

DRAFT
MINUTES OF A COUNCIL CAUCUS
Mayfield Village Civic Hall - Mayfield Village Civic Center
Monday, April 4, 2022 – 7:00 p.m.

The Council of Mayfield Village met in Caucus Session on Monday, April 4, 2022. Council President Schutt called the meeting to order at 7:10 p.m. following the Special Meeting of Council to honor Lillian “Patsy” Mills.

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

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

Absent: None

PENDING LEGISLATION

- **Ordinance No. 2022-02**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Chapter 147 Commission on Aging.” Introduced by Mayor Bodnar (First Reading – February 21, 2022; Second Reading – March 21, 2022) (Administration).

Council President Schutt: Any questions?

Ordinance 2022-02 will be on Third Read at the Regular Meeting of Council on Monday, April 18th.

- **Ordinance No. 2022-04**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Chapter 1519 Fireworks.” Introduced by Mayor Bodnar (First Reading – March 21, 2022) (Fire Department)

Council President Schutt: Any questions?

Ordinance 2022-04 will be on Second Read at the Regular Meeting of Council on Monday, April 18th.

- **Ordinance No. 2022-05**, entitled, “An ordinance enacting Mayfield Village Codified Ordinance Section 1383.06 Automatic Fire Detection Systems.” Introduced by Mayor Bodnar (First Reading – March 21, 2022) (Fire Department)

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Council President Schutt: Any questions?

Ordinance 2022-05 will be on Second Read at the Regular Meeting of Council on Monday, April 18th.

MAYOR

I have nothing this evening. Thank you, Council President.

Council President Schutt stated, thank you, Mayor Bodnar.

COUNCIL PRESIDENT

I would like to wish Mr. McAviney a Happy Early Birthday. His birthday is on April 23rd.

The next Regular Meeting of Council is scheduled for Monday, April 18th immediately following the meeting of the Mayfield Community Improvement Corporation at 7:00 p.m. in Civic Hall.

**COMMITTEE
REPORTS**

Citizen's Advisory Committee

Mr. Williams stated, thank you, Council President. Good evening, everyone. My report is based on the Citizen's Advisory Committee that started the new year in 2022 and one of the first things discussed was the Committee wanted to be more advisory versus just receiving information that's going on in the Village which has been the practice in the past. We took them up on it and provided a topic to provide advice back to Council. That topic was reviewing the compensation package and criteria for the position of Mayor and position of Council representatives. This is a topic that has come up over the past six years twice, maybe three times, but for different reasons has never moved forward for official review or vote to change compensation for the position of Mayor and the position of Council. So we asked the Citizen's Advisory Committee to look at and provide feedback to Council on what could be done in the area of compensation for these two positions of responsibility. That's what they did. Over the last three months, three different meetings, we have talked about compensation for the position of Mayor and Council from the standpoint of receiving questions and then providing answers back to the Citizen's Advisory Committee. It was a great give and take on personal feelings, on business perspectives, from across the Village. The Committee is made up of residents from all four Wards. It really provided a great conversation about what has happened and what should happen going forward.

At the last meeting, the Citizen's Advisory Committee endorsed that Council should proceed with legislation to provide a compensation change for the position of Mayor and the position of Council.

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It was a unanimous vote based on the conversation, dialogue and feedback between residents and members of Council who were participating in this.

I wanted to update Council that we now have the responsibility of writing legislation as I understand it. Council, based on our Charter, is the only scenario where compensation can be changed through legislation. That's step one. Step two is if that legislation passes Council, it has to go to the voters. It's a two-step process. Legislation has to be written. If approved, legislation has to be voted on. What we've outlined tentatively is to try to do this this year to be on the November ballot in front of the voters for a compensation change for the position of Mayor and the position of Council. Which means we've got to get busy if we're going to do this. I personally have not written legislation, but hopefully as a team, we can accomplish this and meet the pending deadlines that we have to meet to make it happen in November. I am going to stop there for a second and see if there are any questions of my fellow Council members on where we are and how we got here.

Mr. Meyers stated, basically all we have to do is write the Ordinance and then vote on it to get it on the ballot.

Mr. Williams stated, I agree. So we have to write the Ordinance, correct. I am not sure of the steps involved, but I think we can learn quickly enough to make this happen.

Mrs. Jurcisek stated, as the other Council representative for the CAC Committee, I have reached out to Ms. Calta and we will talk about it further. It was just all very last minute. It's to what the various options can be for that. We will continue discussions.

Mr. Williams stated, I am going to make an assumption that the first step would be Executive Session. If that isn't the proper session, my thinking is that we want to share with you what happened in the Citizen's Advisory Committee meetings to bring you up to speed with what happened and what the conversation was in order to help understand what we have done and said so far so we can move forward with the proper legislation.

Ms. Calta stated, I think that George is doing a good job. I did talk with Jen just briefly. I did go over a couple of nuances to give accurate guidance on the next steps and the timeline. We can put the legislation together pretty quickly, but we need to know what is in it. Probably the next step is to schedule a meeting of Council to discuss it, if that's at the next Council meeting, we carve out some time. You are looking to get this at the Board of Elections by August.

Mr. Williams stated, August 10th.

Ms. Calta stated, so if you are looking at three readings of legislation, it would be May, June and July. You can make that date without needing to schedule special meetings. You have a good amount of time but not a lot.

Mr. Williams stated, thank you. Any other questions or thoughts?

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Council President Schutt stated, I was at the Citizen's Advisory Committee meeting as well. As Councilman Williams mentioned, it was unanimous. Everybody was in favor of moving forward. I feel that we should act as quickly as we can to make sure that we can move forward to meet the deadlines.

Mr. Williams stated, great. Thank you. End of report.

Council President Schutt asked, are there any other questions or comments?

There were none.

Council President Schutt stated, thank you, Councilman Williams.

ADMINISTRATION

. **Mayfield Community Improvement Corporation ("M.C.I.C") Annual Review of Incentive Agreements (immediately before the Regular Council Meeting on March 21, 2022 at 7:00 p.m.)**

Mr. Marquart stated, thank you, Council President. We do not have an update on the remaining tax incentive agreements at this time. I think we should still hold the April 18th MCIC meeting date and hopefully by then we will have adequate updates with respect to return to work and one company being acquired. If not, perhaps the recommendation from staff at that point. I hope this isn't the case but perhaps our recommendation at that point would be to postpone for one more month.

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

There were none.

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

. **Neighborhood Sidewalks**

Ms. Wolgamuth stated, good evening. Thank you. I provided Council with a memo on neighborhood sidewalks and I apologize because I do tend to be wordy, but I would like Council to have some history about how we got here and why we are making this proposal to Council. If you read through it, what we are saying is that we are not having residents be responsible for sidewalk blocks that have been damaged by tree lawn tree roots. The Village would be responsible for that. When there are blocks that are not caused by that, the residents would still be responsible for those blocks but they would be able to get our price. We would hire a contractor to do the entire neighborhood and then we would tell the residents what blocks they owe the Village and then we would ask that they pay that amount before the contractor came out to do the repairs. We

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have not done it this way before. I think this will be a good test if we did the Aintree Park neighborhood this year and then Aintree North needs to be done as does Sandalwood which are the only neighborhoods that have sidewalks. So if Council is inclined to go ahead with that program, we would just be asking for an authorization to go to bid so that we could get pricing and then start the process with residents.

Mr. Meyers asked, if the residents cannot afford it, is there a way we could be able to work with them?

Ms. Wolgamuth replied, we thought people will be excited to be able to jump into this program because we think residents are having a hard time finding a contractor who will just do a couple of blocks. If they choose not to, what we were saying in the letter is next year we would go through the process. If we went through the process that's in the ordinance, it would get assessed on their tax bill and then they would be able to pay it over time. So if they don't do it this year then we will go through that process but rather than do that with everybody, we thought a lot of people might voluntarily jump in and just do the program with us.

Mrs. Jurcisek asked, how many houses?

Ms. Wolgamuth asked, Scott, how many houses?

Mr. Sipos replied, I am not sure.

Mrs. Jurcisek stated, that's okay. I was just curious. I saw the blocks. I just didn't know how many individual residents were impacted.

Ms. Wolgamuth stated, so for now we will just send the letters to the Aintree Park neighborhood.

Mr. Meyers asked, Aintree North or Aintree Park?

Ms. Wolgamuth replied, just Aintree Park this year because that's all we budgeted the money for. If it goes successfully this year, we can do Aintree North and Sandalwood next year.

Mr. Meyers asked, which ones are the worst?

Ms. Wolgamuth replied, Aintree Park.

Mr. Meyers asked, how do they adjust the trees? If they fix the block and they cut the roots out. Is that going to hurt the trees?

Mr. Sipos replied, no. It won't hurt the trees. We will put them on one side. We put them on a piece of stone down as deep as you can. Then that will allow the roots to come back and hopefully get rid of the problem. But if we have to cut the roots out, that's a problem.

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Mr. Meyers asked, so it won't affect the trees and later we will have to go and replace the trees?

Mr. Sipos replied, it may. It's hard to say. There are two trees in particular that might be affected because they are next to the apron. We are going to be cutting those roots. We will do the best we can to keep them alive. Any other questions?

There were none.

Council President Schutt stated, thank you Ms. Wolgamuth. Thank you, Mr., Sipos.

CLERK OF COUNCIL

Mrs. Betsa reported, House Bill 9 trainings are ongoing. I also received a schedule for the 2022 Summer Regional Conference series with OML. Most of Council went to the last one a few years ago. It was a one-day training session with Legislative Updates, Ethics, Public Record, Home Rule, Economic Development. What was most informative were the questions and answers from other Council and meeting other Council people. I will send this information off to everyone. It looks like the closest one for us is on June 10th at Sheraton Suites in Cuyahoga Falls. Let me know if you are interested in attending again.

Council President Schutt asked, any questions for Mrs. Betsa?

There were none.

Council President Schutt stated, thank you Mrs. Betsa.

ENGINEER

• Mayfield Village Storm Water Management Plan OHQ000004

Mr. Cappello stated, thank you, Council President. I just wanted to update everyone. About every five years we have to update our Stormwater Management Plan. That was done. We submitted it last Friday. I will have to put on the agenda a Resolution that Council accepted it. If anyone wants to see a copy of the Plan, I have it. It's thick. And then as part of this year's permit process, they do require us to update three of our Ordinances, our Erosion and Sediment Control Ordinance, our Comprehensive Stormwater Ordinance and our Illicit Discharge Ordinance. I will be bringing that to Council in the next coming months.

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

There were none.

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

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FINANCE DEPARTMENT

- **Additional payment to Worker's Compensation (\$26,379) resulting from recalculation of 2022 Estimated Annual Premium (Finance)**

Mr. Wynne stated, we received a notice from the Bureau of Workers' Compensation about an additional amount due for the 2022 estimate of \$26,379. The reasoning for this notice and my understanding is that it has impacted both private and public employers, is that because payroll dollars were so up and down throughout the COVID period they didn't know what would be a good baseline to start measuring the estimate for the 2022 payroll. For some reason, they went back and they used 2017's payroll. I confirmed the numbers that they did in fact use that number. Once they got our true-up calculation in January and our actual payroll for 2021, they realized how far off they were and instead of waiting until the end of the year to make adjustments, they decided to make the adjustment at the start of the year. So that's what the additional premium is. It is due on April 20th.

- **2021 Village Audit (Treasurer, State of Ohio, Keith Faber, Auditor - \$13,407)**

Mr. Wynne stated, our 2021 audit has started with the Auditor of State. If you recall, for the past 10 years we have been audited by an independent public accounting firm at the State's direction because they were focusing on larger audits. But by law, they can only allow an independent firm to do the audit for 10 years and then they have to pull it back into the rotation, so this is the first year that we are being audited again by the State. They have been in the office doing their field work. They estimate to complete their fieldwork sometime this month and have the audit report completed by the end of June. The cost of that audit is \$13,407 which is very comparable to what we have been paying the independent firm.

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

There were none.

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

FIRE DEPARTMENT

- **Purchase of chase vehicle (\$47,228.00 - State bid)**

Chief Carcioppolo stated, thank you. I just wanted to touch base with you about the chase vehicle. I spoke with Ron earlier. The State bid pricing has not been released yet for 2023 vehicles and I am having Chevy look for any available vehicles. All of the 2021 and 2022 vehicles are gone. You can't even order a 2023 vehicle yet. I also had Ford look for similar vehicles. They don't have any. So ordering is very difficult. There is no State bid price. The guy did this price based off of one of the last State bid prices. He said that they would beat the State bid price by \$200. That amount would not exceed what's on here. It's kind of a pickle to find a vehicle right now.

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I also wanted to thank Ron. Ron and I talked about it earlier. He is on it, so you should all thank him because he's in it to win it with everything. He picked up on all that. So, good job Ron. I just wanted to make sure everyone understood that it's not State bid. The price is \$47,228. The actual vehicle sale price is \$35,967. This is including the having the package for the vehicle. Are there any questions?

There were none.

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

LAW DIRECTOR

. **Progressive Retaining Wall Easement Agreement**

Ms. Calta stated, thank you. I wanted to update you on the easement discussion. We have an access retaining wall easement for the Progressive Drive retaining wall. It was constructed in 2021. Because it's within the Village's right of way, we agreed to do this easement where the retaining wall would be the responsibility of Progressive but we will permit it to be there. The long of short of it, the easement that we have with Progressive, they reviewed it and signed off on it. Now it just needs Council's approval, the Mayor and Council President's signature and then we need to record it.

Council President Schutt asked, any questions for Ms. Calta?

There were none.

Council President Schutt stated, thank you, Ms. Calta.

SERVICE DEPARTMENT

. **Rock Salt (Sodium Chloride) for the 2022-23 Winter Season – Salt Participation Program with Ohio Department of Transportation (Resolution 22-19)**

Mr. Sipos stated, thank you, Council President. We have four items on the agenda tonight. This is a Resolution to enter into ODOT's 2022-2023 Salt Participation Program. I put in for 2,300 tons this year. Last year we had 1,800. We were slammed this year, so we need more. Any questions about this?

There were none.

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. **Fertilization of Village-owned properties**

Mr. Sipos stated had three bids for the fertilization program. It's in your packet. The bids were submitted by Dyna-Green, TruGreen and EcoLawn. Dyna-Green came in the lowest at \$18,162. My recommendation is to go with them this year. We have used them in the past, so there shouldn't be a problem. Any questions about this?

There were none.

. **Rubbish/Recycling Bid /Results**

Mr. Sipos stated, we went out to bid for our garbage contract this year. We did a joint venture with the City of Highland Heights. Out of four major companies, we had two that turned in bids, Kimble and Rumpke. Kimble came in at \$1,389,128.40. That's for five years and there are two more options for renewal after that. Rumpke came in at \$1,685,481.60. It's a difference of about \$296,000 between the two companies. By the next Council meeting, after I have reviewed it a little further and discussed it with Diane a little bit, we will give you our recommendation. We are already doing business with Kimble and they seem to be a good company. Right now, all four companies are hurting because of lack of manpower. Any questions?

Mr. Murphy asked, Scott, what do you mean by us and Highland Heights, a joint bid project?

Mr. Sipos replied, what we did is we bid it together just out of volume because they have a similar contract to ours. We rewrote the contract with the Solid Waste District. They helped us. We actually added in a few other things on our contract to make it better. For example, because they are having problems with manpower and getting the garbage picked up, if they keep on doing it on a particular street or a section, we added a few little clauses in there. Because we have similar contracts, we wanted to get a more competitive pricing because the prices are going up so high.

Mr. Murphy asked, strength in numbers, right?

Mr. Sipos replied, yes. Strength in numbers.

Mr. Murphy asked, do us and Highland Heights have to be on the same page in what contract we pick?

Mr. Sipos replied, yes. The contracts are the same. There are a few differences. They may have a few less dumpsters than we do. There are differences, but for the most part, we had similar contracts. There are some differences, like we provide our residents with our own toters that say Mayfield Village whereas they do not. We won't be paying for their toters. That is separate pricing on their end. But all in all, the pricing across the board for monthly will be the same.

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Mr. Murphy asked, if Highland Heights goes with Rumpke and we go with Kimble, do we lose that strength in numbers and our prices shoot up?

Mr. Sipos replied, we can't pick different companies.

Mr. Murphy stated, so us and Highland Heights have to be in agreement.

Mr. Sipos stated, as of right now we are, but he's reviewing the bids further as am I. We are 90% sure we are going to go with Kimble.

Mr. Murphy stated, thank you Scott.

Mr. Sipos asked, any other questions?

There were none.

. Purchase of two (2) eXmark Vertex S Series 52 stand-on mowers (Marshall Power Equipment - \$19,656-State bid)

Mr. Sipos stated, we are seeking Council's authorization to purchase two new eXmark stand-on mowers. Our previous mowers that we are replacing are 2011 models and they have some 3,000 hours on them. They get a lot of use. We are looking to upgrade those. The price for both mowers together is \$19,656. That's on State bid pricing. Ron has it in the budget. Any questions?

Mr. Meyers asked, do they take the old ones on trade?

Mr. Sipos replied, I don't believe they will, but we can check into that.

Mr. Meyers stated, I was curious.

Mr. Sipos stated, I'll look into that. We didn't ask about that. I have to discuss it with Ron to see if it's okay and see what they will give us on trade. If they give us \$500 and we can get \$1,500 selling them, we will do that.

Mr. Murphy asked, are those available?

Mr. Sipos replied, yes. They actually have four that are available right now. Two are being held for us upon approval. Any other questions?

There were none.

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

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ANY OTHER MATTERS TO COME BEFORE COUNCIL

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

There were none.

There being no further matters, the meeting concluded at 7:38 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Clerk of Council