

COUNCIL CAUCUS MINUTES

Monday, May 6, 2024 – 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 in Mayfield Village Civic Hall at the Mayfield Village Civic Center on Monday, May 6, 2024. Council President Schutt called the meeting to order at 7:00 p.m.

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

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

MAYOR

Thank you Council President. I wanted to report tonight on an opportunity that I had last week. All local Mayors were invited to attend the Ohio Space Forum Community Reception. It was held at the NASA Glenn Visitor Center at the Great Lakes Science Center. It was a great opportunity. The event was co-sponsored by Team NEO which is the local affiliate of JobsOhio as well as the Dayton Development Coalition. It was to build excitement about great tech job opportunities in Northeast Ohio and to sort of expand our reach in trying to grow those jobs that are already here and bring new jobs here. There were a lot of live networking opportunities for those who came. I think I was the only Mayor who showed up for this event which is great because I had no competition. I did do a lot of networking. There's a lot of interest and excitement about bringing new businesses here. I was able to meet with several representatives from NASA with Team NEO and with representatives from an organization called MAGNET which is an acronym for Manufacturing Advocacy and Growth Network trying to bring more smart technology and manufacturing jobs to this region. I gave out my business cards and explained that we have already got a lot of tech things going on Beta Drive with QED and Canon and explained that we are looking to build more there. With Campus 1 of Progressive now being put on the market, it's a great location and a great opportunity to bring tech businesses here. It's probably about the best location you can dream of right off of 271 on Wilson Mills Road. They were very receptive. We had an economic development meeting earlier this evening. I talked to John Marquart about that.

So, the reason for this report is two-fold, to let you know there is a lot of interest and people working together to bring these jobs to Northeastern Ohio and to let you know we are being as proactive as we can both for the tech region and in other areas to bringing good companies and good jobs here to Mayfield Village. That's all I have. Thank you Council President.

Council President Schutt stated, thank you, Mayor Bodnar.

COUNCIL PRESIDENT

Council President Schutt stated, the next Regular Meeting of Council is May 20th. Also, hopefully everyone is enjoying the nice weather we are having.

PENDING LEGISLATION

- **Ordinance No. 2024-06**, entitled, “An ordinance amending Codified Ordinance Section 1175.00 relating to definitions applicable to the Beta Core Commercial District to define professional offices.” Introduced by Mayor Bodnar (Building Department) (First Reading – 3/18/24; Second Reading – 4/15/24) (Upon Third Reading and passage, this legislation will take effect 30 days thereafter.)

Council President Schutt asked, are there any questions?

There were none.

Council President Schutt stated Ordinance 2024-06 will move to Third Read at the Regular Meeting of Council in May.

- **Ordinance No. 2024-09**, entitled, “An emergency ordinance amending Chapter 771 of the Codified Ordinances of Mayfield Village, Ohio to add a Section 771.02, addressing the recent passage of State Issue 2, to prohibit the cultivation, processing, and retail dispensing of adult use cannabis within the Village pursuant to the authority set forth in Ohio Revised Code 3780.25.” Introduced by Mayor Bodnar (Administration) (First Reading – 3/18/24; Second Reading – 4/15/24) (Upon passage this legislation will take effect immediately upon signature of the Mayor.)

Council President Schutt asked, are there any questions?

Mrs. Jurgisek stated, maybe we can have a conversation in light of some discussions at the last couple CAC meetings about it. Diane, I think you talked about it a little bit and looked at options. There has been a lot of discussion it seems like where I guess I would have thought maybe Village residents would have all felt one way, but there’s been a lot of open discussion about it so I wanted to look at options we have. This is fairly new and fairly recent. Maybe we should hold off on this, not saying no altogether, but can we hold off and say no and revisit it at a later date once things develop more and maybe once we learn more? It’s not all of Mayfield Village, but there is a good representation of all the Wards at the meetings. There is some discussion that some people may be open to it. Mr. Marquart had said that a dispensary would not employ a lot of people, which I agree, but is there other things that we should be considering or discussing? In light of how the

Wards voted for the issue to begin with, is it something that we hold off and if something presents itself what are our options then? It would have to go to zoning. The residents would have to vote on it. Should we not close out this issue right now? George and Steve were at the CAC meeting. I just wanted to open the floor for discussion.

Ms. Calta stated, I don't want to stop the conversation. I just want to give you maybe a couple of options to think about. One would be that you could amend this legislation as it is presented. For example, you could prohibit the retail dispensing but permit the other uses. If you do that, we would want to identify the zoning classification that they would be permitted in. That's one way to go. You could keep it on reads. Although we have to read things at least three times or waive that, you can also continue to read. Or you could table. There's a lot of different options. I don't know exactly which direction anyone feels strongly about. You could pass it as is and then you could revisit it later on. You could prohibit it now and it can always be repealed if something does present itself. On both sides there's kind of a middle hybrid where you permit some of it and not other. There's three uses in there. You have cultivation which is the growing. Then you have the processing of it and then you have the retail dispensing. This is all commercial. There are some personal plants that you can grow at your house.

Mr. Meyers stated, at the end of the day, for sale, would there be any advantage or tax we would get out of that for the sale of it on the retail end? The articles I have read says it's at \$70 billion right now. It's supposed to go to \$700 billion. On the flip side of it, if we shoot ourselves in the foot now and don't hold off and then this thing does explode and we could stand to make money, tax revenue. I am just asking?

Ms. Calta stated, no. These are all good questions. In the *Voice of the Village* article, I tried to get some additional information on the monies from the State. The State is going to be taxing it. They are going to take that money and they are going to divvy it up. Right after the issue passed in November, there were some Bills that were pending. Some of them are still pending about how that money is going to be divvied up. There is a host community fund. That fund is to be used to put money back to the local communities that are hosting the operation. What that looks like, it's just a guess. You are estimating how many permits will be issued through the entire State. The way I understand it is we have a backbone already for medical marijuana. It's that backbone they are going to be using to issue the first round of permits for recreational marijuana. That doesn't necessarily mean that if you have a medicinal marijuana dispensary that you have to take your license for recreational marijuana and put it in the same place. There could be other places. If you go to the Department of Commerce, there's a map where the existing facilities are within the State. You can see where the retail dispensaries are. You can see the cultivators for medical marijuana. You can see where there's gaps if that makes any sense. If you look at that and you see how many permits have been currently issued and how many permits can likely be issued. I think I said 130. It's hard to come up with a number. The program is not going to be built out for a couple of years. We really don't know.

Mr. Arndt stated, you could add a percentage per unit as well. When they sell a unit you can get a kickback on each unit sold.

Ms. Calta asked, local governments can do that? We have talked about putting in a permit fee. That's what some communities have already done for medical marijuana. For local governments to put an added tax on it, I don't know that the State is going to support that. You could do a permit fee but actually putting your own local tax on it, I don't think the State's going to support that since they are already taxing it.

Mayor Bodnar asked, so the State is going to make money through sales tax and permit fees?

Ms. Calta replied, yes.

Mayor Bodnar stated, so the question is they would get that money and we don't know how much they would apportion back to us?

Ms. Calta replied, they will base it on the sales or volume. The retail dispensaries would have the sales. The cultivation and processing, they may look at it differently. But based upon what operations are in your community, that's how they are going to divvy up the funds.

Mayor Bodnar asked, so if we are just talking about retail dispensaries, my main concern is the empty space where CVS was. I personally don't think that would be good. It's caddy-corner from our headquarters in Mayfield Village. I don't know that it would make that much, but I don't know if that's what we want to present to the world.

Mr. Arndt asked, how many feet away is the school from CVS? It has to be roughly 500 feet away from a school.

Mayor Bodnar stated, so we are talking other than sales taxes and permit fees, we are talking about real estate taxes and income taxes, so income taxes would be the tax on what the employees make. Most of our real estate taxes, I think, Ron, 97% go to the schools?

Mr. Wynne replied, yes.

Mayor Bodnar stated, so, those are the only things we would have to look at. They are by and large not high paying jobs. It would be like having a vape shop or a cigarette shop. I have asked John to dig a little deeper to try to get a better handle on which kind of revenues we can collect.

Mr. Wynne stated, if it went into an existing retail space, there's going to be no increase in property taxes because that property's taxed already. It would only be if it were a new facility.

Ms. Calta stated, I am not sure how accurate this program is, but from CVS to the school, it's about 430 feet.

Mr. Juncisek stated, so they wouldn't be able to move in there anyway.

Mayor Bodnar stated, I think most other locations might have to go through a zoning change where voters would have to choose.

Mrs. Juncisek stated, I think that's what I was getting at. If we didn't do anything now, not saying that we can't have a discussion in the future, say something comes up we would have to change zoning requirements anyway and in order to change the zoning requirements, it would have to ultimately go to a vote of the residents anyway, correct?

Ms. Calta replied, right.

Mrs. Juncisek stated, so then it's still putting it back in the hands of the voters.

Mr. Meyers asked, what would the classification be?

Ms. Calta replied, that's the question. It's not a permitted use in any zoning classification right now.

Mr. Meyers asked, what would you classify it? Office lab?

Mayor Bodnar asked, John, what about processing?

Mr. Marquart replied, it's my understanding that cultivating and processing could go into production distribution without any action by the Village. I believe they could go into that district by right.

Mr. Meyers asked, not office lab?

Mr. Marquart replied, we would have to take a deeper dive into this.

Mr. Meyers asked, what would you classify this as? It's a fine line. Why would you pass something and then shoot yourself in the foot?

Mr. Williams stated, I totally agree that it is somewhat premature. We are sitting around the table now doing a lot of speculating. It sounds premature to me that you want to stop something that hasn't started without all the facts.

Ms. Calta replied, just to give you a timeline. They are going to start opening applications in June. They will start issuing permits. For those communities that are going to permit it, you are going to see operations start to submit applications for the uses.

Mr. Williams stated, I guess I am thinking more about the whole industry. Not just retail. What can we learn in the near not-so-far future on all three versus stopping today by saying, let's not do this at all?

Mr. Arndt stated, wait for the opportunity to present itself. When the opportunity presents itself, we can decide from there.

Mr. William stated, we could get more data about the possibilities.

Mayor Bodnar stated, when the opportunity presents itself, we may or may not have a say so at that point in time.

Mr. Arndt stated, if we are not zoned for it at that point in time.

Mayor Bodnar stated, I think we need to dig a little deeper on that too. I think we need to look at the zoning issues to try to get a better handle. It's so tenuous at this point that it's hard to know how much money we could make in order to say it's good and we should go with it or we should wait for something better to come along for better paying jobs. John, if you would do a little bit more research on that, then you can decide whether you want to table it or vote on it. Maybe more information is what we need.

Ms. Calta stated, just so everyone understands. The way the State legislation was passed, they are giving the municipality the option to say no. If you don't say no, the State is saying it's permitted. The question still then becomes in what zoning classification would it go in? Like the Mayor was saying, we have to dig a little bit deeper. You take these uses. You look at our Code. You look at things like distances.

Mrs. Jurcisek replied, right. There's other things that should be put in place so we can allow it to be open then maybe that's what we need to do instead of saying no across the board.

Mayor Bodnar stated, John, to add to your workload maybe we should look at what else is zoned retail and how far is it? We have the butcher and the little ceramic store. Is that 500 feet away? Does it have to be a certain distance away from a municipal building? I don't think so. Just a school.

Ms. Calta replied, schools, daycares and churches.

Mrs. Jurcisek stated, for instance, Rock the Spectrum.

Ms. Calta replied, we are going to have to look at what's considered a daycare.

Mr. Williams stated, one option that's come up in this discussion was to table it to be reviewed at some point in the future. That way it's a form of protecting ourselves that Council will be looking at this again this year. It's somewhat of a deterrent to someone who wants to open a retail. Let's table it and discuss it later after we get additional data. That's my input to the conversation.

Mayor Bodnar asked, when you table something, you take it off the table. Do you have to put in a specific time when you are going to put it back on to the table?

Ms. Calta replied, that's usually my recommendation. You table it to a date certain.

Council President Schutt asked, any other discussion?

There was none.

Council President Schutt stated Ordinance 2024-09 will move to Third Read at the Regular Meeting of Council in May.

- **Resolution No. 2024-14**, entitled, "An emergency resolution authorizing Mayfield Village to enter into a First Amendment to the Development Agreement with 345 Miner Road LLC." Introduced by Mayor Bodnar (Administration) (First Reading – 4/15/24) (Requires three readings) (Upon Third Reading and passage, this legislation will take effect immediately upon signature of the Mayor.)

Council President Schutt asked, are there any questions?

There were none.

Council President Schutt stated Resolution 2024-14 will move to Second Read at the Regular Meeting of Council in May.

**NEW BUSINESS FOR
DISCUSSION**

1) Approval of Millstone Management Group for Civic Center Windows, Doors, HVAC and ADA Ramp Project (Resolution 2024-25 – on Special Meeting agenda this evening) (Administration)

Ms. Wolgamuth stated, thank you Council President. I have provided Council with several memos along the way as we have been working on this project and getting it ready for bid. We were very pleased to see how the bids came. We had budgeted \$400,000. The Architect's estimate was about \$425,000 and we received a low bid of \$413,532 from Millstone Management. We have not used Millstone before but they have bid many of our projects and have always been a higher bid so they have never won our award, but they did this time. Nancy Nozick from Brandstetter Carroll is fairly confident that they are a good company and will do a good job on this project. She also recommends we add a 10% contingency just because it's an old building and you don't know what you are going to find when you take out windows and doors. That takes our total to \$454,885. As I said, we only budgeted \$400,000, so Ron has legislation to make that adjustment if Council wanted to proceed and award the entire project. I think you are all pretty familiar with what we are proposing to do. If you have any questions, I would be happy to answer them.

Council President Schutt stated, a 10% contingency is very common on a construction project.

Ms. Wolgamuth stated, yes, and we got \$250,000 from the County, so essentially we are spending \$200,000.

Council President Schutt asked, any questions?

Mr. Meyers asked, with regard to the HVAC system, I thought we just put a new boiler in a couple of years ago?

Ms. Wolgamuth replied, we did. We put boilers in the basement. This is the HVAC for the roof over the kitchen?

Mr. Meyers asked, nothing to do with heat?

Ms. Wolgamuth replied, no.

Mr. Meyers stated, I'm just curious.

Ms. Wolgamuth stated, the HVAC over the kitchen is old. This part of the building was put on in the 1970's.

Council President Schutt stated, thank you Ms. Wolgamuth.

2) Adoption of Cuyahoga County 911 Plan (Administration)

Ms. Wolgamuth stated, we received a request from the County to adopt two pieces of legislation, to adopt their new 911 Plan and to appoint a local Mayor to be on their review committee. We just got this in. The Chief is looking through the 911 Plan with Toni Wilson. By the time of the Regular Meeting we will have a recommendation and the legislation.

Council President Schutt asked, any questions?

There were none.

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

3) Replacement of Wi-Fi Infrastructure (All Covered/Konica Minolta – not to exceed \$16,000) (Administration)

Ms. Wolgamuth stated, Jeff Thomas couldn't be here tonight but he asked me to say that this is essentially replacement of old and obsolete Wi-Fi infrastructure. It's something that needs to be done. If Council has any specific questions about it, Jeff would be happy to come to the next Council meeting and answer those questions. Besides the memo provided to Council, I can't really describe the differences. Between now and the next meeting, if you have questions, just let me know and he'll be here to answer them.

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

4) Ridgebury Resurfacing and Curb Replacement (Engineer)

Mr. Cappello stated, this Friday we will be opening bids for this project hopefully for awarding at the Council meeting on May 20th.

Council President Schutt asked, do you have any idea how long it's going to take to have this done?

Mr. Cappello replied, 60 days is the amount of time we are giving the contractor. We will have to close Ridgebury Blvd. in the westbound direction. We will be replacing all the curb underdrain and resurfacing our half of the road.

Council President Schutt asked, any questions?

There were none.

5) Appropriations legislation (Ordinance 2024-13 – on Special Meeting agenda this evening)(Finance)

Mr. Wynne stated, in March Council passed the appropriations legislation for 2024. This is an amendment to that legislation for several items. In the General Fund, the net effect is -0- but we had a police officer who decided very recently to retire. There's no provision in the budget to pay out the accruals they are entitled to when they retire, so in order to be able to pay that off we need to amend the budget to take that into consideration.

On the flip side, there was a transfer to another fund that was supposed to be reduced by \$50,000 in March. I missed that. This is catching up on that.

The above two items will offset each other with a -0- impact to the General Fund.

There's an additional \$55,000 for the Civic Center Fund to cover the project in anticipation of Council awarding that this evening. This allows you to award the project legally.

In the Debbie Hudacko Scholarship Fund, those are now funded through collections we take at the Grove. Those collections have been very strong so the scholarships this year that they like to award are \$5,000. We only budgeted \$3,000, so there's a \$2,000 adjustment to that line item so we can pay out those scholarships to the kids.

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

There were none.

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

6) Additional expenditure for annual preparation and maintenance of the Village's softball fields (Lewis Landscaping - \$84.00 – payment in total \$13,407.00) (Resolution 2024-28)

Mr. McAvineu stated, I made a mistake and forgot to add 10% in case things happen like this. I apologize for that. Basically, they only charged us for material to add another set of bases. They didn't charge for the labor.

Council President Schutt asked, any questions?

There were none.

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

Any Other Matter That May Come Before Council

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

Chief Matias stated, Council President, just one quick thing. I just wanted to commend our patrol shift on Friday night. There was a crew out breaking into cars in Mayfield Heights. They worked their way north to the Village. Before they could steal anything, our officers were able to locate and arrest 5 suspects. They did a fantastic job.

Council President Schutt stated, that's great. Good to hear. Any other matters?

There were none.

There being no further matters, the meeting concluded at 7:31 p.m.

Respectfully submitted,

Mary E. Betsa, MMC

Clerk of Council