarding a residence on Parker Road located on the westside of the street.  The entire house is painted black.  Mr. Manno said that he was unable to find a house number.  Mr. Manno questioned if there was any criteria pertaining to the painting of houses.

Mrs. Snider asked Building Director Jamieson to provide commentary.  Mr. Jamieson stated that there isn’t anything in the code.  There is no requirement for painters or homeowners to get a permit or to be registered.

Mr. Manno cited section 1389.04 of the code: Exterior Property Areas.  “No owner, agent or occupant of any premises shall maintain or permit to be maintained, at or on the exterior property areas of such premises, any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, or creates a safety hazard.”

Mr. Jamieson replied that the issue is subjective.  The homeowner likes the color and while others may think it devalues surrounding properties, he is not sure how the determination of property devaluation would be made.

REPORTS OF OFFICERS:

Mayor DiCicco:

The Friends of Euclid Creek want to invite its members, and anyone who has always wanted to take an active role in protecting our local environment to participate in an open discussion about the future of the organization.  There will be a review of its history and mission and a discussion as to where they stand as an organization today.  President, Ken Messinger-Rapport, and members of the Board will provide an update about the administrative side of Friends, its committee structure, its program calendar, and volunteer opportunities.  They urge you to provide your input. Volunteer opportunities exist at the committee level, director level, and as officers of the organization.  The meeting will take place on February 4, at 7:00 p.m. and will be held at the Acacia Reservation Clubhouse located at 26899 Cedar Road, Beachwood, Ohio. Parking is free and light refreshments will be served.
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Community Partnership on Aging (CPA) is once again partnering with AARP Foundation Tax-Aide Program to provide free federal & state tax return preparation for lower income adults; priority is given to adults age 60 and older. Call 442-2628 to make an appointment.

Due to the growing number of caregivers who provide extended care for family members or friends which can lead to negative health effects such as depression and anxiety, CPA has started a Facebook group for caregivers to provide a place for peer support and information exchange. If interested contact Beda Madden at maddenb@communitypartnershipaging.org to receive an invitation to join the page.

This is the last year of our solid waste contract. The City may want to consider partnering with another municipality to perhaps get a more favorable quote. This may be something the Public Works and Services Committee could further address.

City Focus-State of the City is at print. Look for it in mailboxes around February 6th. The Town Hall meeting was very successful. The meeting was well attended and there was a good response from those who were in attendance. Please contact the City for any questions and follow us on Facebook, Twitter, and Instagram for updated information. The City’s website has a page solely dedicated to Issue 9 facts.

Director of Law Murphy: No report. Mr. Murphy noted in regard to Ordinance No. 2019-30, listed on the agenda as a Tabled Item. The ordinance was originally submitted by the Building Department, was read three times and was tabled. Ordinance No. 2020-3 now provides revisions to the entire Chapter. The proper protocol would be to remove Ordinance No. 2019-30 from the table and then vote to defeat it as a more comprehensive ordinance is now before Council for consideration.

Director of Finance Fegan: No report.

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS:

Building Committee: Mrs. Teresi reported that she had met with Building Director Jamieson and Executive Assistant Weiland to discuss a number of issues and concerns that will be further reviewed by the Legislative Committee and Law Director Murphy. One of the issues is before Council this evening, Ordinance No. 2020-3. The issue of masonry wall versus vinyl fencing will be further reviewed as well as Section 1389.03 of the Building Code.

Finance and Audit Committee: Mr. Ballistrea reported that everyone should have received a memo from Finance Director Fegan discussing the carryover Purchase Orders as a result of our year-end budget and we have Ordinance No. 2020-2 before us this evening.

Legislative Committee: No report.

Public Works and Services Committee: Mr. DeJohn reported that City Engineer Gerson is just about finished with the proposed legislation for the City’s Sidewalk Repair Program. A meeting will be called within the next few weeks. Mr. DeJohn stated that the Committee will also be reviewing the City’s solid waste contract.

Recreation and Parks Committee: Mr. Manno provided information on the following events: Taste of Italy, Saturday, February 22, 6:30 – 10:30 pm at the Ross DeJohn Community Center. Cost is $30.00 and is open to all 21 years old and over. Reservations can be made at the Parks and Recreation Department. The Homemade Wine Contest will be held again this year. Please submit your homemade wine to the Recreation Department by February 19 to be entered into the contest.

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 29. Wildcat Sport & Fitness membership rates are very reasonable. An individual membership is $32.00; family membership is
largest. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Finney, Manno, Snider. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2020-6: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Major Source, LLC, on behalf of Circle K a variance to allow digital changeable copy gasoline prices on the existing monument sign at 6665 Mayfield Road (Cuyahoga County Permanent Parcel No. 862-15-024)." Mr. Murphy read the resolution by title only. Mr. Ballistrea moved for suspension of the rules, seconded by Mrs. Teresi. Roll Call on motion as stated: AYES: Finney, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Snider. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mrs. Sabetta. Mrs. Snider stated that these next two resolutions pertain to Circle K. Mrs. Sabetta explained that the radio remote enables multiple changes many times a day. The Board considered the safety hazard of updating a sign on a busy intersection. This was a unanimous approval with all members present. Roll Call on motion as stated: AYES: Sabetta, Manno, Ballistrea, Teresi, Finney, DeJohn, Snider. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2020-7: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Major Source, LLC, on behalf of Circle K a variance to allow digital changeable copy gasoline prices of not more than eight (8) inches in height on the existing monument sign at 6665 Mayfield Road (Cuyahoga County Permanent Parcel No. 862-15-024)." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Teresi. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Finney, Snider. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mr. Ballistrea. Mrs. Sabetta explained that this is the second part of the Circle K application. The maximum number size is 5 inches. The applicant originally requested 12 inches. During discussion, the Board wondered why the need for over double the amount allowed on a busy intersection with easy visibility. The applicant modified the request to 8 inches, same as BP. Mrs. Teresi asked what was the practical difficulty? Mrs. Sabetta replied that it was almost the same, the safety and they were also stating that using this new remote enables them to change their prices as they come in through their home company which happens many times a day; they run specials. As for the size, they have almost the same size as BP. They wanted more, they wanted 12 inches. The practical difficulty was the safety, and they wanted to stay in line with BP. Roll Call on motion as stated: AYES: DeJohn, Finney, Teresi, Ballistrea, Manno, Sabetta, Snider. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2020-8: "A Resolution authorizing the Mayor to take all steps necessary to apply for and accept a Clean Ohio Trails Fund Program Grant from the State of Ohio to assist in constructing the Gates Mills Boulevard Connector Project in the City, and declaring an emergency." Mr. Murphy read the resolution by title only. Mrs. Sabetta moved for suspension of the rules, seconded by Mrs. Finney. Roll Call on motion as stated: AYES: Teresi, Sabetta, Finney, Manno, DeJohn, Ballistrea, Snider. NAYS: None. Motion carried. Mr. Ballistrea moved for adoption, seconded by Mrs. Teresi. Mrs. Snider stated that this evening we had a Committee of the Whole meeting pertaining to this resolution. Mrs. Finney asked if there was discussion regarding fencing? The Mayor replied that there would not be a need for fencing right now. Mrs. Finney questioned if dogs would have to be on lashes. The Mayor replied that this is not a dog park, however, there was discussion of a dog park in the design, but we would have to see what kind of space we have and if it would fit. At this point, it is not part of the project. Mrs. Snider asked if there will be lighting? The Mayor replied not at this time. This is Phase 1 of the project. Perhaps as we go forward, we may make improvements such as restrooms. There is no water source there now. Christian Lynn from AECOM explained if the grant is successful and the City moves forward, there is a possibility that a conduit for lighting could be incorporated. This is definitely part of the longer vision. Mr. Manno added that same thing could be done for the water and sewer lines. The Mayor stated when we look at the total project costs, we can decide what can be incorporated. Mrs. Finney asked how long the project would take? Mr. Lynn replied a project of this scale could easily be constructed in a typical season of construction which is from May to October. Roll Call on motion as stated: AYES:
$105.00 and the cost for senior citizens is only $12.00 for the year. Now is the time to change your exercise habits!

Safety and Transportation Committee: Mrs. Sabetta thanked Mrs. Snider for giving her the opportunity to Chair this committee. Mrs. Sabetta reported that she has a meeting scheduled with Chief Elliott tomorrow afternoon.

Board of Zoning Appeals: Mrs. Sabetta reported that the BZA met on Tuesday, January 14. Mr. Kramer was elected to serve as Chair and Mr. Diluilo was elected Vice Chair. There are several items on the agenda tonight that can be addressed when presented. Mrs. Sabetta encouraged all applicants present to address Council during the public portion of this meeting.

Planning Commission: Mr. Ballistrea reported that the Planning Commission met on January 20. There is one item, in the form of a motion, before Council this evening. Council was copied on the minutes.

PUBLIC COMMENT:

Gary Mikitin of 6389 Eastondale Road stated that he is here this evening in support of Resolution No. 2020-8, the Gates Mills Connector Pedestrian Bike Trail Project. He believes that it is in the best interest of the City to support the project. Mr. Mikitin stated that perhaps some of the people from the corporate park may choose to use the amenity. Mr. Mikitin explained that it is common to have a 10-foot path shared by walkers, dog walkers and cyclists. Mr. Mikitin shared that in Beachwood they have a similar path and they actually have speed limit signs, cyclists 10 miles max. Mr. Mikitin thought it was an excellent suggestion to extend the path if Gates Mills was willing to do so. The City needs to consider this as a regional asset to help put the eastside of Cleveland on the map.

RESOLUTION NO. 2020-4: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to Temple Israel Ner Tamid a side yard setback variance of 5.6 feet to allow construction of an addition to the building to be 18 feet from the south property line (Cuyahoga County Permanent Parcel No. 861-25-006)." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Finney, Snider. NAYS: None. Motion carried. Mr. Manno moved for adoption, seconded by Mrs. Teresi. Mrs. Snider stated that all members of Council were provided with the BZA minutes. Mrs. Sabetta stated that the applicant owns the property that they are requesting a setback variance for. This is an expansion opportunity in keeping with U1 District. The Board did see the hardship in the use of land, and it was a unanimous approval with all members present. Roll Call on motion as stated: AYES: DeJohn, Finney, Teresi, Ballistrea, Manno, Sabetta, Snider. NAYS: None. Motion carried. The resolution is adopted.

RESOLUTION NO. 2020-5: "A Resolution confirming the action of the Board of Zoning Appeals of the City of Mayfield Heights in granting to LAAD Sign and Lighting a variance to allow 292.53 square feet of identification signage on the front of Bob's Discount Furniture, 1536 Golden Gate Plaza (Cuyahoga County Permanent Parcel No. 862-31-006)." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mr. Ballistrea. Roll Call on motion as stated: AYES: Teresi, Sabetta, Finney, Manno, DeJohn, Ballistrea, Snider. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mrs. Sabetta. Mrs. Sabetta explained that the Commercial Corridor Design Manual for primary exterior facade, maximum is 100 sq. feet. A hardship of visibility from Mayfield, signage should conform and keep in harmony with the center. This was considered an exception to the rule. The last tenant's signage was 293 sq. feet. It was a unanimous approval with all members present. Mrs. Teresi asked what was the practical difficulty? Mrs. Sabetta replied that the 100 ft. on such a large facade would not be seen from Mayfield Road. They also spoke of the sign and the sizes of the other signs and the size of conformity. Mrs. Teresi said that they are all approximately 292'. Mrs. Sabetta replied that they all fit the facade that they are on and stated that she thinks PetSmart was the
RESOLUTION NO. 2020-9: "A Resolution authorizing the Mayor to execute a Settlement Agreement, Bond Release and Assignment, authorizing the closeout of the Oakville Park Improvement Project, and declaring an emergency." Mr. Murphy read the resolution by title only. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Teresi. Roll Call on motion as stated: AYES: Finney, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Snider. NAYS: None. Motion carried. The resolution is adopted.

ORDINANCE NO. 2020-2: "An Ordinance revising Ordinance 2019-31 for the current expenses and other expenditures of the City of Mayfield Heights, State of Ohio, for the fiscal year ending December 31, 2020 by including the open purchase orders as of December 31, 2019." Mr. Murphy read the ordinance by title only. Mrs. Finney moved for suspension of the rules, seconded by Mrs. Sabetta. Roll Call on motion as stated: AYES: Manno, Ballistrea, DeJohn, Sabetta, Teresi, Finney, Snider. NAYS: None. Motion carried. Mr. Ballistrea moved for adoption, seconded by Mrs. Finney. Finance Director Fegan explained that including the carry over purchase orders in the appropriation ordinance is something that historically has been done every year. In year's past, however, the budget was not finalized until March. The end-of-year purchase orders to be carried over were therefore known and they were included. In 2020, we passed the budget before the start of the year. We were therefore unable to determine which purchase orders, and the exact amounts, that would be carried over from 2019 to 2020. Roll Call on motion as stated: AYES: DeJohn, Finney, Teresi, Ballistrea, Manno, Sabetta, Snider. NAYS: None. Motion carried. The ordinance is adopted.

ORDINANCE NO. 2020-3: "An Ordinance amending Chapter 1335 of the Codified Ordinances of the City titled "Permits and Fees" by revising the fee schedule contained therein, and declaring an emergency." Mr. Murphy read the ordinance by title only. Mrs. Sabetta moved to place the ordinance on first reading, seconded by, Mrs. Teresi. Roll Call on motion as stated: AYES: Teresi, Sabetta, Finney, Manno, DeJohn, Ballistrea, Snider. NAYS: None. Motion carried. The ordinance is placed on first reading.

Mrs. Snider stated Ordinance No. 2019-30 was tabled on November 25, 2019. Mrs. Snider asked for a motion to remove Ordinance No. 201-30 from the table. Mr. Manno moved to remove the ordinance from the table, seconded by Mrs. Teresi. Roll Call on motion as stated: AYES: Ballistrea, Teresi, Sabetta, DeJohn, Finney, Manno, Snider. NAYS: None. Motion carried. Mrs. Finney moved for adoption, seconded by Mr. Ballistrea. Mrs. Snider stated that this is the ordinance that Mr. Murphy had referred to earlier this evening. Mr. Murphy restated that a more comprehensive building fee structure has been brought forward to Council, Ordinance No. 2020-9, which is on first reading. He suggested Ordinance No. 2019-30 be defeated. Roll Call on motion as stated: AYES: None. NAYS: Finney, DeJohn, Manno, Ballistrea, Sabetta, Teresi, Snider. Vote: 0-7. The ordinance is defeated.

MOTIONS:

A. Mrs. Finney, seconded by Mr. Manno, moved to approve a preliminary/final site plan for a 6,597 sq. ft. addition at Temple Israel Ner Tamid, 1732 Lander Road contingent upon Council granting the setback variance. Mr. Ballistrea stated that earlier this evening, Council approved Resolution No. 2020-4 granting the setback variance. Mr. Ballistrea reported that the members of the Planning Commission unanimously
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approved the preliminary/final site plan for the addition at Temple Israel Ner Tamid. All in favor, motion carried.

B. Mr. Manno, seconded by Mr. Ballistrea, moved to designate the Deputy Clerk of Council as the designee to receive Public Records training representing Council Members Donna Finney, Diane Snider, Gayle Teresi, for the term commencing January 1, 2020 to December 31, 2023 in accordance with Ohio Revised Code Section 109.43(B) and 149.43(E)(1). All in favor, motion carried.

NEW BUSINESS; COMMENTS FROM COUNCIL:

Mrs. Teresi questioned what fund(s) would receive the additional tax revenue. Would it go directly into the funds that the tax revenue is slated for, roads, park and pool or is it going directly into the General Fund and then the City will put it into the other funds? Mrs. Fegan explained that twice a month the City receives tax remittances from RITA. They will break the tax remittances into two, the base tax which will go into the General Fund, as it does now and the additional tax. The additional tax monies will never be receipted into the General Fund. It will be broken out so that the current percentages are going to the Road Fund and going to the Recreation Fund. Mrs. Teresi stated that she had heard from a number of residents who were upset and concerned about the large potholes located at the intersection of SOM Center and Mayfield roads heading east. Mrs. Teresi reported that someone had questioned her about the vertical length cracks on SOM Center Road. She said that the resident wanted to know if this was going to be repaired. The Mayor reminded Mrs. Teresi that right now, the City can only make cold patch repairs and the cold patching is not holding. The Mayor stated that this is primarily occurring on the eastside of the City. Mr. Ballistrea shared that the 2020 Road Program would be addressing the intersection of Mayfield and SOM is part of the 2020 Road Program. Mr. Ballistrea replied whatever would be necessary as determined by the City Engineer. Mrs. Teresi questioned if there was any recourse the City could regarding the work that was done by ODOT. The Mayor replied the City has attempted it in the past and was not successful.

Mrs. Sabetta moved to adjourn, seconded by Mrs. Finney. All in favor, motion carried. Meeting adjourned at 7:55 P.M.

Approved:

Diane M. Snider
Council President

Respectfully submitted,

Victoria Savage, CMC
Deputy Clerk of Council