

DRAFT
MINUTES OF THE REGULAR MEETING OF COUNCIL
MAYFIELD VILLAGE, OHIO
Monday, August 15, 2022 – 7:00 p.m.
Mayfield Village Civic Hall-Mayfield Village Civic Center

The Council of Mayfield Village met in Regular Session on Monday, August 15, 2022, at Mayfield Village Civic Hall at the Mayfield Village Civic Center. Council President Schutt called the meeting to order at 7:00 p.m.

Council President Schutt asked, Mrs. Betsa, may I have a Roll Call, please?

ROLL CALL: Present: Mr. Arndt, Mrs. Juncisek, Mr. Marquardt, Mr. Meyers,
Mr. Murphy and Mr. Schutt

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

Absent: Mr. Williams, Mr. Marquart, Mr. McAviney and
Mr. Wynne

Council President Schutt stated, thank you, Mrs. Betsa. Please let the record show that Mr. Williams, Mr. Marquart, Mr. McAviney and Mr. Wynne are excused from this evening's meeting.

The Pledge of Allegiance to the Flag was given.

CONSIDERATION OF MINUTES:

Regular Council Meeting – July 18, 2022

Mrs. Juncisek, seconded by Mr. Marquardt, made a motion to approve the minutes of the Regular Council Meeting of July 18, 2022 as written.

Council President Schutt asked, any discussion?

There was none.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Minutes of July 18, 2022
Meeting Approved as Written

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 2

Special Council Meeting – August 1, 2022

Mrs. Jurcisek, seconded by Mr. Meyers, made a motion to approve the minutes of the Special Meeting of Council of August 1, 2022 as written.

Council President Schutt asked, any discussion?

There was none.

ROLL CALL: AYES:

All

Motion Carried

NAYS:

None

Minutes of August 1, 2022

Special Meeting

Approved as Written

Comments from Mayor Bodnar

Thank you, Council President. There is something that I would like to touch on tonight. Some of you may have seen or heard about the article that ran in *Crain's* on-line today regarding Progressive selling five properties in the area. I would just like to touch on that and maybe clarify a couple of things.

First of all, to let everyone know, we keep in touch with Progressive on a regular basis and we last met with their rep about a week and a half ago. They have been very open and candid and clear in letting us know what's going on. We do appreciate that. As to the five buildings Progressive is selling, only one of them is in the Village. In *Crain's* article, I am afraid if you just read the headline and look at the picture it might be confusing. It starts out with a picture of a large office building that Progressive is selling. If you read the article, you can tell, but if you just look at the picture, you can't tell. That office building is not in Mayfield Village. They are selling a small office building in Mayfield Village. It was formerly a drive-through service center that is on Beta Drive. We have been told that the jobs at that building should be remaining in Mayfield Village, possibly at Campus II.

I should note that we have other jobs from outside of Mayfield Village in the locations that are closing that will be coming to Campus II in Mayfield Village. Progressive also owns a piece of vacant land that is behind the library and it's always been called Campus III and despite initial intentions to building a third campus there, that land has remained vacant and is that way today so they are intending to market that property to the extent that they are able to do so successfully and we bring in new businesses into that property. That will be a very positive thing for Mayfield Village. We hope that they are able to bring in a new business. That would be a good thing. We are currently aware of two businesses that are interested in purchasing the Campus III property. Unfortunately I can't disclose any more than that but there is quite a bit of business it seems like in that location. That's all I have for tonight. Thank you Council President.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 3

Council President Schutt stated, thank you Mayor Bodnar.

Comments From Council President Schutt

I have a couple of things as well. I just wanted to remind everyone that this Saturday, August 20th is the Annual Village Celebration from 1:00-10:30 p.m. at the Parkview Pool and Grove. Special thanks ahead of time to our Parks and Recreation Department, Service Department, Police and Fire Departments. I know you will have your hands full that day. Hopefully there are no emergencies. Thank you in advance for all of your work with that.

I also wanted to mention that the Mayor and I are issuing a Commendation to a 5th grade student at Center Elementary School for her efforts in keeping Mayfield Village beautiful by keeping the Bruce G. Rinker Greenway Trail free of litter.

I also wanted to mention that due to the Labor Day holiday, the September Caucus meeting will be held on Tuesday, September 6, 2022. The next Regular Meeting of Council is scheduled for September 19, 2022.

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

Council President Schutt stated, the floor will be opened for purposes of discussing the appeal of the BZA decision. Following that, the floor will be opened for any other public comment.

- **Appeal of Board of Zoning Appeals' Decision in Case No. 2022-05, dated July 19, 2022. Danuta & Stefan Waradzyn, 6920 Wilson Mills Road (Denial of Variance for Fence Height)**

James Sofianos

Hello everyone. I represent Stefan and Danuta Waradzyn. Their address is 6920 Wilson Mills Road. They are attempting to get a variance for a fence that they are trying to put around the property. They recently built a house on 6920 Wilson Mills Road. They are requesting a 1' height difference in the fence that they want across their property strictly for safety reasoning. That initial appeal was denied, so that's what we are here for today.

The primary concern is the overall safety with a fence. The city allows a 4' fence. In terms of what they are looking for a 5' foot fence is again, primary safety concerns. Their main safety concern is at this point they do dog sit and they want to get a larger dog. Larger dogs can hop over a 4' fence and as you guys know, other neighbor's dogs get aggressive sometimes. They had an issue prior with a dog that lived at their residence. It hopped over their 4' fence at their previous address so that's why they are attempting to get this variance for a 5' fence. The dog did cause some damage to their dog at the time. That dog was a larger dog and was able to hop over the fence. The other primary safety concern is that they are interested in wanting to get a

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 4

pool. Unfortunately there are individuals who come across the properties. If they do get a pool, they are requesting that 5' fence, again for safety concerns to keep out and keep everyone safe. If something does happen in their pool or yard, that's a safety concern on their end.

Council President Schutt stated, thank you.

Ron Clines

6928 Wilson Mills

I am the next door neighbor to the folks who trying to put a fence in. Of all of the abutting property owners who were notified at the original review board meeting, I was the only one that showed up.

Quite frankly, my property is the most impacted. I am directly up against them and I have full visibility of the property. During the initial meeting of the zoning board, there was a lot of discussion about deer and trying to keep deer out. The issue is not about deer and whether they can jump a 5' fence or not. Whether it's a chain link fence or a board-on-board fence which is allowed is irrelevant. What this is about is discrepancy in the published Code that allows for a 6' board-on-board fence but it will not allow a 5' chain link fence which is what they are asking for. They are not asking to go the full height of a 6' chain link, they just want an additional foot. There's no safety advantage to a board-on-board fence over a chain link fence. Board-on-board is not safer so that should not be a reason to deny this. It's not about durability or aesthetics of a board-on-board versus a chain link fence properly installed and maintained. They are very sturdy. It doesn't deflect. It doesn't sag. And it doesn't rot over time which you get with a board-on-board fence. Board-on-board is a maintenance issue. Unlike a chain link fence, it requires periodic care and maintenance. Boards come loose. Nails come loose. They have to be replaced. I can tell you firsthand, with a board-on-board fence you have to periodically retreat it and waterproof it or it deteriorates. Chain link fences are far superior.

I recently installed a 4' chain link fence in my backyard and it's gorgeous. It's sturdy. I couldn't be happier with it. From my perspective, my house was built in 1929. It's close to the street, likely when there were horses versus cars that you don't have today. The front of the neighbors' house actually sits behind my detached garage which is about 30 feet behind my house. I've got a very deep backyard. Given my house's location and traffic noise, I've got a patio off the rear of my garage that my wife and I like to sit out in the evening and have a cocktail, enjoy our backyard. I've got a very deep backyard with woods on the other side of the creek as does my neighbor. Both families like to sit out in their respective patios and porches in the evening and take in the view. Having to put a board-on-board fence in lieu of chain link which is what they're requesting would ruin the view quite frankly. It would create almost a boxed-in compound-like atmosphere. Certainly in my perspective, it would be an eyesore if they elected to go to a 5' board-on-board fence which I can't stop because that's allowed, right?

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 5

I will point out that up until last year, there was in fact a 6' chain link fence along that property line that was installed by the owner of the house who was previously on the property. It was quite frankly a dump. It was torn down. My neighbors built a beautiful new home. I tore that fence down. It was way over on my property line. I tore the fence down to give access to the construction people when they were building their home.

In conclusion, I would like to say, this is really a Code discrepancy that needs to be addressed. Why is a 6' board-on-board fence allowed which in my opinion is an eyesore? It obstructs the view which both of our families enjoy where a 5' chain link fence is not allowed. Frankly my neighbors should not be penalized for this discrepancy. It should be corrected. My neighbor is not looking to exceed a 6' height which is allowed for board-on-board. They only want to go a foot above that. That should be allowed. A chain link fence would preserve the visual appearance of my property as well as my neighbor's.

I will point out that at the zoning meeting back in July, two of three voting members were in fact in support of the variance. The dissenting voting member felt that the zoning review board should follow the legal interpretation of the Code as written. To that, I have to say, if that's the view from the board, why do you even have a variance meeting? Just follow the Code as written and get rid of it. The purpose of the zoning review board should be to evaluate citizens' reasonable requests and allow those that are in the best interest to the property owners, i.e., my neighbor and myself, and allow those that are in the best interest. As such, considering these points, I respectfully request that you approve the variance that my neighbor has asked for. Thank you.

Council President Schutt stated, thank you for your comments. Are there any other comments related to this appeal?

Ms. Calta asked, may I make a few comments before you consider a motion?

Council President Schutt replied, sure.

Ms. Calta stated, Council should have received a memo from me outlining the framework of the legal position of what the Board of Zoning Appeals does and what this Council on an appeal from the BZA is required to do. It is a legal analysis. The legal opinion is that your review similar to the Board of Zoning Appeals, they are allowed to grant exceptions to the Code. What that means is under certain circumstances, if there are unique circumstances or what are called practical difficulties and this is a standard set forth by the Ohio Supreme Court, not by me, not by Joe Schmo, but by the Ohio Supreme Court and it's been well settled for many many years. The decision came out in the '80's. There are guidelines to look for to establish whether or not practical difficulties are present enough to justify an exception to the Code. It's meant to be flexible. If we just interpret our Code and we never allow any exceptions, then that's probably not really a fair way to interpret our Code. Oftentimes you will see properties that have topographical issues. They can't meet the Code. You are supposed to look at it pretty

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 6

holistically and I think when you read the Minutes from the BZA, you will see that the dissenting vote found that they didn't feel there were practical difficulties or unique circumstances. That's the same thing that Council is also asked to look at with this.

I appreciate your viewpoint and I know that this Village appreciates new residents, especially making such an investment in their property, but I take issue with there being a discrepancy in the Code because it only permits a 4' chain link fence versus a 6' foot privacy fence. The difference there is there is aesthetically a difference between a chain link fence and a privacy fence. The purpose largely of a chain link fence has been looked at as security because it doesn't provide any privacy. A privacy fence provides privacy. When you look at these Codes, some of them have been on the books for many many many years. They are looked at to establish a standard in the Village. Standards change, however a chain link fence is just not looked at as aesthetically pleasing as a privacy fence.

We heard about some dog issues and some other things tonight. That was not in the BZA record. I think everyone's familiar with the Minutes from that meeting, but I just wanted to jump in and say it's not a discrepancy in the Code that was done intentionally and I think you can see that in many other codes in other communities although fencing codes will vary between communities for various different reasons. Some communities have much smaller lots, some have larger lots. It just varies depending upon the makeup and the composition of the community, whether it's largely residential, whether there's a lot of commercial, so forth and so on. I won't bore everyone with all of the details, just to say that unfortunately the Board of Zoning Appeals isn't charged, nor is this Council charged with making a vote based upon what they like or what they dislike. Both the Board and Council are here to look to see if there are any unusual circumstances, practical difficulties and if those can be justified than that justifies the variance. That's pretty much what was in the memo. I don't think anyone had any questions, but if you do, I can answer those before your vote.

Ms. Jurcisek asked, so does the practical difficulty take into consideration the neighboring properties as well?

Ms. Calta replied, that's one of the issues. You would always look to what neighbors may have an opinion on. Sure. But that doesn't establish practical difficulty if that makes sense.

Mr. Murphy asked, what are the options here? I think the last time we had our meeting, there were three different options. Also in your memo it's a majority versus a supermajority. If you can go over that, especially with one Council member missing tonight also.

Ms. Calta replied, so Council has the options to affirm, so agree with what the Board of Zoning Appeals did. That only requires a majority vote. If you want to modify or reverse, you will require what's called a supermajority so that's 5 votes of Council to do that. You can modify it. In this instance I am not quite sure what options there were. To modify it would mostly be to affirm or reverse. So 4 of 5.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 7

Mr. Murphy stated, thank you.

Council President Schutt asked, are there any other questions from Council to Ms. Calta?

There were none.

Olga Mechanis

I am the daughter of Danuta and Stefan. One of the things that you mentioned that it has to be a difficulty. I am not sure if anybody is aware of the property. It is not a flat property. It does have a little bit of differences in height. One of the neighbors are lower and the other is higher so the fence would be different on one side versus the other so having a 5' fence would actually get more even than having the same amount if an animal would decide to jump over if the property is higher on the neighbor's side then it would be easier to jump over versus lower. Dogs can jump over a 4' fence but a 5' fence is much harder for anybody to jump over. My parents did have an issue with a dog actually coming over into my parents' property when they were dog-sitting. Who is to say that another neighbor is going to get another dog that decides to jump over? That would be a difficulty for them since the property has one side higher than the other. Also, it is easier for any human to just jump over the fence versus a 5' fence and you are able to see for safety reasons everything that's going around you so that if there's anything going wrong with your neighbor or they get hurt, you can easily see that they need help and you can jump over and help versus not knowing what's going on. Thank you.

Council President Schutt asked, are there any other public comments on this issue?

Mrs. Jurcisek stated, I do have one follow up question. In the Board of Zoning Minutes and this evening, it was mentioned that there was potentially a pool? Was a permit pulled for a pool yet on that property?

Mr. Russell replied, no there has not been.

Mrs. Jurcisek replied, okay. Thank you.

James Sofianos

I may have misunderstood you so I apologize for coming up here for nothing, but you had mentioned that it was not appealing to the eye, a wood fence as opposed to a chain link fence. Is that part of the reasoning for the Code? Is that what you were pertaining to?

Ms. Calta replied, within the context of the Code, typically chain link fences are not looked at as being aesthetically pleasing the same way that a wooden fence would. We were talking about discrepancies between allowing a board-on-board versus a chain link. They are looked at in the Code completely differently and that's pretty typical across all sorts of fence codes.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 8

Mr. Sofianos stated, okay. What I wanted to make sure is that basically what you are saying is that a wood fence looks a lot better than a chain link fence. However, a wood fence, and the neighbor brought up some good points as well, he has a neighbor right now and to the side of his fence they have a 6' privacy fence. It's completely deteriorating. The stain is completely gone. The poles it holds are lopsided. A chain link fence seems to stay over the course of time. For appeasement to your eyes so to speak, that's all a matter of opinion at that particular point.

Ms. Calta replied, which is why I explained that this isn't about what we like or what we don't like. It's about the standards that are set by the Code. The process allows for exceptions based upon practical difficulties or unique circumstances.

Mr. Sofianos stated, I misunderstood you so I apologize for that. Thank you.

Council President Schutt asked, are there any other public comments on this issue?

There were none.

. Motion to approve the appeal and reverse the decision of the Board of Zoning Appeals of the request for variance of Danuta & Stefan Waradzyn, 6920 Wilson Mills Road (Denial of Variance for Fence Height)

Mrs. Jurcisek, seconded by Mr. Meyers, made a motion to approve the appeal and reverse the decision of the Board of Zoning Appeals of the request for variance of Danuta & Stefan Waradzyn, 6920 Wilson Mills Road (Denial of Variance for Fence Height)

Council President Schutt asked, is there any discussion by Council at this point?

Mr. Marquardt asked, for or against it?

Ms. Calta asked can we just get a second on that and I can explain.

Mr. Murphy asked, was that for affirm or was that for reversal?

Ms. Calta replied, we typically like to always put motions in the affirmative. This has been drafted in that fashion. This is in the affirmative but it is written as an affirmative to grant the appeal which means that it's going to be a reversal of the BZA decision. It will require five votes.

Council President Schutt asked, discussion?

Mr. Murphy replied, I won't bore you with my comments from the Caucus meeting. Ron e-mailed me and I went to Mr. Clines' house. He had me over. I walked the property. He's right next door. His property is a little bit closer to the road. His neighbors is set back. The fact that

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 9

Mr. Clines is here in favor of this variance says a lot about it. I won't bore you with all my comments from last time.

Council President Schutt asked, any other questions or comments for discussion by Council?

There was none.

Council President Schutt asked, Roll call please, Mrs. Betsa.

ROLL CALL: AYES:	Arndt, Jurcisek	Motion Carried
	Meyers, Murphy	Appeal Approved
	Schutt	Board of Zoning Appeals'
NAYS:	Marquardt	Decision reversed

Council President Schutt stated, it's a 5-1 vote. That reverses the decision from the BZA.

Council President Schutt stated, we will now continue on with the open portion of our meeting. This is related to any other topics that anybody would like to discuss. If you would like to come up to the podium, please state your name and address for the record.

George Hughes

931 Aintree Park Drive, #202

Thank you for allowing me to speak this evening. I have been a resident of the Village for 25 years. There's a big building, 931, which is the only building that actually overlooks the cul-de-sac. My topic this evening is the proposed banning of parking on the cul-de-sac in front of our building.

I am going to say approximately somewhere between 7 and 10 years ago, the Village decided to put an island in the middle of the cul-de-sac. It's very nice. It looks very nice. It enhances the area. Prior to that there were no problems with illegal parking on the circle. Since that time, parking has been allowed and to my knowledge it has not been a problem. According to the letter that the Mayor sent out, the problem seems to be that the fire trucks and school buses have trouble getting around the island when there are vehicles legally parked. I am not disputing that. I don't know. Although I have written two different letters to all of you. While I was writing the first one, it just so happened that the big fire truck happened to come through. I got up and watched it go around the circle without any problems with cars parked there. They could have been lucky; just happened to get it right and then made it out.

Over the last five years I think I have seen maybe a half dozen school buses come by and go around the island while cars were parked there. I have not seen them have any problems. I am not going to dispute that they are having problems getting around that turn. In my current letter,

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 10

I outlined the hardships that it would cause for people like me with disabilities as well as other people to have to not be able to park in front of the building.

Where my parking garage is, it's about $\frac{3}{4}$ of a city block away that I have to walk through to get my car and then come back and when I am ready to put it away I have to do the same thing. I don't have a problem with that. If I am going somewhere in the morning and bringing the car out, I would typically park it in a legal parking spot in the cul-de-sac and then if I was going out later in the evening, the car is right there for me. I won't have to make two trips up and down the stairs to get to the garage and so forth.

After further consideration, I decided to send the second letter. I thought, you know, the Village apparently when they decided to put in the island must have done some research to see what kind of island would be appropriate. Someone who was in charge of it should have had the opportunity to make sure that school buses, fire trucks and other vehicles of similar size would be able to get around the island with legal parking. Apparently that was not done, although we have existed with it for about 7 years. Now it seems to be a problem. My recommendation in my second letter was that I felt that rather to punish us that the Village should make the adjustment to the island. The island could be reduced completely around by about 3 feet and it wouldn't take away anything from the aesthetics of the island. If they didn't do it all the way around, if you simply remove two or three feet from the backside and the east side which is the coming out side, that will alleviate the problem. Vehicles should be able to have a turning radius to be able to get out without any problems. I feel that that is more helpful than not punishing us as a residents because somebody in my opinion dropped the ball when it was put in.

The other thing I am going to ask is that if you decide to ban the parking, that you allow cars to park on the ingress all the way up to within 10 feet of the first driveway which is Jim Farmer's property which would give us at least five or six parking spots on the far side rather than the parking spaces that are in front of the building. That would be a big help. We would at least have an opportunity for that.

I don't know what else to say. I am extremely disappointed. My son brings my groceries every week and when he comes he parks in front, drops off the groceries, he will spend an hour or two visiting with me and then go back down and leave. Now he would have to drop off the groceries, bring them upstairs and then go back downstairs, drive the car to the parking lot and then come all the way back and come back again. He's not disabled, but he's not getting any younger either. It seems to me that this isn't the right thing after the island's been there for almost 7 years, I just don't understand it. But I understand what you all do. I was a public servant for 65 years. I appreciate the things that you all have to deal with and I respect your decision and I will respect this decision. I thank you so much for the opportunity to speak before you.

Council President Schutt stated, thank you for your comments. Are there any other comments?

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 11

Ann Pirelli

931 Aintree Park Drive

I live in the same building as George does. Not as long as he has, but I was hoping to. I did a lot of research about where to come. I have returned from Florida because I love Ohio. I was in Florida for 20 years. I wanted to come to a community that I felt really comfortable with. Here I am. I just ditto what George has said. I am also getting older. When I was there 7 years ago and recently had some problems; we both have our walking sticks. This would really be a hardship for me as well and for my family if they come because they live in Novelty or all my other children are out of town.

I love living at the Village and the wonderful community of residents and just people. It's a really nice place. I had the Fire Department put in a lockbox in my house. I've had talks with the Chief of Police about some things I was concerned about. I just recently took a bunch of computers down to your service center to have it recycled. I get Instacart right now because even with parking out front here would be difficult for me to try to bring in all of the groceries. I have Instacart, I have family, I rely on the Fire Department and the Chief of Police to come and help me when I need it also. But I just happened to be coming up Aintree Park two days ago. A fire truck was in front of me. There were four cars parked in front of our building. They got around. If they can get around, the school bus can get around. I agree with George that this is your decision and I don't know if I can live there further years I hope, because I really love it here and I thank you for all of the service you have given us. Thank you.

Council President Schutt stated, thank you for your comments.

Maureen Washock

980 Aintree Park Drive

I am in one of the homes adjacent to the apartment building that they both mentioned. My husband's e-mail was read into the record at the First Reading of the proposed Ordinance. My three children are students at Center Elementary. We moved here in 2016. My eldest began Kindergarten in 2018 when I was just a couple weeks out from a C-section. When the bus information came out to parents, I called the transportation department because I had been told that it was door-to-door service for all of the kindergarten students. I was told that this is not a guarantee and that our street was excluded because the bus could not navigate the cul-de-sac. As a result of that route and the surgical restrictions that I had I had a few pretty difficult weeks of getting up and down the hill with a stroller. After that, my mother who was status post a heart attack and stint also had to go up and down the hill in the winter because her car could not accommodate the three car seats to get my children safely in the lot.

As time has gone on, the morning bus stop, especially with the later start times, are extremely busy because there's a lot of traffic of people who are going to work. It's not a typical cul-de-

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 12

sac. We have had more people live on it. There's more traffic. But additionally there's a lot of folks who cut through to avoid Wilson Mills/91 intersection.

Our bus stop is at the bottom of our street at the intersection with Derby and there's a lot of traffic that comes through there while the children are waiting for the bus. They are not always supervised either. I have had to intervene on children who are fighting or in the middle of the street. I called the school about it before as well because I am concerned about the safety at that stop. In addition, we did persist in our request because of this and the head of transportation did a ride-along in one of the buses and she came back and told us that she felt that if one more car was parked on the cul-de-sac it would have been too difficult for the bus to safely pass and that the police would need to come to escort the bus to back it up down the hill so they couldn't park safely. My husband then had contacted George Williams who is our Councilman about these concerns.

In addition to the bus, spaces are often so full that people will double park. I took a few random photos last week on my days when I had off. I am part-time, so on my two days off around when the bus comes, one car was totally blocking the one side of the cul-de-sac. A vehicle would not be able to pass. This happens regularly when people are parked there, especially when people are moving in and out or when there's delivery vans and that entire side gets obstructed. Another issue that we have is when the parking spaces are full people will park in front of my mailbox and we get letters from USPS saying that we will not get our mail delivered if people continue to park in front of our mailbox. We have also had issues when it's full. People will just idle in front of our driveway. I have had to have my kids run the frozen stuff up while a car is sitting in front of our driveway and we wait for the police and usually someone comes out beforehand. It's quite a popular parking area.

Quite honestly, I never thought of the safety concerns either but after we received the letter of the proposed ordinance I looked it up and found out that on average fire trucks are five feet longer than school buses. Like the others who have spoken, I don't drive a school bus so I can't say for sure. That pretty much covers it. I urge you guys to pass this proposed ordinance. Thank you.

Council President Schutt stated, thank you. Are there any other public comments?

Ray Woods

Maintenance Supervisor at the Apartments

I have been there almost 19 years. Again, what George brought up my question would be is why the ordinance to cancel, why not the ordinance that you are getting rid of the island at the end of Aintree because of safety concerns? I live right at that corner where that island is at the curb. Cars hit it constantly. My question would be to you guys is why an ordinance to ban parking, why not an ordinance to change the variance of the size of the island that you guys installed? I also question to you guys, why not a ban on Hunt Circle also? If we are going to ban Aintree then we should also include Hunt Circle because that's the same cul-de-sac and that has the same

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 13

distance, same features and everything and there's no ban on the parking of that street at all. There's no parking ban. Cars could park there also and obstruct buses there and fire trucks. If we are going to make it about safety, then let's make it about safety, not a concern that it's against my residents. If it's a concern about blocking spots on the cul-de-sac then let's pave lines. Let's pave parking lots to where we can and let's make a situation where a 3' variance of mailboxes or driveways can be made and you have to park within the lines and if you don't then they can ticket you. And also me and one of my co-workers talked about if it's an issue when it comes to snow, then do a ban around the cul-de-sac during 2" of snow. But again, there's no reason to stop parking there because you guys installed an island seven years ago and made it too big for safety vehicles and a bus to get around. Thank you.

Heather Battaglia – Property Manager
Village of Mayfield Apartments

I don't live here. I love it, but just don't. Just kind of a couple of things real quick. Tonight, is this the actual final voting for this whether it's going to be approved or not? I just kind of want to ask that. Reason being is I just found out from my residents, from my staff members, that this was going on. I never received any notice to the office which affects all the residents. First of all our residents number one would not need to be parking in front of mailboxes and definitely deserve all the tickets they get. Those are things that if that does happen I would be more than welcome to send our notices to our residents to address our ordinance, because we don't want to do that. We want to have a good relationship with the Village and everybody.

I normally don't come to Council meetings because we have not had an issue. The last one I attended was when we did a new sign. I myself, like George, have been here for 25 years. A lot of things that they are saying, I don't want to repeat the same thing. We definitely want to work together. I think that the islands were great; not a good design though. I think that they took up too much space and we didn't need them. Mayfield Village itself is beautiful without all of the additional stuff. I don't think it was really necessary but we have money, we are going to spend it I guess.

I just really just basically I have a concern because people who are moving in up there. So if you are going to say that you can't do anything how are the residents going to move? How are they supposed to move out? Those are concerns and questions we have too. Unfortunately, since I just found this out not too long ago, I really wasn't able to do any of the research or I would have researched everything on it to be able to go over things I have actually seen over the last 25 years here. I think it's become a beautiful city. It's been great. We definitely want to keep going and we don't want any disagreements between the homeowners and the apartments. We are not here to cause any problems. I just think that parking should be permitted and they should be able to park as long as they are following guidelines and you can figure out some way to reduce that island in the center. We can meet together on that. I think it's a great thing because I live on a cul-de-sac myself where I live. Buses can get down there. Fire department can get down there. Everything can. But we don't have an island. So that's probably most of the problem here.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 14

I won't bore you anymore, but you should give this another chance because I would like to do some research, especially since I didn't even know this was happening. Thank you for your time.

Council President Schutt stated, go ahead.

Robert Feikert

943 Aintree

I live at the building between the building that Mr. Hughes and Ms. Pirelli live in. I have lived there for 15 years now. I love Mayfield Village. I am very happy to be here in Mayfield Village. I appreciate all of the hard work that everyone does to make this a wonderful community to live in. I have to second basically what Mr. Hughes brought out about the situation there at the cul-de-sac. I understand that there's issues with the bus perhaps that need to be addressed and I appreciate that that is something that would help the parents but I do feel it would be really unfair to our senior citizens who live not only at their building but also in my building as well that really would be inconvenienced tremendously if we ban parking along there. I would request on their behalf, not on mine because I'm young enough, I can walk without too much trouble, but I would request on their behalf that you reconsider and maybe make some alternate arrangements to accommodate our senior citizens who have lived here for years. I feel like there should be an alternative way that you can handle this to benefit the children as well as our older residents.

Mr. Cappello asked, Councilman Schutt?

Council President Schutt replied, yes.

Mr. Cappello stated, when it was designed, it was designed utilizing an auto turn template for the firetrucks that the Village owns. So as with all vehicles, when you make a turn, you don't just make a turn, you have an actual minimum turning radius. That island fits inside that minimum turning radius. So it's not as if that island is causing the fire trucks to go super far to the right. The other issue is Chief Carcioppolo and I did drive both the ladder truck and the engine. We can make it around that cul-de-sac. The only issue is both vehicles have an extendedly long front bumper and rear and you have what you call an overhang that goes out. There were vehicles on that cul-de-sac when we did make the turn. It is somewhat difficult. I don't think the issue is necessarily making the turn as much as snow, leaves and also, I will let Chief Carcioppolo speak regarding fire lanes and fire access for 300-foot hose extensions. When you need to fight a fire you need to be within 300 foot of a hydrant and have a safe fire lane. For the record, the island is not necessarily causing this issue. It's a mountable curb. If you ever had to run over it for a reason it can be done but we were able to safely make the turn. That island does fit in the standing turning radius for those vehicles. The issue though is if people park and everyone's along the entire perimeter of the cul-de-sac, they can potentially hit vehicles.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 15

Chief Carcioppolo stated, hello everyone. Mr. Hughes, I appreciate your service and wanted to commend you for all of those years with the School Board. I wanted to thank you for that. This issue is interesting because it wasn't one that I brought to the table but it is a challenge that I have experienced since I started working here in 2001. We have trained and tried to plan for emergencies at the apartment building complex. Part of the issue is the cul-de-sac is questioned and I do remember when I was on the line driving the truck up there when there are snow mounds or plowed snow that makes that circle smaller and when cars are parked on the inside, that makes it even smaller so I do recall being where I was driving the engine or fire truck and we would be at a place where we couldn't make the turn around the cul-de-sac.

But furthermore, digging into this so-called Pandora's Box just opens more and more levels of issues. The complex of the building to my knowledge before the Building and Fire Code existed is lacking key features that wouldn't be permissible today and they might not even be permissible now. So in digging into the Code, 943, 931, 947, 939, 935 our only access to get to those buildings is off of that cul-de-sac. So if we have an ambulance call or a fire call, our closest access to any of those structures is on that circle. That's the closest we can get. Technically, we are probably going to be in touch because you might have to put Fire Department access roads in because we don't have the ability to access the buildings. I am not done with that interpretation but I will let you know when I get there.

In the meantime, I lived in the apartments in 2001. I understand the parking situation and the ambulating around the property. There are some challenges for elderly people. That's not a question. We receive calls for help with things. It's a challenging place to live if you are elderly and have disabilities and live on the second floor. It could be difficult. In a perfect world, all those challenges wouldn't exist but they do. Like I said with the snow load and the fact that that's our closest place to gain access to those buildings when we have an emergency, I can't make any recommendation but to ban parking on the cul-de-sac.

A member of the audience asked, the whole cul-de-sac or would you give us some room off the street?

Chief Carcioppolo replied, the whole cul-de-sac. Going back to what you said, I get the convenience for the apartment building, but when the apartments were put in, they had to have enough parking for their residents. The street isn't part of the apartment complex's parking plan. The island, I agree with Tom, we drove around it, we were able to move a vehicle around it with a couple of cars parked there, but we can't control when those cars are parked there and how many. The island didn't change the fact that our only access to those buildings is down that path. While I can sympathize with the convenience part of it, I can't sympathize with the entitlement part of it because we have five buildings there with approximately 40 separate wall units so my best recommendation to Council is you guys pass the ordinance as it's written and I am going to continue reviewing this and talking with the State because we have had other issues similar to this which is why this has become more of a topic now that maybe hasn't been picked up before.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 16

If anyone has any questions, I can try to answer them as best as I can.

Mrs. Jurcisek stated, you stated your point.

Mr. Hughes

I appreciate all that was said. I appreciate the resident. I have had the unique opportunity that my windows overlook the cul-de-sac. I'm retired so I have a lot of time to look out the window. There are times when vehicles are double parked because somebody's waiting for somebody to come out or something. As far as parking in front of a mailbox, they shouldn't be there in the first place because if they parked in front of a mailbox, they are also parked too close to the fire hydrant and the fire hydrant is right there next to it. If those things happen, it's not because of the allowed parking on the cul-de-sac.

Again, I would just like to reiterate, because I can see where this is going, that you are probably going to vote in favor of it and I understand that, but I still would appreciate if you not start the "no parking" until it comes to 10 feet before the first driveway as you start around which is Jim Farmer's house. I don't think that side over there has much bearing on where the fire trucks would come in or park and so forth to be able to get around and take care of the problems but again if you can evaluate that and decide. That would be my request, to give us at least five or six spots on that side of the street that would benefit us. Thank you very much.

Ms. Pirelli stated, I am very sympathetic to the homeowner as a mother of five and trying to get them out in the morning and all that is involved with that and plus safety. I am very sympathetic to that and I think that it should be addressed but I agree with George that we could be given some designated parking spaces. That would be highly appreciated. Is this decided tonight? Is the Chief of Police basically saying the whole cul-de-sac? Is there any leeway here?

Council President Schutt replied, tonight is the Third Read for this so we will be voting on it tonight. It was brought out two months ago.

A member of the audience stated, no. Not to be mean, but the letter we received was on July 18th when you guys had your first meeting at 7:00. We received a letter that night. I didn't open it until 8:00 that it was on the agenda for that night. You guys held a Special Meeting that we didn't know about so that's the Second Reading so this is the first time we have had a chance to even come forward. I don't think that's fair.

Council President Schutt stated, I am not questioning when you received the letter. This was on First Read at our June Council meeting, Second Read July and now August.

A member of the audience stated, no. The first reading was July 18th, the second was August 1st.

Council President Schutt stated, you are correct. We did have a Special Meeting.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 17

Mr. Sipos asked, Councilman, I would like to speak on this as well?

Council President Schutt stated, go ahead.

Mr. Sipos stated, for those of you who don't know me, my name is Scott Sipos. I am the Service Director for Mayfield Village. I have been with the Service Department for 27 years. I have been on the field. I have done it all, seen it all and then some. It's never our intention to create any issues. This has been going back to day 1 with my time at the Service Department. It's not just the cul-de-sac that creates problems for the Service Department but for me it's the entire hill. Our duties are going curb to curb when we plow snow in the wintertime. We have to plow from curb to curb. When there's cars in the street, we have to plow around them and pull our plows in the other direction, pushing snow on the opposite side of the street. We then have to come back and clean it up later. With freezing and thawing, it becomes difficult to scrape that ice off the road with cars parked. As for the cul-de-sac, when we come around that cul-de-sac with that hidden snow, the salt spreaders are behind the truck so we rely on the weight of the truck to keep the truck in place. Coming around that curb we have two options. It's either keep our plows angled to the right which would put three feet of snow on the side of your cars or to angle them forward and push the snow forward. The problem with that is when you have that kind of weight in front of the truck it pushes the truck sideways and does it quickly so we could actually put that big truck into the side of your car. We push the snow past the cars and we wind up putting three feet of snow in the apron which you guys don't see at times, we actually take our trucks and try to clean the aprons so cars can get in and out.

As for leaf season, we suck leaves off the curb and we do it in front of your apartments as well but the residents across the street from you, the cars parked in front of their leaf piles, we can't get to them. We can't move them by hand so we have to come back. There's been times where it's been three weeks before we are able to get one pile. At that point the leaves become wet and mucky and I have to bring a loader to scrape them off the front lawn which does damage to their property and it's a hardship for us. I don't think that's fair to the residents because one side of the street is getting the service and the homes across the street are not. It is my intention to give everybody their fair share of service. We are on a tight schedule when it comes to leaf season. To constantly have to come back to try to get a leaf pile sometimes we come back out to see if the car has moved. It creates havoc for us and a longer season. It doesn't affect me until leaf season and snow removal. I prefer that there are no cars on the street at all through the entire Village, but we can't have that. Like I said, it's not our intention to create difficulties for anybody. I just want to get my job done and keep the streets safe. Thank you.

Council President Schutt stated, thank you Mr. Sipos. Are there any other comments?

A member of the audience asked, couldn't we just ban at certain times with snow like they do in other cities. You can't park at all during snow time? Also, it's not the whole cul-de-sac that we would park on. You give us a designated area.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 18

Mr. Sipos replied, the problem with a designated area for leaf season is there's leaves on every curb.

The audience member stated, no, I'm saying that that time would be a ban just like snow. We wouldn't park during the time that you are picking up leaves.

Mr. Sipos stated, that's not up to me. In a perfect world for the Service Department, yes, during snow and leaf season that would be the best scenario. With our safety vehicles, I understand that the cul-de-sac was put in and the trucks do have a turning radius. As to my trucks, and you can only cut those trucks so tight you can't drive over the middle so the bigger the truck the wider the turning radius so I do understand from that perspective with buses and fire trucks. That's depending on if cars decide to park right at the edge of the curb. If they are 300 feet off the curb which they are sometimes, we can't get a big truck around there. As I do plow the snow and push it over, it does create an ice bank. It just keeps on building out so those cars do have to push farther and farther into the road or sometimes it becomes difficult for me to get a snow truck around there. We haven't had a bad winter in 15 years. This past winter we did. I would expect more to come. For me, safety-wise, it would be better if there are no cars in the cul-de-sac. The houses on the other side of the cul-de-sac, they don't have much frontage. If you park in front of their house you are in front of their mailbox or in front of their driveway. They don't get much room on the other side of the cul-de-sac. I do know that because we are out working in that area all the time.

Mrs. Juncisek asked, Council President?

Council President Schutt replied, sure.

Mrs. Juncisek asked, do you want me to reserve my comments for when there is a motion on the floor or can I make some comments now? I know we are still technically in the open portion so I wasn't sure whether you want me to reserve the comments.

Council President Schutt replied, you might as well say it now.

Mrs. Juncisek stated, a couple of comments. One, Mrs. Maureen Washock actually sent an e-mail with some pictures this evening. Also, in support of what Chief Carcioppolo from Safety Services and what Mr. Sipos has said for the safety of the Service Department as well, if Council remembers last winter there was concern brought to Council as far as Mayfield students walking in the snow to meet the bus stop as well. They were having to walk in the street for various reasons. With snow season, you can't control how much that is as well. I would like Council to consider that as well that students would still have to be walking. The bus would not be able to get up there.

A member of the audience stated, I'd like to say something to that if I can. Our side of the sidewalks were cleared. We cleared our sidewalks every morning at 8:00 a.m. so our dispute

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 19

could easily be walk down our sidewalks. We clear them all the way to the bus. I just want to make that point.

Council President Schutt asked, are there any other comments?

There were none.

Department Head Reports:

Diane Wolgamuth (Administration) – Thank you Council President. I don't have a report for myself but I do have one for Mr. McAviney from the Recreation Department. He wanted me to let you know that he has requested proposals from 15 different companies for senior snow plowing this year. He has received information from four. Six have declined and five have not responded. He is hoping to get more responses this week and make a decision. The applications will be going out to residents the week of August 29th. Believe it or not, snowplowing is upon us.

Council President Schutt you also mentioned the party this Saturday. Mr. McAviney said that everyone is invited. It is from 1:00-10:30 p.m. It will begin at Parkview Pool and start with a community cookout. There will be entertainment. He asked me to pass along that if any Council members would like to cook, they should contact the Recreation Department. They could use some help with grilling. In the evening there will be a community pizza party and more entertainment at The Grove starting at 6:00. That's all I have. Thank you.

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

Daniel Russell (Building) – Thank you, Council President. I will be reporting on the recent Planning and Zoning meeting on August 1st. Mayfran International requested conditional use approval for an accessory structure in their rear yard. This structure is a pavilion, 864 square feet. It was approved at that meeting. If anyone has any questions, I would be happy to answer them.

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

There were none.

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

Tom Cappello (Engineer) – Yes, Council President. Just a quick update regarding Worton Park Area Culvert Replacement. The work has commenced. They are paving the temporary road this week. They will be closing Worton Park tomorrow or Wednesday.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 20

Council President Schutt stated, thank you, Mr. Cappello. That concludes our Department Head reports.

OLD BUSINESS

Third Reading of Ordinance No. 2022-10, entitled, “An Ordinance repealing and replacing Mayfield Village Codified Ordinance Section 1149.02 relating to Conditional Use Permits.” Introduced by Mayor Bodnar. (First Reading, June 20, 2022; Second Reading July 18, 2022).

Mrs. Juncisek, seconded by Mr. Murphy, made a motion to enact Ordinance No. 2022-10.

Council President Schutt asked, discussion on Ordinance 2022-10?

There was none.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

Council President Schutt stated Ordinance 2022-10 is approved.

Third Reading of Ordinance No. 2022-17, entitled, “An Ordinance Amending Mayfield Village Codified Ordinance Section 351.03 Prohibited Standing or Parking Place, to prohibit parking along the Aintree Park Drive cul-de-sac and correct the spelling of Beech Hill Road.” Introduced by Mayor Bodnar. (First reading, July 18, 2022; Second Reading, August 1, 2022).

Mrs. Juncisek, seconded by Mr. Meyers, made a motion to enact Ordinance No. 2022-17.

Council President Schutt asked, discussion on Ordinance 2022-17?

There was none.

ROLL CALL: AYES: All
NAYS: None

Motion Carried
Ordinance Enacted

Council President Schutt stated Ordinance No. 2022-17 is approved.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 21

NEW BUSINESS

First Reading of Ordinance No. 2022-18, entitled, "An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1128 "Comprehensive Stormwater Management" and replacing it in its entirety with new Chapter 1128 "Comprehensive Stormwater Management." Introduced by Mayor Bodnar.

Council President Schutt asked, are there any questions or discussion on Ordinance 2022-18?

There was none

Council President Schutt stated, Ordinance No. 2022-18 will be moved to Second Read at our Regular Meeting of Council on Monday, September 19, 2022.

First Reading of Ordinance No. 2022-19, entitled, "An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1129 "Erosion and Sediment Control" and replacing it in its entirety with new Chapter 1129 "Erosion and Sediment Control." Introduced by Mayor Bodnar.

Council President Schutt asked, are there any questions or discussion on Ordinance 2022-19?

There was none.

Council President Schutt stated, Ordinance No. 2022-19 will be moved to Second Read at our Regular Meeting of Council on Monday, September 19, 2022.

First Reading of Ordinance No. 2022-20, entitled, "An Ordinance repealing Mayfield Village Codified Ordinance Chapter 1130 "Illicit Discharge and Illegal Connection Control" and replacing it in its entirety with new Chapter 1130 "Illicit Discharge and Illegal Connection Control." Introduced by Mayor Bodnar.

Council President Schutt asked, are there any questions or discussion on Ordinance 2022-20?

There was none.

Council President Schutt stated, Ordinance No. 2022-20 will be moved to Second Read at our Regular Meeting of Council on Monday, September 19, 2022.

First Reading of Ordinance No. 2022-21, entitled, "An Ordinance amending Mayfield Village Codified Ordinance Section 501.99 "Penalty for Misdemeanors." Introduced by Mayor Bodnar.

Council President Schutt asked, are there any questions or discussion on Ordinance 2022-21?

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 22

There was none.

Council President Schutt stated, Ordinance No. 2022-21 will be moved to Second Read at our Regular Meeting of Council on Monday, September 19, 2022.

- **Motion to approve the recommendation of the Mayfield Village Planning and Zoning Commission concerning the granting of a Conditional Use Permit for a Free-standing Picnic Pavilion for applicant Mayfran International, 6650 Beta Dr.**

Mrs. Jurcisek seconded by Mr. Meyers made a motion to approve the recommendation of the Mayfield Village Planning and Zoning Commission concerning the granting of a Conditional Use Permit for a Free-standing Picnic Pavilion for applicant Mayfran International, 6650 Beta Dr.

Council President Schutt asked, any discussion?

There was none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Recommendation Approved

Council President Schutt stated, motion carries.

- **Motion to acknowledge receipt of financial reports for July 2022 and to approve of same as submitted.**

Mrs. Jurcisek, seconded by Mr. Marquardt, made a motion to acknowledge receipt of financial reports for July 2022 and to approve of same as submitted.

Council President Schutt asked, any discussion?

There were none.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Financial Reports for July 2022 Acknowledged And Approved as Submitted

Council President Schutt stated, Motion carries. July 2022 Financial Reports are acknowledged and approved.

DRAFT

Minutes of the Regular Meeting of Council

Monday, August 15, 2022

Page 23

- **Motion to approve an expenditure in the amount of \$22,829.83 to the City of Lyndhurst for Mayfield Village's share of the Lyndhurst Municipal Court's operating deficit for January through June 2022.**

Mrs. Juncisek seconded by Mr. Marquardt, made a motion to approve an expenditure in the amount of \$22,829.83 to the City of Lyndhurst for Mayfield Village's share of the Lyndhurst Municipal Court's operating deficit for January through June 2022.

Council President Schutt asked, any discussion?

There were none.

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

- **Motion to approve an expenditure in the amount of \$108,652.00 (2,300 tons x \$47.24/ton) to Cargill for road salt for the 2022-23 season.**

Mrs. Juncisek seconded by Mr. Marquardt made a motion to approve an expenditure in the amount of \$108,652.00 (2,300 tons x \$47.24/ton) to Cargill for road salt for the 2022-23 season.

Council President Schutt asked, any discussion?

There were none.

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

ANY OTHER MATTER THAT MAY COME BEFORE COUNCIL

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

ADJOURNMENT

Mrs. Juncisek, seconded by Mr. Arndt, made a motion to adjourn.

ROLL CALL: AYES:	All	Motion Carried
NAYS:	None	Meeting Adjourned

The meeting adjourned at 8:19 p.m. The next Regular meeting of Council will be on Monday, September 19, 2022 at 7:00 p.m. in Civic Hall at the Mayfield Village Civic Center.

