

**MINUTES OF THE REGULAR MEETING OF COUNCIL
MAYFIELD VILLAGE, OHIO
Monday, May 17, 2021– 7:00 p.m.
Videoconferenced in Main Conference Room-Mayfield Village Civic Center**

Present in Main Conference Room: Council President Schutt and Mrs. Betsa. All other members of Council, Mayor Bodnar, Mr. Wynne, Mr. Coyne, Mr. Marquart and Mr. Marrelli in attendance via ZOOM.

The videoconferenced meeting can be accessed by going to:
<https://www.youtube.com/watch?v=0OzcEFMoT5w>

Council President Schutt stated, good evening and welcome to the Regular Meeting of Council for Mayfield Village, Ohio. Today is Monday, May 17, 2021. It is 7:05 p.m. This meeting has been duly noticed and is being held in accordance with Ohio Revised Code Section 121.22 specific to recent amendments made in light of the current COVID-19 declared emergency (House Bill 197, amended by House Bill 404). Under the orders of Governor DeWine and the Director of Health of Ohio, and pursuant to Ordinance 2020-08, adopted March 16, 2020, Council is meeting remotely, via electronic means. Notice of this meeting was sent to the news media on May 14, 2021. The public was invited to view the meeting live by accessing the meeting through a link posted on the website. The public was also encouraged to view the meeting agenda and offer any comments or questions prior to 6:00 p.m. this evening to be read into the record and addressed at the meeting. Comments received in writing or electronically that were not received on time will be read into the record and addressed at the next meeting of Council.

Mayfield Village is conducting these proceedings in compliance with all applicable State Laws and regulations.

Mrs. Betsa, may I have a Roll Call?

ROLL CALL: Present: Mrs. Jurcisek, Mr. Marquardt, Mr. Meyers, Mrs. Mills,
Mr. Murphy, Mr. Schutt and Mr. Williams

Also Present: Mayor Bodnar, Mr. Wynne, Mr. Coyne,
Mr. Marquart and Mr. Marrelli

Mrs. Betsa stated, all other Department Heads are viewing this meeting virtually.

Council President Schutt stated, please remain seated as I recite the Pledge of Allegiance.

CONSIDERATION OF MINUTES:

Regular Council Meeting – April 19, 2021

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve the minutes of the Regular Council Meeting of April 19, 2021 as written.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Minutes of April 19, 2021
		Meeting Approved as Written

Special Council Meeting – May 3, 2021

Mrs. Mills, seconded by Mr. Marquardt, made a motion to approve the minutes of the Special Council Meeting of May 3, 2021 as written.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Minutes of May 3, 2021
		Meeting Approved as Written

Comments from Mayor Bodnar

Thank you, Council President. We have some good news to report this evening. We have been successful in our search for a new Building Commissioner. Mr. Daniel Russell will be succeeding our own John Marrelli. John, note that I did not say replacing, because no one can replace you. Dan Russell is coming to us from the Medina County Building Department. He has extensive experience in residential and commercial work. He will be joining us on June 1st so he will have three to four days' overlap with John Marrelli. He can learn the ropes a little bit from John and then after that he will be learning the ropes from Debbie Garbo. We will be getting a memo out to Council soon, probably tomorrow or the next day, again filling you in on a lot more details. We are very happy Dan is very qualified and he's a very pleasant, personable guy. So I think it's going to work out very well. Thank you.

Comments From Council President Schutt

Thank you, Mayor Bodnar. Our next Regular meeting of Council is on Monday, June 21st. Caucus is scheduled for Monday, June 7th. Both of these meetings will be virtual. The Governor's Order as to virtual meetings expires on July 1st. We will keep everyone posted as to whether or not that Order gets extended.

Open Portion – For Public Comment (5-minute limit imposed by Chair)

Mrs. Betsa stated, yes, Council President, I received four letters to read into the record this evening.

Gary & Christine Mikitin

Subject: Temporary Permit for MARS Electric, Expansion of Outdoor Storage, Planning & Zoning Minutes 4/15/2021 and 5/3/2021

Members of Council on the Planning & Zoning, Community Economic Development Committees, Ward 2 Representative, Mayor's office:

We are writing as future homeowners in the Montebello subdivision. We are excited to be moving from Mayfield Heights to South Cobblestone Road a few months from now. We feel there are three potential issues with the proposed expansion: Sight, sound and enforcement.

- 1) We agree that a landscaped mound topped with trees should sufficiently screen the expanded MARS' outdoor area from view, with the caveat, of course, that it is properly maintained over time.
- 2) We are greatly concerned about the potential for noise pollution, particularly in early morning, when most residents would be sleeping. We understand that MARS begins their operations at 5AM. Truck engines, safety beepers (backup alerts) on tow motors and trucks, and the emptying of the dumpsters (have you ever known a refuse truck operator to gently set an empty dumpster on the ground?) are sounds which could easily wake nearby residents. Backup beepers, an OSHA requirement for industrial vehicles, are, by their very nature, loud and shrill. Their sound will carry a long distance. This point is especially pertinent, as the open lot will be very close to a residential area. It may even be less than the 100 feet for side yard of a distribution establishment as specified in Ordinance 1173.05, Yard Regulations. Note also that Ordinance 509.03 (b) (6) regulates loading and unloading vehicles "...within 300 feet of a residential district".
- 3) Being new to the Village, we are not familiar with how strictly regulations and permits are enforced. In this case, it is known that the existing open area exceeds the original Temporary Permit granted on 3/7/2016, yet (presumably) it has been renewed every two years, in clear conflict with the last statement of the permit: "Violation of any of these conditions shall result in withdrawal of the permit".

Our suggestions:

- 1) Proceed with a development agreement to document the landscaping and screening per the 5/3/2021 Planning & Zoning minutes
- 2) Add a restriction to the replacement Temporary Permit that operations in the open area which generate sounds above ambient levels typical for that area are not to commence before 7AM (8AM would be even better, but that may be seen as unreasonable to some).
- 3) Always perform proper due diligence surrounding Temporary Permits: At the time of issuance, during implementation by the permittee and at time of renewal.

Regards,

Thomas and Cindy McLaughlin

Subject: Temporary permit for Mars Electric and expansion of outdoor storage area

Dear Members of Mayfield Village Council, Planning and Zoning Members, Community Development Committee Members, Ward 2 Representative and Mayor,

Within the next few months, we will be moving to the Montebello Sub-division from Norwalk, Ohio. We have retired and are relocating to be closer to family. Our home will be located very close to the Mars Electric facility as it is on South Cobblestone Road. We selected this lot because of the trees located directly behind our future home. We chose Mayfield Village because we wanted the small-town atmosphere we have been accustomed to while living in Norwalk.

It has been brought to our attention that Mars Electric is requesting plans to expand the outdoor storage area. This expansion has the potential to create several problems for home owners in the Montebello Sub-division.

1. The view of the expansion would be an eye-sore, however; the plan to create a landscape mound topped with evergreen trees would be acceptable and should solve this problem.
2. We would hope that this area would be properly maintained by Mars Electric to preserve the privacy and beauty of the neighborhood, however, this has not been determined.
3. The increase in noise would create a disturbance for residents, especially when sleeping in the early morning hours. It would be impossible to sleep through the sound of tow motors, truck engines, back-up alerts and emptying of dumpsters. It is our understanding the Ordinance 509.03(b) (6) specifies when it is appropriate for the loading and unloading of vehicles within 300 feet of residential homes.
4. It is our understanding that the property where the Montebello Sub-division is located has always been zoned residential, so Mars Electric should have been aware of these restrictions.

We respectfully request that the Ordinance 509.03(b) (6) as it relates to noise be strictly enforced for the benefit of all the residents of Montebello Subdivision. We feel this ordinance is very reasonable for all parties. We also request that Mars Electric maintain the landscape mound. Thank you for your consideration in this matter.

Respectfully submitted,

Robert & Linda Maskulka
6466 North Cobblestone Rd
Mayfield Village, Ohio

Subject: Temporary Permit for MARS Electric, Expansion of Outdoor Storage, Planning & Zoning Minutes 4/15/2021 and 5/3/2021

Members of Council on the Planning & Zoning, Community Economic Development Committees, Ward 2 Representative, Mayor's office:

We are writing as future homeowners in the Montebello subdivision. We will be moving from a busy, high traffic road in Highland Heights to an expected quieter location on North Cobblestone Road later this year. We have been informed by our builder, Skoda Construction, that the proposed expansion of MARS electric has potential issues and may not be in compliance to established ordinances. Refer to attachment for Ordinance 1173.05, Yard Regulations and Ordinance 509.03 (b) regulating the loading and unloading of vehicles near a residential area for specifics.

The primary issue appears to be sound. We are greatly concerned about the potential for increased noise pollution especially in early morning. We understand that MARS begins their operations very early in the morning. Truck engines, other vehicles and other business noises are sounds that could easily disturb nearby residents.

Another issue may be viewing of the proposed outdoor storage. However, we understand that a proposed landscaped mound topped with trees should sufficiently screen the expanded MARS' outdoor area from view.

Lastly, enforcement of the terms of the permit are a concern. We are not familiar with how strictly regulations and permits are enforced in Mayfield Village but it is our understanding that the existing open area exceeds the original Temporary Permit granted on 3/7/2016. It has been renewed every two years, in clear conflict with the last statement of the permit: "Violation of any of these conditions shall result in withdrawal of the permit".

We understand the involved parties are meeting regularly to discuss alternative solutions to resolve the issues. We ask that the city government include the concerns of the new Montebello residents as they review the permit for MARS Electric expansion.

Thank you,

Chris Skoda
Skoda Construction

Good afternoon, I am writing to you in regards to the Mars Electric storage area expansion that will be before you Monday night. If allowed the expansion would be detrimental to the future of the Montebello subdivision and we ask that Council consider implementing our compromise as stated in the attached letter. If a compromise cannot be reached we believe this matter should be sent back to Planning and Zoning since they were not informed of this area being used as a loading and unloading zone.

As you will see we are only asking that the current Ordinance regarding loading and unloading trucks within 300' of a residential area not be permitted before 7AM. Planning and Zoning moved this forward without the knowledge of the storage area being used as a loading and unloading zone. If Council is in any way in the mindset to approve this matter, it should be referred back to Planning and Zoning for further discussion. Should this be allowed, it will financially destroy the value of the properties at the Montebello subdivision.

Have a great day,

Mrs. Betsa stated, I also received an article from Mr. Skoda from the Environmental Health Perspectives written by David C. Holzman on *Vehicle Motion Alarms: Necessity, Noise Pollution, or Both?* I will forward a copy of this article to everyone tomorrow by e-mail.

Clerk of Council – Shred Day Event Reminder

Mrs. Betsa reported, as a reminder, Community Shred Day will go forward on Saturday, June 19th from 9:00-12:00 in the Civic Center parking lot. Call the Civic Center if you have any questions.

Department Head Reports:

Ronald Wynne (Finance Dept.) – Yes, I have several items. I just wanted to mention that the Auditor of State has signed off on our financial statements for 2020. That auditor report has been posted on our website for viewing.

Next week, I have our annual meeting with the County on the Tax Incentive Review Committee to review the performance of our five TIF Agreements. Those Agreements should go on as planned. There's nothing special with any of that.

The last item is regarding our insurance for property, casualty, crime and liability. Our insurance consultant right now is going out to market to have those policies underwritten and I hope to have

by June Caucus an estimate of what the renewal pricing would be for those policies. That's the end of my report.

Council President Schutt stated, thank you Mr. Wynne.

Anthony Coyne (Law Dept.) – I would be remiss not to address that we will be meeting to address some of the concerns raised in the public comments section concerning the Mars Electric storage area and the concerns raised by the Skoda subdivision, so we will be addressing that going forward.

Council President Schutt stated, thank you, Mr. Coyne.

OLD BUSINESS

- **Second Reading of Ordinance No. 2021-04**, entitled, “An Ordinance amending Mayfield Village Codified Ordinance Section 1501.08 Unfriendly Fires in Building; Alarm Duties.” Introduced by Mayor Bodnar. (Fire Department/Building Department) (First Reading – April 19, 2021)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance No. 2021-04 will move to Third Read.

- **Second Reading of Ordinance No. 2021-05**, entitled, “An Ordinance amending Mayfield Village Codified Ordinance Section 1183.10 Improvements to Parking and Loading Areas.” Introduced by Mayor Bodnar. (Fire Department/Building Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance No. 2021-05 will move to Third Read.

- **Second Reading of Ordinance No. 2021-06**, entitled, “An Ordinance amending Mayfield Village Codified Ordinance Section 1501.12 Conflict.” Introduced by Mayor Bodnar. (Fire Department/Building Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance No. 2021-06 will move to Third Read.

- **Second Reading of Ordinance No. 2021-07**, entitled, “An Ordinance repealing Mayfield Village Codified Ordinance Section 1383.06 Automatic Fire Detection Systems in existing buildings in its entirety.” Introduced by Mayor Bodnar. (Fire Department/Building Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance No. 2021-07 will move to Third Read.

- **Second Reading of Ordinance No. 2021-08**, entitled, “An Ordinance amending Mayfield Village Codified Ordinance Section 1383.03 Buildings and Occupancies Requiring Automatic Fire Suppression Systems.” Introduced by Mayor Bodnar. (Fire Department/Building Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance No. 2021-08 will move to Third Read.

NEW BUSINESS

- **Motion to approve recommendation from Planning and Zoning Commission concerning the temporary permit for outdoor storage for applicant Mars Electric Co. at 6655 Beta Drive as proposed with conditions. (Building/Law Department)**

Council President Schutt stated, at the request of the applicant, we would like to table this motion until a business agreement is agreed upon. May I have a motion to table?

- **Motion for further recommendations to Planning and Zoning.**

Mrs. Mills seconded by Mr. Marquardt, made a motion for further recommendations to Planning and Zoning.

Council President Schutt asked, any discussion on this for the tabling?

Mr. Meyers asked, I don't believe it goes back to Planning and Zoning does it?

Mr. Coyne replied, it does not. It would just be tabled.

Mr. Meyers stated, okay.

Council President Schutt stated, thank you Mr. Meyers and Mr. Coyne. Any other discussion?

There was none.

Council President Schutt stated, we will reword the motion, correct, Mr. Coyne? Once it comes back?

Mrs. Mills stated, I will make a motion that this recommendation be tabled and sent back to Planning and Zoning for further discussion please. Is that sufficient enough?

Mr. Coyne asked, if I can interject, Council President?

Council President Schutt stated, yes.

Mr. Coyne stated, I think based on the request it would be simply to have it tabled to meet with the parties but you could just put that it's tabled and Council will be able to take action at an upcoming meeting.

Council President Schutt stated, thank you, Mr. Coyne. So we are basically just saying that we did not have to go back to Planning and Zoning and that we will work with the parties and then bring it back to Council. So, can we have a motion to table?

. **Motion to table**

Mr. Marquardt, seconded by Mr. Meyers, made a motion to table.

ROLL CALL: AYES:	All	Motion Tabled
NAYS:	None	

. **Motion to acknowledge receipt of financial reports for April 2021 and to approve of same as submitted. (Finance Department)**

Mrs. Mills, seconded by Mr. Marquardt, made a motion to acknowledge receipt of financial reports for April 2021 and to approve of same as submitted. (Finance Department)

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Financial Reports for April 2021 Acknowledged And Approved as Submitted

Motion to authorize expenditure in the amount of \$10,906 to TruGreen for fertilization of sports fields at recreational complex. (Service Department)

Mrs. Mills, seconded by Mr. Marquardt, made a motion to authorize expenditure in the amount of \$10,906 to TruGreen for fertilization of sports fields at recreational complex. (Service Department)

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Expenditure Authorized

- **Resolution No. 2021-17**, entitled, “An emergency resolution authorizing the Village of Mayfield to enter into the Mutual Aid Agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District.” Introduced by Mayor Bodnar. (Police Department).

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adopt Resolution No. 2021-17.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Resolution Adopted

- **Resolution No. 2021-18**, entitled, “An emergency resolution authorizing Mayfield Village to enter into contract with Brandstetter Carrol, Inc. for design and construction management services for the Civic Center Renovation in the amount of \$30,000.00.” Introduced by Mayor Bodnar. (Administration).

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adopt Resolution No. 2021-18.

Council President Schutt asked, discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Resolution Adopted

ANY OTHER MATTERS

Council President Schutt asked, are there any other matters to come before Council at this time?

Mrs. Mills stated, yes Council President Schutt. John, tell me about the solar panels at Progressive. People are wondering what's going on there.

Mr. Marrelli replied, they're building a solar farm near 271. What do they want to know? Why they look the way they look or what's going to happen?

Mrs. Mills replied, yes.

Mr. Marrelli replied, the plan was taken to the Architectural Review Board and was laid out because we don't really have one. The Law Department is working on solar panel regulations. So, prior to having any laws really to enforce, we took the panels to the Architectural Review Board for the appearance out in the field. They were approved for installation.

Mrs. Mills stated, it's a shame that we lost all that green space, but I guess there's nothing you can do about it.

Mr. Marrelli stated, well, yes, the greenspace if you recall was I think par three hole and maybe part of another tee box at one time, but Progressive I think felt that they wanted to show that they could be more energy efficient and do an energy production along 271, so it's pretty much – it's going to produce quite a bit of power. You can see how many solar panels are out there and it might be one of the biggest ones in Cuyahoga County if I'm not mistaken. So they are pretty proud of the fact that they are going to generate electricity versus use it and reduce their carbon footprint.

Mrs. Mills asked, are they still going to be using that chiller plant too?

Mr. Marrelli asked, you mean the bunker? The bunker you are talking about? Yes. Everything will be used but the solar panels will produce some of the power necessary to go back into the grid. I'm not sure how many homes it would power. I don't want to dare to guess how many houses you could light up with those panels but they will be doing energy production versus energy usage with those.

Mrs. Mills stated. Okay. Thank you very much.

Mr. Marrelli stated, sure.

Mr. Meyers asked, I have a question. Is that the front yard or the backyard of Progressive?

Mr. Marrelli replied, that's the backyard.

Mr. Meyers stated, okay. I thought it was the front yard being the freeway.

Mr. Marrelli replied, no, the front yard is on North Commons.

Mr. Meyers stated, okay.

Mr. Marrelli stated, their building faces North Commons.

Mr. Meyers stated, okay.

Council President Schutt asked, are there any other matters to come before Council?

There were none.

ADJOURNMENT

Mrs. Mills, seconded by Mr. Marquardt, made a motion to adjourn.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Meeting Adjourned

The meeting adjourned at 7:28 p.m. The next Regular meeting of Council will be held virtually on Monday, June 21, 2021 at 7:00 p.m.



STEPHEN SCHUTT, COUNCIL PRESIDENT



BRENDA T. BODNAR, MAYOR



MARY E. BETSA, MMC, CLERK OF COUNCIL