

COUNCIL CAUCUS MINUTES
Monday, May 1, 2023 – 7:00 p.m.
Mayfield Village Civic Hall-Mayfield Village Civic Center
6622 Wilson Mills Road, Mayfield Village, Ohio

The Council of Mayfield Village met in Caucus Session on Monday, May 1, 2023. Council President Schutt called the meeting to order at 7:00 p.m.

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

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

Absent: None

MAYOR

Thank you Council President. Just a couple of things. I wanted to thank Ms. Wolgamuth for another wonderful *Voice of the Village*. Thank you and to everybody who contributed to it.

Also, I just wanted to report that we had a NOPEC meeting last week. Seven different communities attended. It was held at the City of Lyndhurst Community Center. It was a full house. They had to add more chairs to the room. It was very well attended. Representatives from NOPEC, Jeff Heinrich and Tony Ramos, did a wonderful job. They were very clear. They stayed late for a lot of questions. For anyone in this room or anyone who calls you, if people do need to make a switch and call NOPEC for any reason, you need to be able to wait several hours on hold because their lines are that busy. It took us 5 hours of waiting time all total over the weekend to get through. If you are opting out, you don't need to contact them, you can take a picture of your opt out form and send it in. That's all I have. Thank you.

Council President Schutt stated, thank you, Mayor Bodnar.

COUNCIL PRESIDENT

The next Regular Meeting of Council is scheduled for Monday, May 15th at 7:00 p.m.

PENDING LEGISLATION

- **Ordinance 2023-04**, entitled, “An ordinance amending Mayfield Village Codified Ordinance Chapter 505, Animals and Fowl.” Introduced by Mayor Bodnar. (First Reading – March 20, 2023; Second Reading – April 17, 2023) (Law Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance 2023-04 will move to Third Read at the May 15th Regular Meeting of Council.

- **Ordinance 2023-05**, entitled, “An ordinance amending Mayfield Village Codified Section 1157.06, Accessory Buildings and Structures.” (First Reading – March 20, 2023; Second Reading – April 17, 2023) Introduced by Mayor Bodnar. (Police Department)

Council President Schutt asked, discussion?

There was none.

Council President Schutt stated, Ordinance 2023-05 will move to Third Read at the May 15th Regular Meeting of Council.

NEW BUSINESS FOR DISCUSSION

1) Aintree North & Sandalwood Drive Sidewalk Replacement Program

Council President Schutt asked, Mr. Cappello?

Mr. Cappello stated, yes, Council President, on Friday we opened bids for this project. This encompasses the Aintree North neighborhood which is Wildwood, Bramblewood, Thornsway, Timberline, Deepwood and Creekwood and also some sidewalk portions on Sandalwood and also completing the remaining sidewalk on the Aintree Park neighborhood that people did not opt in with the last phase. We had 6 bidders. The low bid was T.C. Construction for \$242,000 and change. I am recommending we go ahead and accept that bid and go forward with that.

Council President Schutt asked, any questions?

Mrs. Jucisek asked, how much are we asking the residents to buy into the program?

Mr. Cappello replied, last year we did it based on the bids we received. That was about \$350 a sidewalk block. This year the numbers came in substantially lower. We haven't calculated it yet, but it should be lower than the \$350.

Council President Schutt asked, any other questions or comments?

There were none.

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

2) 2023 Road Program

Council President Schutt asked, Mr. Cappello?

Mr. Cappello stated, we received bids for the 2023 Road Program. We had 7 bidders. The low bidder combined was Ronyak Paving. That includes \$714,069 for the base bid which is the surfacing of Seneca, Highland Road, Metro Park Drive, Zorn and White Road. The second part of that was an add alternate to The Grove parking lot. As you can see on this drawing up here, this is the proposed parking lot. I am also recommending going ahead with that.

Council President Schutt asked, any questions or comments?

Mr. Meyers asked, that's not part of the Food Truck parking? This is additional?

Mr. Cappello replied, yes. It's additional for people who are performing and also the Village staff.

Mr. McAviney stated, currently there's not enough spots back there for the staff. They have to park in other areas. We hope to be able to put their cars back there to free up parking. There are 26 proposed spots. We currently have 6-8 makeshift spots. Hopefully this will get people off of North Commons and put them back there. Especially with the larger bands. They may travel with 10-12 cars. They have to go into the parking lot. This would get those cars out of that area and open up parking.

Mr. Meyers asked, would any residents be able to park there or no?

Mr. McAviney replied, no. But Mr. Meyers the hope is that at this spot right here on North Commons, the 10-12 cars parked by staff, those 10-12 cars would be moved over here to open up more parking for residents over this particular area. We are switching them around to create more parking. This area right here is all wetlands so we can't expand here. This area is available to be expanded. We are shifting cars from where they would be normally to here to open up more parking spots for the residents.

Mrs. Jurcisek asked, how long are bids typically opened for?

Mr. Cappello asked, advertising?

Mrs. Juncisek replied, yes. I was just curious.

Mr. Cappello replied, three weeks.

Mrs. Juncisek asked, this was just opened on Friday?

Mr. Cappello replied, yes. It was advertised for three weeks prior.

Mrs. Juncisek stated, okay.

Council President Schutt asked, any other questions or comments?

Mr. Williams asked, is this the same map? Is it attached to the right legislation?

Mr. Cappello replied, the drawing up here encompasses two of the bids. This drawing here was for The Grove Food truck parking which is to the left. It's a concrete parking aisle for the food trucks. It also would provide lighting. To the right is the parking lot which is a part of our asphalt road program. That's why we bid it as an alternate to that because you get better prices if we do it this way where you have a concrete contractor and an asphalt contractor.

Mr. Meyers asked, the bid is strictly the parking lot, nothing else?

Mr. Cappello replied, the bid for Ronyak, yes. It's the asphalt parking right here.

Mr. Williams asked, and this will open up how many more parking spaces?

Mr. McAviney replied, an additional 26 parking spaces will be opened. The goal would be to take those staff members, band overflow and sound company and house them all there to make the parking spots more available.

Mr. Williams asked, how many parking spaces are in The Grove?

Mr. McAviney replied, 26 spots. Currently there's 6-8 makeshift parking spots. That depends on how well people park.

Mrs. Juncisek asked, so Ronyak didn't even bid on the pavement for the food truck?

Mr. Cappello replied, no, that was a separate bid. That was concrete.

Mrs. Juncisek stated, okay.

Council President Schutt asked, any other questions or comments?

There were none.

Council President Schutt stated, thanks everyone for the discussion.

3) Grove Food Truck Parking & Lighting Improvements

Council President Schutt asked, Mr. Cappello?

Mr. Cappello replied, yes, Council President, 7 bidders purchased plans for this. We received three bids of which two were complete and one was incomplete as he did not put a number to the electric. It was my understanding from talking to some of the bidders, it was hard for them to get an electrical subcontractor. Everyone is pretty busy. We did receive two bids. My original estimate for this including electrical was \$175,000. The low bid came in at \$211,060 which is a little over 20% over the Engineer's Estimate. In the estimate, we found an error. I did not include some additional work for the electrical engineer. That was basically the increase. My original number for electrical was \$75,000 and you can see the low bid here it is about \$110,000. That's about \$35,000 ballpark over. Because of the need for the parking for the food trucks, we are recommending to do that concrete work and then reject item 11 which is the site electrical package. I believe the number was \$101,060.

Council President Schutt stated, yes. That was the number. A question I have on that, if we were to hold off on doing the electrical, are there any efficiencies that we would lose by not doing that work now and that \$110,000 number is now higher a year from now?

Mr. Cappello replied, that's kind of hard to say. Things go up and down all the time. It's hard to say. I can't give you an answer.

Council President Schutt asked, so we wouldn't do any electrical? You wouldn't sub it out?

Mr. Cappello replied, I have discretionary allowance in my bid. I would then put in the sleeves. The conduit crosses our pavement twice on the food truck part and the one driveway to the left. We would put stubs in there as part of our project. We are not tearing up concrete in the future. We will be prepared for electric in the future.

Mr. Meyers asked, are they going to run power to the back side of the parking lot for the trucks? Is that included in the electrical?

Mr. Cappello replied, that was included in the electrical. Instead of having them run generators all of the time, we were looking to put those RV charging stations in. There's going to be four of them, one for each food truck which they can plug directly into that so we wouldn't have to hear the generators anymore.

Mr. Meyers asked, who would pay for that?

Mr. Cappello asked, as far as what?

Mr. Meyers asked, the electrical? Us? The Village?

Mr. Cappello replied, yes.

Mr. Meyers stated, so we would pay for the food trucks basically electrical-wise, if they plug in.

Mr. Arndt asked, what are we currently charging the food trucks?

Mr. McAviney replied, what the food trucks have done the last couple of years is most of the bands are required to have food provided to them in their contract. Instead of me collecting money and giving it back to them, I have had them pay for all of the food for the bands. At the end of the year they usually make a donation to the Hudacko Scholarship Fund for \$250. Keep this in mind, last year, Mentor, who has about 15,000-16,000 show at their events, they charged \$1200 for a food truck to come there. If we take our proportional size, we are probably looking at \$600 for the season. Between the scholarship and the food we provide for the entertainers that is required in the contract, we are exceeding that. We have two primary trucks, Pizzazz and Off the Griddle. The rest are secondary. They come and go. We have a scholarship fund that they donate to. It then goes back to Mayfield Village students. That's the route we decided to take at this point. We get the same amount of money per truck in proportion than Mentor. We just take it differently. Mentor doesn't have a scholarship fund. Mentor buys the food for the bands when they come in. My thought is I cover more food with less money because I am just trading off product.

Mr. Meyers asked, do we have to feed the bands, then, is that what you are saying?

Mr. McAviney replied, a majority of the contracts have the clause that you have to provide a meal to them. That's standard as long as I have been doing it. There's a few bands that don't require it, but the majority of them do.

Mr. Meyers asked, so we power the trucks and we feed the bands? What do we get? A little bit of money for the scholarship basically?

Mr. McAviney replied, we get money for the scholarship but we have to pay for the food regardless of whether the food trucks are there or not. That would be what we would have to pay for regardless. I can go back and collect the money versus pay for the food, but we still have the cost of paying for a handful of the bands' food. That's how the industry is when it comes to their contracts.

Mr. Arndt asked, what's the rough cost for spending on food for the bands?

Mr. McAviney replied, between \$20-25 a person. We could spend the money to buy those out.

Mr. Meyers asked, do you know what the calculation is on the electric for the food trucks?

Mr. McAviney replied, I don't. That's a good point. They use generators 99% of the time. We went this direction because of a problem with the Fire Department and I concur that we are just trying to create a safer environment down there.

Mr. Jurcisek asked, so because we are not doing the electrical this year, we could do some of that that you are saying, but it wouldn't fully be connected to generators?

Mr. McAviney replied, down the road if we decide to run the electrical, you don't want to tear everything back up. You can put it underneath and it will be ready to go. It's a smart move to always do that in any project.

Ms. Calta stated, not to add to any potential confusion here, but just to set the stage. When Tom was talking about the bids coming in 20% over, there is a requirement that we reject any bids that are in excess of 10% over the Engineer's estimate so if we were to keep in the electrical bid, we will be over that and the recommendation would be instead to go back and rebid it which would take additional time and additional expense. We talked about alternatives and one of those alternatives would be to do what has been recommended. That's a rejection of the electrical bid item because the Village has the authority to reject in whole or in part any and all bids for any reason. In this instance, because the bids for the electrical work exceed the estimate by more than 10% that's why we would be rejecting that piece. Having said that, Tom has also explained that his Engineer's estimate for the electrical work based upon the bids that came back from the bidders had a lot more components than anticipated. We also could look back at the Engineer's estimate and recalculate it and if that were the case, we likely then would get within the 10% and not exceed it. However, your number for electrical was \$75,000 and the closest was \$110,000 so you are talking a significant difference. That's why the recommendation came that we would look at just moving forward if Council were to approve it on what I call the concrete work with some discretionary, you have your contingency, you can put it in and be ready so you are not doing the work twice or ripping up the concrete or asphalt or whatever it would be. Going back to the very beginning, this all began as Shane mentioned as a discussion of moving the food trucks away from the fire lane so they would not cause any sort of conflict with the fire lane so the fire lane could be maintained without the food trucks in close proximity. The next discussion was well if we are moving them, again safety, they all come with these generators that could present some safety issues. They are also rather loud if anyone has ever spent any time around them. Many food trucks come with these generators. The question then was we are going to need lights for the parking lot. That's where the electrical part of the bid came to be.

Chief Carcioppolo stated, as the Grove has evolved over time, things have been moved to try to accommodate more space. In that process, conflicts with the fire lane arose. It was part of Chapter 5 of the Fire Code. To address that, the trucks need to move somewhere else. The options are limited with how successful it's become and how parking is with people coming in. The concept of that does make a lot of sense to keep the food trucks away from people. Generators are something that almost every food truck has, but there are inherent dangers with using it. Having

electrical tie-ins for all the trucks is good because they can have 50 amp, 30 amp and regular 110 tie-ins for the trucks depending on how big their electrical panels are. The biggest problem with the generators, aside from the noise, is if they have to refuel the generator while they are on-site, based on what type of fuel it takes, technically they are supposed to wait until it drops below the emission temperature, the fuel they are refueling it. It creates a lot of unnecessary safety risks if you have someone trying to refuel the generator while it's hot. In theory, this concept of moving across the way from where the main crowd is so there's a little more distance there and keeping the fire lane open; it's not only for us, it's for police and EMS. It's more for emergency responders in general.

Mrs. Juncisek stated, okay.

Chief Carcioppolo stated, as far as the bid goes, with the electrical, having the conduits in place so that they can eventually run the wires is good. I am not here to tell you what to do with all that, I'm just saying that it makes sense from a safety perspective to follow engineer's safe practices as to what people do. If trucks are moving down the road all the time, that inherent motion and road vibration shakes things loose.

Mrs. Juncisek stated, I was just curious that if we were scrapping the electrical piece of it and potentially incurring more cost later on would it make sense to hold off on everything, on the entire project, but you are saying from a safety standpoint, moving these back helps open the fire lane up.

Chief Carcioppolo stated, it is a safety issue right now for people sitting in the Grove. If you're bored, look on *YouTube* and look up food truck explosions. The Fire Code changed with the 2017 Edition. Food trucks became its own chapter. It's an unfunded mandate. We have our own local legislation to help us do it easier because we are an anomaly for a small community to have so many food trucks with Progressive having food truck days all the time. We were required to inspect the food trucks every day they were here. We established our own local ordinance to do an annual inspection program so that we didn't have to chase them around every day. All of the food trucks that operate here are inspected. We are in the middle of inspecting food trucks all the time right now but it's so that in the summer we don't have to worry about chasing them around. We invite them to our property and our shift will do an on-site inspection before they start to make sure there's no leaking propane or inherent risks that we can stop immediately but it's easier than doing a full-blown annual inspection. We do the best we can.

Mrs. Juncisek stated, thank you. This changed from when I originally saw it on-line over the weekend with rejecting the electrical piece of it. I was trying to just get some clarity.

Mr. Murphy asked, Tom, your estimate on the concrete paving alone was within 10% of Great Lakes Crushing?

Mr. Cappello replied, yes.

Mr. Murphy stated, okay. Thank you.

Ms. Calta stated, for the record also, Great Lakes Crushing was the low bid no matter what. So, whether you put the electrical in or you take it out, they were still the low bid so that doesn't change.

Council President Schutt stated, so we heard the one portion of taking out the electrical piece and moving forward with the concrete and also it was mentioned about postponing the entire project and then the third option would be to move forward with everything if we were to find a way; obviously we are over the 10%, but you mentioned if we were to kind of comb through some of the details, it seems like there was a change of scope, that things were added for the electrical. There is a \$15,000 contingency. It's been mentioned on the safety thing twice of one, the fire lane and two, generators. It seems as if we don't do the electrical piece, we still have a safety concern with the generator.

Ms. Calta stated, and you can still go out to bid again for the electrical. There's nothing that would preclude going out for just the electrical. There is no time limit. You could go out as soon as the bids are ready. I don't know if that answers your question. If you go out to bid, it seems like from what Tom, Diane and I have talked about is that there's a lot of bids out on the street right now. It's that time of year for communities to do a lot of projects and get things out on the street. It sounds like right now, based on your conversations with at least one of the bidders, that it's been hard to find electrical contractors to do work. I don't think that waiting a couple of weeks to get another bid out and have another bid opening say hypothetically in June, you may get the same sort of results which is you don't get a lot of contractors in response as far as what the price is going to be. That's also unclear. If you are going to go out to bid a couple weeks or a month later, these numbers shouldn't change significantly, right?

Mr. Cappello replied, some of these electrical contractors don't necessarily do municipal work on their own meaning you need a lead contractor. They are usually working as subs, so these numbers may increase just so everyone's aware that if we had to get someone who is just an electrical contractor who hasn't done a lot of municipal work by themselves but then they have to increase their number to make sure they cover all of the incidentals. Again, you might not get a bid at exactly \$110,000, it might be more or it might be less. As of right now, three or four people we tried to get a hold of couldn't give bids. As of today. It does not mean we couldn't advertise again. I have no problem doing it.

Mr. Arndt asked, is there a way to move the trucks? With our current climate being the way it is and us losing money every month, the expense itself is; it's a great project. I believe in the project. It's not the best timing. Is there a way to move the food trucks somewhere else? Like they were out on the street for the Centennial.

Mr. McAviney replied, you could move them on to North Commons, but that's more parking spots you are going to be taking. Food trucks probably take up 3-4 parking spots. There's 2-3 food trucks. You would be looking at 10-15 parking spots. From that aspect, we would be going into

the opposite direction. We did discuss that. Also you have to make the food truck convenient for people to get there.

Mr. Arndt stated, I understand that.

Mr. Meyers stated, it's just like the pool parking lot. Is there a way of having people there earlier so that it's not full when people get there to go to the Grove?

Mr. McAviney replied, the pool will be open until 5:30 p.m. There would be that transitional point there where some people are at the pool and the playground. That's a hard thing to regulate. What we also did different this year is that we are not having softball tournaments on Friday or Saturday when Grove events are going on. We reduced the amount of activities going on down in that area during other events. If there's an event at the Grove, we don't have pool rentals that evening. We will move them to Saturday if Saturday's available or Sunday because there's just not enough parking spots when all of the activities are going on at the same time.

Mr. Meyers asked, is the pool going to close earlier when the events are going on?

Mr. McAviney replied, last year it closed at 6:30. It's closing at 5:30 this year to give us that transitional point to get people out and get new people in. We made that decision during last summer to move it to 5:30.

Mr. Meyers asked, Chief, what time do you have the police down there to watch cars going in and out?

Chief Matias replied, usually an hour before the event.

Mr. Meyers asked, 5:30ish?

Chief Matias replied, correct.

Mr. McAviney stated, we have a crew coming in at 5:30 and 6:00. They are staggered.

Chief Matias replied, we have one person come in earlier.

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

There were none.

Council President Schutt stated, thank you everyone.

- 4) Project Award Agreement with Cuyahoga County for \$250,000 grant (Civic Center ADA & Energy Efficiency Upgrades)**
- 5) Project Award Agreement with Cuyahoga County for \$250,000 grant (Grove Permanent Restrooms)**

Council President Schutt asked, Ms. Wolgamuth?

Ms. Wolgamuth replied, thank you Council President. These two grants are grants that were given to us by the County. They are ARPA money and they are different in that most grants that we get there's a match required. These do not require any match. It appears that the County will give us the \$250,000. The only requirement is that we only spend it on the things we said in our application we were going to use it for. If we don't spend it after a year and we are not in the middle of a project, we would have to give the money back to the County but as long as we spend it for what it was earmarked for, we can keep it. On the Civic Center, we applied for ADA and energy efficiency. The list of items that we gave them total \$325,000, but again as I said, there's no match required. It's things like door and window replacement. We need a new HVAC unit. We wanted ramp construction to the theater because there's no ADA exit from there. We want a door actuator on the door right here off the parking lot and upgrades to our website to make it ADA compliant. We can do any and all of those things as we get to the \$250,000 but Council will have an opportunity every time because we will be either going out to bid or seeking Council's approval for each of these things as we do them. Right now, the only thing before Council is to approve the Agreement with the County to get the money.

The second grant was specifically for permanent restrooms at the Grove. This one's a little bit different because I think we are pretty sure it will be difficult to build restrooms at the Grove for \$250,000. It's likely to be more than that given our experience with building other restrooms. Shane and I are talking to some companies that do prefab buildings. We are going to do what we can to keep the cost as close to the \$250,000 as we can. Utilities are already at the site so there's not an additional cost for that. Also, again on that project, if we go out to bid or whatever we decide to purchase we will be coming back to Council so we will have another opportunity to actually vote on the project. Again, this is just to enter into an Agreement with the County.

Council President Schutt asked, any questions for Ms. Wolgamuth on either item?

Mr. Meyers asked, you said if you didn't spend the money you would have to give it back. What if you don't finish the project?

Ms. Wolgamuth replied, if you are still working on the project, there's a provision that says that you can request an extension in writing. It doesn't even appear that we are under a huge time pressure to get it done but I think the County would be happy if we could get it done within the year.

Mr. Meyers stated, thank you.

Council President Schutt asked, any other questions or comments?

Mr. Murphy stated, permanent restrooms have come up at the Grove before. I don't know if this is more for Shane or not, but besides the free money which we all love, why the change of heart in deciding to do permanent restrooms?

Mr. McAviney replied, when you look at the price of the restrooms, it's \$400,000 roughly. But when you are getting funding to cover over 50% of that. The Grove is not just Fridays and Saturdays anymore. People park there and are exercising. I have seen an increase in population for 7 months for 7 days a week now. When I first started with the Grove, I'd only see people on Friday or Saturday night. Now this makes sense. We spend about \$10,000-15,000 on restrooms every single year to be at the Grove, between the port-a-potties and the trailer. Ten to 15 years from now that restroom will be paid back as an additional investment. It makes sense to me. Before it was, it would be paid back in 30-40 years. Now, with the funding from the County it's less.

Mr. Murphy stated, thanks Shane.

Mr. Arndt asked, we are not charging for anyone to get in. Where's our return on the investment?

Mr. McAviney replied, either way we are going to rent trailers, so your cost every year is \$15,000 a year. So we get a restroom for \$400,000 and then get the grant. In 10 years you have paid that in renting trailers.

Mrs. Juncisek asked, do you think you could find a prefab unit?

Mr. McAviney replied, there's so many levels of models of degrees and so forth. The realistic range is in that \$300,000-400,000 range. If you research it on line, you will see from wood finishes to high brick finishes to split face which is less expensive. Something that's modest and pleasant in appearance but by no means going overboard.

Mrs. Juncisek replied, even at \$325,000, your difference is \$75,000 with the grant. You recoup that money in five years.

Mr. McAviney stated, if it ends up being too expensive of a project, we don't have to keep the money, we give it back to the County and they'll reallocate it somewhere else. But we are confident we can work with the numbers we need to work with.

Mr. Murphy asked, the more we talk about it, is there something related to the max capacity to the Grove related to how many bathroom units you have to have?

Mr. McAviney replied, yes. What we did last year which made a big difference was we opened up the restrooms in the pool area because we realized we needed closer to 30 restrooms. By not

opening up that area, we couldn't get 30 restrooms. If we get 10-12 out of this and the pool, and we'll always have a couple port-a-pots for the band, we are getting close to the 30 number.

Council President Schutt asked, any other questions or comments?

Mr. McAviney stated, this doesn't mean we are going to build the restrooms. It means we can dive in and figure out what they cost and if it makes sense, we can put them in.

Mr. Meyers asked, are restrooms more important than food trucks?

Mr. McAviney replied, I can't say one or the other. I think the reality is in some aspects for that venue you need both. I have no option to put a food truck anywhere else. That's where my dilemma lies. We can't block emergency access. We are blocked from water aspects to nature. There's nothing I can do outside of putting them on North Commons and whether I do that or not, I don't know. We can always charge for whatever that electrical cost is for the food trucks to recover that. I don't think any of the food trucks would be against that cost. If you get consistently the same truck like Pizzazz over and over again. They never used to contribute to our brochure before the Grove. Now they give about \$2,000 a year in advertisement. That's because of the Grove. A lot of the advertising on there is because of the Grove. We are getting our money for all this stuff in other ways. We are just getting it different than Mentor gets it.

Council President Schutt asked, any other questions or comments?

There were none.

Council President Schutt stated, thank you everyone.

6) Easement with Smokin'Q's re: Shed

Council President Schutt asked, Ms. Calta?

Ms. Calta replied, yes. I have recently learned that there is a shed that belongs to Smokin Q's that is located on Village property. I can't tell you how long it's been there. By all accounts it's been there for a long while. I think they store outdoor furniture in it. There's nothing unusual. They are not smoking meats or storing any food.

Mr. Meyers asked, would it fall under eminent domain since they've been there that long?

Ms. Calta replied, no, they couldn't argue that. It came about largely because of the relocation of the Dominion regulator station. What is happening out there is obviously the regulator station is being installed and they are going around the shed. It leaves the shed still there on Village property without any agreement for that. We said it's really not in our way. It's not in Dominion's way. So we got an agreement together and it can stay there until it doesn't need to be there any longer.

This way everyone understands it's not our shed but it is on the Village's property. We will have an Easement Agreement at Council for approval for the shed.

Council President Schutt asked, any questions or comments?

There were none.

7) Amendment to pending Animal & Fowl Ordinance – Ordinance 2023-04 – on Second Read

Council President Schutt asked, Ms. Calta?

Ms. Calta replied, we had a certain unusual circumstance recently where the Animal Warden boarded an animal that was not claimed by the owner. Under our agreement with the Animal Warden, that is something that falls to the Village to pay for. We talked about how we have this ordinance that's up for Council's consideration and the question was could we assess that amount? In this situation, it's a resident that had a dog that was found to be in violation of how they were keeping their dog. I don't know how much detail you want to get into but that just resulted in the dog being taken over for care by the Animal Warden and that resident was being charged for a violation of how they were treating the animal. That owner decided not to claim the animal. If you claim the animal, you pick it up and you pay all of those expenses. If you don't claim it, it will get turned over to the County. In this instance, because there was a pending matter, there were significant charges to the Animal Warden. If that prosecution had proceeded, that money could have been awarded as restitution and paid back to the Village. It is an unusual circumstance. In this instance it's not going to be paid back because that individual passed away.

Mr. Meyers asked, what happened to the animal?

Ms. Calta replied, it went to the County.

Mr. Meyers asked, does that cost money?

Ms. Calta replied, once it goes there, no. They will take in the animal and rehome the animal. Long story, we just want to add in some language to the final section of this 505.99 that just says if there's an instance where there's a violation that results in costs to the Village, if they are collected, they can be assessed to the resident. In this other instance, we are looking to try to collect those monies and if we not, we may have a separate ordinance that comes forward to put the assessment on. We can't just assess things we don't have authority from Council to do or from the Revised Code. It says if there's any cost incurred by the Village they can be assessed if they are not able to be collected in other ways.

Council President Schutt asked, any other questions or comments?

There were none.

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

8) Purchase of Replacement Motorcycle (Southeast Harley Davidson - \$17,878.50)

Chief Matias stated, thank you Council President. This is part of our normal fleet rotation. The current motorcycle we have is approaching 10 years old so it's time to rotate that out of service and get a new motorcycle. I got three quotes. They are all pretty close. The lowest one that came in was from Southeast for \$17,878.00. We are requesting to have the motorcycle replaced and we will then sell the old motorcycle.

Mr. Meyers asked, is the new motorcycle going to be put on the road as a patrol vehicle or is it just going to be a parade vehicle as you mentioned in your memo? Will it be used as a police motorcycle?

Chief Matias replied, we are going to use it like we currently use it. When Sergeant Argie is on patrol, he rides the motorcycle and that's part of the traffic enforcement.

Mr. Meyers asked, do you have any other officers who ride?

Chief Matias replied, no.

Mr. Arndt asked, how much are the repairs?

Chief Matias replied, we are not estimating out the repairs because of the age of the bike. It's a motorcycle and the officer's out there on the motorcycle. We have to have a good functional safe motorcycle so to start trying to do repairs suchlike the gaskets or electrical issues things like that, we don't plan to get it fixed because we have to have a safe motorcycle for the officers to ride in. we can't just kind of piece and part it together.

Mr. Meyers asked, do you know how many miles are on that bike?

Chief Matias replied, 14,289.

Mr. Murphy asked, is this coming out of the ticketed monies?

Mr. Wynne replied, it's coming out of the Capital Improvement Fund and the photo enforcement program monies go into that Fund.

Mr. Meyers asked, is the current bike going to be traded or go on Govdeals?

Chief Matias replied, no, we will sell it.

ANY OTHER MATTER BEFORE COUNCIL

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

Mrs. Betsa stated, yes, Council President. Just a reminder that Shred Day is scheduled for Saturday, May 20th from 9:00 a.m. until 12:00 p.m. in the Civic Center parking lot. Let me know if you have any questions. Thank you.

Council President Schutt stated, thank you. Any other matters to come before Council?

There were none.

There being no further matters, the meeting concluded at 7:50 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Clerk of Council