

**DRAFT**  
**MINUTES OF A COUNCIL CAUCUS**  
**Mayfield Village Civic Hall - Mayfield Village Civic Center**  
**Tuesday, July 6, 2021– 7:00 p.m.**

The Council of Mayfield Village met in Caucus Session on Tuesday, July 6, 2021. Council President Schutt called the meeting to order at 7:01 p.m.

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

**Also Present:**       Mayor Bodnar, Mr. Coyne, Mr. Wynne,  
Mr. Cappello, Chief Carcioppolo,  
Mr. Russell, Chief Matias, Mr. Marquart,  
Mr. Sipos, Mr. McAvinew,  
Ms. Wolgamuth and Mrs. Betsa

**Absent:**           None

Council President Schutt stated, good evening everyone. Welcome to our first in-person meetings since March 16, 2020. It's great to see everybody in person finally since about 15 ½ months. Today is Tuesday, July 6, 2021. It's 7:01 p.m. This Mayfield Village Council Caucus meeting is being held on Tuesday as yesterday was observed as Independence Day. We have a presentation this evening, but we are going to put that to the end of our meeting. We will circle back to that.

**MAYOR**

Mayor Bodnar stated, thank you Council President. I just wanted to say I hope everybody had a wonderful Independence Day weekend and had a chance to get together with some people since we didn't have a chance to do that last year. Welcome back to being in person. I echo Steve's comments. I would like to welcome our new Service Director, Scott Sipos and our new Building Commissioner Dan Russell to your first in-person meeting. We also have our Prosecutor Mike Cicero here. Usually there's one or two other people in the gallery so hopefully they will get wind of in-person meetings and join us soon. Thank you.

Council President Schutt stated, thank you Mayor Bodnar.

**COUNCIL PRESIDENT**

Council President Schutt stated, we would like to congratulate our Clerk of Council, Mary Beth Betsa, on the birth of her grandson on Independence Day of all days. What a day to celebrate a birthday.

**DRAFT**

Minutes of the Caucus Meeting of Council  
Tuesday, July 6, 2021  
Page 2

Mrs. Betsa stated, he's our Yankee Doodle Dandy.

Council President Schutt stated, congratulations. We also have a few birthdays, Chief Matias- July 17<sup>th</sup>-Happy Birthday, Councilwoman Patsy Mills on July 8<sup>th</sup> and Councilman Denny Murphy on July 28<sup>th</sup>. Happy Birthday.

Our next Regular Meeting of Council will be on Monday, July 19<sup>th</sup> at 7:00 p.m. here in this room.

**CLERK OF COUNCIL**

. **House Bill 9 Training**

This is just a reminder that House Bill 9 Training is still mandated and required prior to the end of a Councilperson's term. If you need some information on on-line training, let me know. I am going to try to get the Auditor's office scheduled here if they are commencing in-person prior to the General Election. If that can't be done, I will be attending a session this summer. If you cannot attend a training, please designate me in your stead. Give me enough notice so we can put it on the record as required. Thank you.

Council President Schutt stated, thank you Mrs. Betsa.

**ADMINISTRATION**

Ms. Wolgamuth stated, I would like to let Council know that we are on track to go out to bid for the renovation of the restrooms and kitchen. I don't have anything from the Architect yet, but I expect to be getting information in the next 2 weeks or so and we will be out to bid by the end of the month. As soon as I get anything, I will share it with Council. Thank you.

Council President Schutt stated, thank you Ms. Wolgamuth.

**BUILDING**

There was no report.

**ENGINEER**

There was no report.

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 3

**FIRE DEPARTMENT**

Chief Carcioppolo stated, I have no report. It's good to see everybody.

Council President Schutt stated, good to see you too. Thank you, Chief.

**FINANCE DEPARTMENT**

. **Special Fund for American Rescue Plan Act**

Mr. Wynne stated, we have received some guidance from the Auditor of State as well as the Ohio Office of Budget Management. They are advising us to set up a separate fund to track the monies we will be receiving as a result of the American Rescue Plan. Those funds will be coming to us in two installments over every couple of years. It's actually a four-year time period that we have to expend those funds, so it makes sense to set up a separate fund to be able to track everything as soon as possible. We will have legislation at the Council meeting to approve the establishment of that fund.

Council President Schutt asked, are there any questions for Mr. Wynne?

There were none.

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

**LAW DIRECTOR**

There was no report.

**PARKS AND RECREATION**

. **Rookie Sports payment (Rookie Sports - \$28,500 – pass through)**

Mr. McAvineu stated, I have provided a memo on this to Council. I originally came to Council at the beginning of the year with the request, but what we didn't foresee was that in 2017 at this time of the year for youth sports, we had \$8,500 worth of gross revenue. In 2018, we had \$11,776. In 2019, we had \$21,196 in gross revenue. In 2020, we did not have anything. I did not envision this, but for 2021, we are closer to \$53,183 for youth programming. The Village receives 25% of that. I have to come back to Council for additional money to be able to pay the bill.

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 4

Council President Schutt asked, any questions for Mr. McAvinew?

There were none.

Council President Schutt stated, thank you Mr. McAvinew.

**POLICE DEPARTMENT**

**Renewal of School Resource Officer Agreement with School District for 2021-2022 school year (Resolution 2021-23)**

Chief Matias stated, thank you, Council President. Other than our presentation this evening which hopefully we will get to soon when my presenter arrives here, we have the renewal of the MOU for the Mayfield City School District for the SRO program. Nothing really changed in the MOU in the past years except for the salary that has been recalculated for the current salary schedule. We have had the SRO program at the High School for over 20 years and at Center School for the past 2 years going on their third year. It has been a great program. The SROs have done a fantastic job. We have a great relationship with the District. Again, this is just a renewal. Everything's pretty much the same.

Council President Schutt stated, I would just like to add a comment on this. We appreciate everything the Police Department and the SROs do. As mentioned, it's been a couple of years now with having a dedicated SRO at Center School. I know they did some split time between Center and the High School, so it's great with this day and age that we have it. Unfortunately, we need it, but it's great we have SROs at both schools. We appreciate everything the Police Department does for our schools.

Chief Matias stated, thank you.

Council President Schutt stated, thank you. Anything else for Chief Matias?

Mrs. Juncisek stated, I just wanted to couple that too with what Council President Schutt said. We have heard a lot of feedback from Center School and Officer Duffy is well known there. I just wanted to relay that as well.

Chief Matias stated, it's actually a tough position. Nobody really gets into law enforcement to be at an elementary school all day. I was an SRO at the High School and I can really say it's a tough position, but he's done great with it. I don't expect he will be there his whole career but we will try to make sure we keep the officers equally enthusiastic about spending time with the elementary kids. I wish them luck.

Council President Schutt stated, he has a great sense of humor with the kids. They have a nickname for him.

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 5

Chief Matias stated, I know.

Council President Schutt stated, Officer Fluffy. Again, we do appreciate all he does. Anything else, Chief Matias?

Chief Matias replied, no further report.

Council President Schutt stated, thank you Chief.

**SERVICE DEPARTMENT**

There was no report.

Council President Schutt stated, I know we had the Council President report at the beginning of the meeting, but I just want to say thanks to Mr. McAvineu and the rest of your staff for the Independence Day Celebration that we had the weekend before. The fireworks were unbelievable as usual. We saw plenty of people at the pool enjoying all the festivities that we had with the rocket car to the bounce house and Rick Smith, Jr. and the clown and face paintings. I know my kids really enjoyed it and so did the other ones who were there too. I saw some Council people there as well. It was great to see everybody. It was great to get back out too since everybody's been kind of in hiding with COVID. Thank you. Excellent event.

Mr. McAvineu stated, thank you.

Council President Schutt stated, and thank you to your staff. I know it was a lot of hard work to coordinate everything.

Mayor Bodnar stated, if I could chime in also. I was there. I enjoyed the pool with my daughters and granddaughters. It was wonderful. The fireworks were fantastic. Everyone had a great time. Thank you very much. You are back in business Shane. You are doing a great job. Thank you.

Mr. McAvineu stated, thank you very much. And it's not just the Parks and Recreation. It's the Police Department, the Fire Department and all those who helped in the Service Department. It takes a lot to put those events on. Hopefully all of you have your calendars marked for August 7<sup>th</sup> for the Centennial Party. It's going to be a great night. Make sure you get people down there. We will have fireworks again. It's going to be a good evening. I appreciate everybody's support.

Council President Schutt stated, thank you as well.

## **DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 6

### **. Presentation by Dorian Grubaugh of Sensys Gatso Group regarding Photo Enforcement Program**

Council President Schutt stated, Chief Matias, it's my understanding that we have a presentation from a representative from Gatso who is going to present the photo enforcement program. Mayor Bodnar also mentioned that Prosecutor Cicero is in attendance as well. Thank you for coming to respond to any questions anyone might have. I will turn it over to Chief Matias.

Chief Matias stated, thank you Council President. I know in your last Council packet you got a letter I wrote talking about the Photo Enforcement Program. This started about a year ago for the Police Department. I actually received an e-mail when I learned, I didn't know this before, ODOT has an automatic traffic recorder on 271 just north of Highland Road for engineering. It's called an ATR. What the ATR records is it monitors speed and volume of traffic. I can log in. It's actually public, anybody can log in. You can see the speeds and the volume 24/7 for the past couple years broken up into 15-minute increments. When I started looking at the data, comparing the data from 2020 against 2019, I could see that there was a clear increase in speeds, including a significant increase in people travelling at higher speeds. Anybody who regularly has been driving on the freeway over the past year, we have this little COVID effect where the speeds and aggressive driving has increased exponentially. The numbers I have been looking at over the past year, the speeds of 85 and above on 271 have increased 100%. The amount of cars that have been driving that speed has been very concerning. In January, we began to do details during rush hour where the officers would sit up there and do traffic enforcement northbound on 271. We would also watch the ODOT traffic monitor to see the impact from that. Since January, we have issued nearly 200 speeding tickets on 271. The average speed that we have right now is 88.9 miles an hour. This is a 60 mile an hour zone. In the 20 plus years that I sat out there and did traffic enforcement on the freeway, we would get 80's. Every once in a while, you would get a 90, 100. Now it's regular. This is at all times. Speeds are really unsafe especially during rush hour for our officers. It's dangerous because if you are doing a traffic stop on SOM or you are doing a traffic stop on the freeway when you don't have high volume, it's not that difficult for an officer. Imagine sitting in a fixed position and you have a car go by at 90 miles an hour, you have to pull out from a dead stop, get your speed up, navigate the traffic to try to catch this vehicle before it gets to the Pennsylvania border. It can be dangerous when you have a high volume of traffic and the officer has to navigate through it. Heavy traffic enforcement during rush hour isn't very common. On top of it you have to do the traffic stop on the roadside with all this traffic going by you. One of the things we noticed watching traffic monitors is when the officers did traffic stops, all of the speeds were going back up. It wasn't acting as a deterrent, it was more like oh well, they go somebody so we can speed back up. Nobody moves over. Nobody slows down even though you are supposed to.

We started to think what we can do to keep it safer for the officers to kind of get people to slow down. We look at photo enforcement as a supplement to, not a replacement for, traditional enforcement operations. We are not going to be doing this on SOM or Wilson Mills or on the side streets. We are not going to be doing it 24/7 on the freeway. We are still going to be doing our traffic stops. We are still going to be writing tickets. Now we are going to supplement the

## **DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 7

program to try to have it be safer for the officers and try to provide a strong deterrent effect by increasing a driver's perceived likelihood of being cited for speeding. That's really what it comes down to. By having a photo enforcement program, the people who regularly drive 271 especially morning and evening rush hour will have the mindset that if I go through here speeding, I am going to get a ticket. They are going to slow down. That's what we want. It will also help when the conditions, such as rush hour traffic, make it dangerous for the police vehicles to try to enter the traffic stream and stop suspected violators. Both of those reasons that I talked about are also lined out in a Department of Transportation report they did about using speed cameras. Again, they kind of emphasize that they are not meant to replace, they are meant to supplement and to give the mindset of a perceived likelihood you are going to get a ticket and the fact that it will be safer for the officers.

What I am proposing is a photo enforcement program in Mayfield Village to operate on 271 during times of high traffic volume and high speeds. This will give the motorists a perceived likelihood of a citation which would act as a deterrent to unsafe speeds and be safer for our officers to conduct a traffic enforcement during a high volume of traffic. Again, I think what really sets our program apart is having that ODOT traffic monitor. Again, I have the numbers. I have the data to show what's happening and hopefully show what the impact would be from the program.

Tonight, I have Dorian Grubaugh, a representative from Gatso to come up and do a presentation about his company. The reason we chose Gatso, there are several companies out there that do this, but Gatso by far in the research I did has the best reputation for this program nationwide, not just here in Ohio. I talked to some departments who use them and again, there was fantastic feedback about them.

I also have Mike Cicero, our Prosecutor, here. For those who don't know, Mike actually has participated in quite a bit of legal stuff with our traffic camera enforcement.

Dorian, why don't you come on up and do your thing and then we will just open it up for any questions or comments anybody has.

### Dorian Grubaugh

Sensys Gatso Group

I am the National Sales Manager for Sensys Gatso USA which is the North American arm of the Sensys Gatso group, a worldwide company.

A little background on me. I am former law enforcement. I retired in 2012 from a police station just outside of Cincinnati. I have been doing photo enforcement work ever since.

To give you a background on Sensys Gatso, we have been around since 1958. We were founded by an engineer who happened to be also a rally race car driver. He had a timing device that measures speed. He was asked by the Dutch government for a camera to be placed with that.

## **DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 8

That's actually how photo enforcement was brought about. 1960 was the first speed camera. Six years later, they put out the first red light camera. I only say that we like to give you our history is because we are the founding company that brought this technology. We have had that in business ever since 1958.

We are as the Chief pointed out worldwide. We are in over 60 countries. We have over 50,000 installations worldwide. We are 63 years old. You don't really get to that age with success without understanding what exactly you are doing. We also worked with the Swedish government on the actual first Vision Zero program.

Chief Matias is talking about enforcement on the highway. That's semi-targeted enforcement on the highway. People will gain compliance at a pretty decent amount with their driving behavior even though you are not running a camera all the time. When the Swedish government first put it in, I think they had 400-500 cameras. They were never on all day. Each camera is only on a couple of hours here and there but you never know which camera is on or when. You kind of watch your driving as you were 16 again and your hands were on 10 and 2.

We also have programs throughout the United States. We have offices from Arizona to Boston. I am a local representative down in the Cincinnati area. We have several programs up here in the Cleveland area. Most recent would be the City of Parma. It's a school zone program.

What a program looks like that we are talking about tonight is a camera program. It's a turnkey program so what we deliver is the product for a handheld unit in this case. We will process all of the images that are downloaded from that unit, all the violation packages. We will put them into a citation format. Police are always on the trigger. They are actually capturing each violation but they are also again going behind that and checking off that the ticket that has been produced by our company is accurate as with the camera. An officer is accepting each ticket before it gets mailed to the registered owner. With the handheld, you have two signatures. The officer that's running the camera, as well as the officer who approves the ticket. It's in the law enforcement's hands and it's at their discretion.

We also take care of fine collections and finance management as well as customer service. Now I will say some of that, depending on how the municipal court runs, Garfield Heights, Newburgh Heights and Walton Hills only hears cases that want to go to court. That's the only ones they are in charge of whereas if you go to Parma, the Parma Municipal Court wants everything. So, when the ticket goes out, they send them the entire case file. Most people will be like Garfield Municipal, like we are doing with Norwalk where if somebody wants to request a hearing date, instead of what it used to be where they would go before a Hearing Manager, they will now go to the local municipal court. We take care of all of that from start to finish. The police are involved with enforcement and approval of citations.

We are not in charge of anything. We are actually just managing and working for you so your program is an undue burden on your already existing staff. You don't have to wonder how many people you have to hire to conduct your program. We have a finance department. The money



## **DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 9

would all go into an escrow account. We are managing the money on a daily basis from fines collected, just like any municipal court would. Twice a month we send you reports on all of the money collected.

With customer service, they are taking all of the calls. We have a call center to help them with questions, or to schedule their court dates, or pay their fines. That's what would happen here.

As far as the technology, it's DragonEye technology, a handheld laser. I am sure you have all seen the police out in the highways or on the roadways and have seen them sticking their gun out the window and pulling the trigger to get speed. That's all this is, a standard DragonEye technology laser unit with the bulky thing on the right being the camera which captures and makes visible all the pictures for enforcement. This can be run from anywhere. It can be run from outside the car or inside the car. Newburgh Heights runs it right through the fence down on to the interstate in both directions. It is a handy tool. A lot of officers are struck on the interstate. That's why Newburgh Heights went to this unit specifically. In other States, traffic units are switching to this so their officers don't have to make every single traffic stop on the interstate. This gives them the option.

With each violation that they capture from the dragon cam, there will be two still images of the violation and a close-up of the license plate. The red box that you will see on the car is actually a box showing exactly where the officer put the laser beam on that car when they pull the trigger.

A dragon cam is different than the normal regular unmanned photo enforcement camera in that you can actually shoot the target from the front of the car. Under Ohio law, automatic photo enforcement is an automatic system that automatically takes the speed of a moving object and captures it. This cannot do that. This can't do anything until the officer gets the vehicle and puts a red dot on the target. Therefore, it is not an automated photo enforcement program.

The records management system is called Xilium. This is the system that police will log in to check off and approve all of the citations. It's the exact same system finance will log in to see anything that has been paid or anything is outstanding. In the days old, if you had an administrative hearing process, this is where the hearing manager would be. It's where the clerk would schedule all of the hearings. This is where people would register for court. Also, within this system, every ticket is broken down like an individual case file. Each of those documents is with your ticket. When we send out the initial notice, that file's in that jacket. If they didn't respond, we send out a second one within that packet. If someone calls and asks a question, the call is logged, including what they asked about. All calls are recorded. They can review the calls with us and the company can decide what action to take. Everything is transparent as far as the evidence and pictures. It's the exact same thing that the person that gets the ticket will see on their end when they log in to the citation packet.

Our processing timeline is as follows. On day 1, we capture the event. We process it on day 2. Day 3-4 the police review and approve. The minute the police officer hits approve on a ticket, we

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 10

mail it out the very next business day. So, there's a 7-day timeline. The State of Ohio only requires by law that it is mailed out within 30 days of the violation.

Our system does do a lot of management reports. There will not be quite as many with the handheld. The police will get a report before every Council meeting. They can provide to Council how many tickets have been issued in the last month or last couple weeks. They can also provide the range and speeds. They can provide information on money received from fines and fines that are outstanding. All of the data and information is provided.

We send out correspondence. We send out a first notice. We send out a second notice if they have not responded. We then send it to collections. If someone requests a hearing, they will get a piece of paper letting them know they have requested the hearing, what has been requested. If they are found not liable or not guilty, we provide a piece of paper saying that. If they are found guilty, they will receive a piece of paper saying how many days they have to pay it. Once they pay it, we send out a separate receipt. Everything is transparent.

As far as payments go, most things are by credit card these days, so a lot of payments can be paid by phone or on-line. For people who like to send checks, we take care of that. Any time we receive correspondence from an individual, the envelope is opened and the contents are scanned in. You would see whatever has been received or sent to them to be pulled up by the Chief.

Our customer service center provides assistance to people with questions or to see what their options are. They also receive assistance in payments over the phone. It's a full call center. It's all in-house, all our employees. Due to COVID, we have a satellite site. The representatives are trained by us to deal with calls.

The on-line payment program will allow a person who receives a notice in the mail to be able to see everything; the same pictures, the process, the ticket. The same information the police have is what they will see. They will also be able to fill out a form to transfer the operator of the vehicle. They will be able to view your ordinance. Everything is customized. We would partner with you to make whatever traffic situation you are trying to get under control safer.

I tried to give you a general overview on this. I welcome any questions.

Mr. Meyers asked, who owns the cameras? We do, or you do?

Mr. Grubaugh replied, we don't even own them. Dragonite Technology owns them. We have insurance on them. The program will not cost you a dime. If the laser is broken, it will be replaced. The only caveat is if it is abused. Outside of that circumstance, everything is taken care of either by us or them.

Mr. Meyers asked, how does the percentage work for the fines?

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 11

Chief Matias replied, in order to get the program going, we will have to do two things. We will have to pass an Ordinance and we would have to agree to the Customer Agreement. We have a draft of the Agreement. If we wanted to move forward with them, we would have to hash some things out. As far as the current Agreement, it's 33%. If it's \$100 fine, Gatso takes \$33.

Mr. Murphy asked, you said that there are going to be two officers' signature on the ticket, one who shot the laser and the other one who approved it. In what situation would that second officer be comfortable enough to approve the ticket if they didn't shoot the laser?

Mr. Grubaugh replied, that's a great question. The officer who shot the laser signs it saying that I operated it, saw the vehicle, it appeared to be going over what I believe was the posted speed limit. I pulled the trigger to verify it and I approved it out on the field. The second officer is approving it to be mailed. All they are approving is the registered owner information that we bring them matches up with that car. The location is reviewed. All they are approving is that they matched everything up right. This is okay to mail.

Mr. Murphy asked, so there's an approval process on the officer that shoots the laser?

Chief Matias replied, what would happen is when the officer is done doing his detail, he will come back to the station and download all the data and then we would set up a program where I would have a couple officers specifically tasked with reviewing and making sure the plate matched the vehicle, the plate matched the registered owner's information. If it's a partial plate you can't read, and it's close enough, we will send it out and see if they pay it. It's a second process so that the only tickets we are actually mailing out are ones that we are 100% sure that we have a clear plate and everything matches before it goes out so that we are not sending out a lot of mistakes. That's what the second part would be for.

Mr. Murphy asked, so after it gets uploaded, is there an approval process for the person who shoots the camera?

Mr. Grubaugh replied, when they go out, they actually type in their location. They confirm the speed. When they pull the trigger, they will now when they have an actual violation. They will see the speed.

Mr. Murphy asked, so then it's a couple days later from the second approval process?

Mr. Grubaugh replied, right. We process it from there and then it goes to you. You are confirming everything.

Mr. Murphy asked, who sets the violation for miles per hour?

Mr. Grubaugh replied, the Police Department.

Mr. Meyers asked, what if it's not the vehicle owner?

## **DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 12

Mr. Cicero replied, there are three things the motorist can do as a registered owner. They can just pay the ticket. They can say, hey, it wasn't me. The second part is called the transfer of liability. There's a notice on the back. The owner of the vehicle says, I wasn't driving, it was probably my kids driving or maybe your wife was driving your car. You fill out the transfer of liability form and send it to Gatso. The third thing you can say is, I want a hearing. That's the big conundrum. I am lead counsel for Newburgh Heights. There's litigation between Dayton, Akron, Toledo, Newburgh Heights and Cleveland. Dayton and Newburgh Heights are before the Supreme Court. In August we are going to argue before the Supreme Court on various issues. Dayton went before the Court of Appeals. Dayton won. They were trying to abridge home rule. The one thing we can't get around is if someone contests a case it must be heard by a municipal court. You can't have an administrative hearing process. I have spoken intensively with Judge Coletta. His filing fee is going to be like a small claims case. His filing fee is going to be \$150. The ticket is \$150. In Newburgh Heights, the most number of citations they were ever able to write on 77 was 600. The evidence that is in the record is that this system, with the handheld unit on 77, they wrote 9500 tickets.

Mr. Grubaugh stated, in the Cleveland area, speeds are tremendous. The speed limit is 60. Lindale took out a camera just try it out once and they had to give it back. They put a car out on the highway and stood there facing the traffic and some speeds were around 80.

Mr. Cicero stated, it's been a very good enforcement tool in Newburgh. Walton Hills has it as well. Parma Heights has it at the school zone.

Mrs. Jurcisek asked, how does this impact other citations, such as someone's intoxicated or something else where someone is originally stopped for speeding but then there's something more? How does that impact?

Chief Matias replied, that's why we are targeting the volume and speed time. As an example, we had talked about some of the speeds. This is one of the breakdowns from a 24-hour period. I did this last month on a random day. From 5:00-6:00 p.m., there were 65 cars that went 271 northbound at 85+. If I have an officer up there doing photo enforcement, at 85+, we could have shot 65 cars in an hour. During that same period, if we had an officer up there, maybe they could do three or four traffic stops. When we started looking at this program, I will be honest with everybody, we are probably not going to have an officer up there, so the tickets that are going to be made from the photo enforcement we wouldn't get at all because it's just too dangerous to try to do regular enforcement during rush hour. That's why we are targeting it. I am not going to have the guys up there at 1:00 on a Saturday doing photo enforcement. They are going to go out at 11:00 at night for that and other violations. This is probably one of the more conservative programs you are going to have. We never really talked about numbers or even projected dollars because I don't care. The idea is to get, especially morning and evening rush hour, speeds down.

Mr. Meyers asked, do you have to do signage for the photo enforcement program, coming or going into the Village?

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 13

Mr. Cicero replied, if you read the Revised Code, you do. However, in the infinite wisdom of the Ohio legislature which Dorian alluded to, the current law only applies to automated programs. State law does not apply to manned cameras.

Chief Matias stated, and actually ODOT won't let us put signs out because they are very picky about the number and need for signs.

Mr. Meyers asked, so is it different on the interstate than on the Village roads where they are doing the cameras?

Chief Matias replied, the difference we are talking about is fixed which are automated hand-held.

Mr. Meyers stated, I mean the manned cameras in the Village.

Chief Matias replied, I don't know. We are not doing it here.

Mr. Cicero replied, legally you can do the handheld without any signage.

Mr. Meyers asked, how will people know you are doing it then?

Mr. Cicero replied, they would see you.

Mr. Grubaugh stated, if they were driving there regularly, you would know. If for some reason, the program has to change, you call me and say we've got some citizens calling on this, we are happy to send you the signs that go before the entrances. We provide a lot of signage.

Chief Matias stated, Mr. Meyers, this is in the early phases. What we would do is put together some type of public awareness campaign. We would do a press release and put something on our social media to try to get the word out with why we are doing this. I would assume that the majority of drivers in morning and evening rush hour; it's the same people every day, so once the word gets out that we are doing this, hopefully we are impacting the majority of drivers who come through every day. At some point we would think they will get wind of it. When they get their first ticket, that will let them know. The program we are doing is going to be targeted to people that I would have absolutely no regret about having them get a ticket. It actually helps them out because it's not going to cost them points or bring up their insurance as opposed to a speeding ticket for 102 miles an hour. It's going to be a lot more expensive to them and hurt them a lot more. I would be the first to say that I never thought I would support a program like this but now that I see the speeds and the impact I think it could have.

Mr. Meyers stated, you understand my question. I see it every day too.

Chief Matias agreed. Everyone who drives the freeway sees it.

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 14

Mr. Cicero stated, my only concern with the way that the law is, it's not applicable to this program except for the fact that is if we actually go forward with a hearing and the Village provides the photo and the file, there will be a judgment. Lyndhurst Municipal Court is a court of record. If you go forward and lose, you will have a monetary judgment against you which means your credit rating is affected. I will tell them this. They could pay the fine through the portal and the case is dismissed. The credit is not affected.

Mr. Coyne asked, I have a few questions. First of all, I want to make sure of this. 33% is the citation fee you would charge. Is that what you said?

Mr. Grubaugh replied, usually it's a percentage or a dollar amount, whichever is higher.

Mr. Coyne stated, the one I have is 38%. That's why I wondered. It's a big difference. We will need to verify that. Then, there's \$1.35 charge on subsequent notices?

Mr. Grubaugh replied, yes, that's if we send the second subsequent notice. The first notice that goes out is not actually the first notice. It's the notice.

Mr. Coyne stated, okay.

Mr. Grubaugh continued, the second notice that goes out is included. If you elect to have a third notice, that's when we add the \$1.35 charge. Two notices are included for the 33%.

Mr. Coyne stated, okay. So, take me through the collection process? If you write 1,000 citations, what's the collection rate on that without having to do anything with the court, do you have any idea?

Mr. Grubaugh replied, I think between 60-68%.

Mr. Cicero replied, when House Bill 62 was passed, it was 60%.

Mr. Coyne stated, okay. Can you just take me through the process of collections? If it's a collection process, it's not a prosecution, but when you go after folks, are you going to pursue a collection of \$150.

Mr. Grubaugh replied, we don't decide that. That's up to you. You decide if you would like to pursue collections after the second or third notice. The collections fee is on top of the standard 30%. It gets tacked on top of. So, a fine of \$150 we get 30%.

Mr. Meyers asked, if it goes to collections and lingers, does the State do any type of suspension of licenses?

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 15

Mr. Grubaugh replied, no. States commit themselves with their legislation. It might happen in the future. They could consider withholding license plate renewals in the future. As of right now, there's nothing.

Mayor Bodnar asked, you said that with these tickets, if you don't pay them, you are affecting your credit rating, right? So normally you need a civil judgment against you that you owe money in order to go on your credit record. So, when does this become a civil judgment against you? If you get tickets and you don't request a hearing, how do we reduce that or do we need to reduce it, to a civil judgment in order for it to affect your credit?

Mr. Cicero replied, under the old law, the mechanism of having an administrative hearing and leaving the municipal court out, it wouldn't be a judgment against you unless and until it was either sent to a collection agency and they report it to a credit bureau or a municipality actually sued, typically in small claims. Under the current law, anybody who pays a ticket, it gets record. You admitted liability. If you contest a case in the municipal court, and Judge decides against you, there's a judgment against you.

Mayor Bodnar asked, so if you get a ticket in the mail and you don't contest it, but you don't pay it?

Mr. Cicero replied, then it just goes to collections.

Mayor Bodnar asked, but that won't go on your credit, right?

Mr. Cicero replied, not unless the collection agency sends it to a credit bureau.

Mayor Bodnar asked, and what's the basis for them to do that? Because there's no contract like I have a contract with a credit card company. So, what would be their basis for them to do that?

Mr. Cicero replied, I haven't delved into that. I could not tell you specifically.

Chief Matias stated, I know that was a lot for everybody and I appreciate the discussion about it. Again, it's kind of something we started working on a while ago with my two friends here who have done more work than I have on it. I appreciate that. I appreciate them coming. Again, the next step to move this program forward is we have a Customer Agreement with Gatso and we have an ordinance that will need to be passed which at some point we will bring before Council. If you have any more questions or you think about anything, please feel free to call or e-mail me and let me know. We are looking at what I believe is a public safety issue on our freeway. People should be able to feel safe driving to and from work and letting their kids drive to Lakeland or wherever they need to go, or having our grandparents driving up on the freeway without the aggressive ridiculous high speeds. I have been working those freeways for over 20 years and I have never seen anything like our folks are dealing with right now. I don't even drive the freeway anymore. I would like everyone to consider this. I think it would be a good way to try to address some of the problems.

**DRAFT**

Minutes of the Caucus Meeting of Council

Tuesday, July 6, 2021

Page 16

Council President Schutt asked, are there any other questions at this time?

There were none.

Council President Schutt stated, thank you Dorian. Thank you for the presentation and all of the information. Thanks Chief. Thank you, Mike, as well. And thanks to everyone else too for the great questions.

**ANY OTHER MATTER BEFORE COUNCIL**

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

There were none.

Council President Schutt stated, thanks everyone for attending. It was great to see everyone in person.

There being no further matters, the meeting concluded at 8:08 p.m.

Respectfully submitted,

Mary E. Betsa, MMC

Clerk of Council