

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 11, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, February 11, 2014 at 6:30 p.m. in the Village Hall.

Councilmembers present: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.

Councilmembers absent: Turner.

It was moved by Councilmember Schneider, seconded by Councilmember Frankel, that Councilmember Turner be excused from the meeting.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Mayor Riley presided.

The minutes of the January 14, 2014 Council meeting were presented by the Clerk. It was moved by Councilmember Frankel, seconded by Councilmember Barnes, that the minutes be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg.
 Abstain: Welsh.
 Nays: None.
 Motion carried.

Pay Ordinance #1161 in the amount of \$795,891.56 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Pay Ordinance #1161 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

The financial statement for the period ending January 31, 2014 was presented by the Clerk. Councilmember Barnes reviewed certain year-to-date results, highlighting as follows:

- Real estate and municipal income taxes are significantly below last year. Finance Administrator Lechman indicated the same is due to delays and the timing of receiving reimbursement.
- Operating expenses are close to those of the year prior.

- \$80,000 in Inheritance taxes received versus zero last year.
- \$5 Million in Cash and Investments.
- Unfunded Debt of \$642,000.

Police Chief Whitmer provided a written report. He acknowledged and thanked the Service Department for the great job of maintaining Village roads this season. He added that there were no Village road closures but Mayfield Road experienced three closures. Such closures were attributed to Mayfield Road being maintained by the State and as crews now come from Euclid, response time is longer. He also noted those crews have had some recent breakdown of equipment. In response to the question presented why there were a greater number of fines this month, Chief Whitmer replied the amount of fines depends on the timing of what is coming due.

A written report was provided by Service Director Biggert. Councilmember Welsh inquired as to the Village's supply of salt. Service Director Biggert advised that the Village is owed 12 loads of salt from Morton Salt. Based on communications he has had with Morton Salt, he expects a delivery tomorrow (February 12) of three or four loads. Receipt of such delivery would complete the first order of salt. He further stated that Morton Salt has committed to deliver a load or loads of salt on Friday (February 14) and each day thereafter until the second order is complete. In response to an inquiry regarding Service Department staff morale, he expressed that morale is good. Councilmember Welsh asked if the Village does not receive the deliveries of salt, if the Village would run out. Service Director Biggert said it would not and reiterated that Morton Salt guaranteed tomorrow's anticipated delivery.

Fire Chief Robinson distributed a written report.

Ordinance #2014-02 entitled "An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The Village Of Gates Mills, State Of Ohio, During The Fiscal Year Ending December 31, 2014," was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes explained the process that went into creating the Budget. He stated that the Finance Committee met, Department Heads presented their individual budgets and then the Finance Committee reviewed the consolidated budget. Councilmember Barnes provided a review of the Operating Summary as follows:

- Budgeted Revenues are \$4.5M versus slightly under \$4.5M last year.
- Operating Expenses includes the approved 1.5% salary increase as well as the \$60,000 reduction of health insurance premiums. Total of all Operating Expenses Budgeted at \$3.9M versus slightly under \$3.9M last year.
- Operating Surplus is \$600,000 compared \$640,000 last year.
- Inheritance Tax revenues is budgeted at \$150,000 but may actually be \$230,000.
- Capital Improvement:
 - Roads and Culverts. In 2013, the Village spent \$540,000. The Budget is slightly over \$1M for this year. This budget represents significant and necessary projects.

- Other. Total active projects other than Roads and Culverts (*i.e.*, storm sewers, Service Department Truck). The Village spent a little over \$200,000 in 2013. The Budget is \$560,000 for this year. This budget represents significant and necessary projects.

Capital Improvement costs in 2013 were slightly over \$700,000 compared to this year's Budget of \$1.6M.

The foregoing results in having \$4.2M at end of 2014 compared to \$5.1M at end of 2013. Such amount represents a significant decline in the Village's cash. Councilmember Barnes noted that Unfunded Debt is expected to be \$540,000 down from \$640,000. He highlighted the need to continue to reengineer Village Operating Expenses. He expressed that the Finance Committee feels that the departments are doing a good job but the Village needs to come up with revenue enhancements and/or savings. Councilmember Welsh questioned why the Police Budget is the same after closing the Dispatch Center. Mayor Riley commented that there had been savings via personnel costs but there were also expenses incurred that increased the overall cost of the Department. Mayor Riley further explained that not incurring the costs to upgrade the Dispatch Center to meet safety standards offered savings and value to the Village. Mayor Riley stated this year's Budget for the Police Department of \$1.5M would have likely been closer to \$1.7M if the move of the Dispatch Center did not occur.

It was moved by Councilmember Barnes, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2014-02 be placed upon its final passage.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Sogg, that Ordinance #2014-02 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.
Nays: None.
Motion carried.

Mayor Riley thanked the Finance Committee, the Department Heads and Finance Administrator Lechman for their work on the Budget.

Ordinance #2014-01 entitled "An Ordinance Amending Chapter 1313 of the Building and Housing Code to Amend the Proceedings of the Architectural and Historic Board of Review", was introduced by Councilmember Schneider and given its second reading by the Clerk." Councilmember Schneider suggested a public hearing be held prior to the next Council meeting and the Third reading. She indicated that the Historic Review Committee would be meeting next week and any proposed changes will be distributed after the meeting and will also be included in the packet for the next Council meeting. Councilmember Reynolds shared suggestions which included the following: (i) changing the title to clarify that the Historic Review Committee is a committee and not a board; (ii) define the term "official;" and (iii) modify the categories for

suggestions to the Architectural Review Committee to more straight forward terms such as approval, disapproval, or for review of the Architectural Review Committee. She feels the word “Board” in the title “Architectural and Historic Board of Review” suggests that the committee has more power than it actually has. It should be called “Board of Review and Historical Sub Committee”. She also suggested that the definition of “Building Official” be included in the list of definitions. It was decided that the public hearing would be scheduled for March 11, 2014 at 6:00 p.m.

Ordinance #2014-03 entitled “An Ordinance Amending Several Provisions Of The Building And Housing Code”, was presented by Councilmember Schneider and read by the Clerk. The explanation was provided that certain Village building codes need to be brought in line with the State’s codes. She requested everyone keep their copy; only proposed changes will be distributed.

Councilmember Barnes introduced the need for bids in connection with the budgeted project at Old Mill and Carpenter Roads. It was moved by Councilmember Barnes, seconded by Councilmember Reynolds, that an advertisement be placed for bids for the Old Mill at Carpenter Road project.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

The Clerk had nothing to report.

Mayor Riley began his report by addressing the possible repair of the Village’s tennis courts. He reported that Service Director Biggert estimated the cost to repair the courts would be between \$80,000 – \$100,000. Mayor Riley stated that Village Resident Langmack suggested the Village assume most of the repair cost. Mayor Riley indicated that there is not money in the Budget for the same. He shared that Charlie Marston advised that he would request a contribution of \$10,000 – \$20,000 from the Improvement Society to go toward the repair cost. Councilmember Barnes asked how long the repair work would take. Service Director Biggert advised 6 – 8 weeks. Mayor Riley welcomed comments from the audience.

Village Resident Clark Langmack stated that the tennis courts were installed in the 1960’s and some repairs were performed in the 1980’s and attention to the tennis courts is well overdue. He opined that the tennis courts are the Village’s only asset for recreation. Resident Langmack then referred to a letter by Charles Marston, saying the courts are a part of the Village’s facilities and it has been left to go into disrepair. The site is a gathering point for Village residents. Mr. Langmack represents a group of residents wishing for the courts to be repaired. Mr. Langmack continued to address Council by referring to letters of support of the repairs by Nathaniel Smith and Sara Nice. He urged that there be no further delay in any repair. Resident Langmack also suggested fundraisers be held as well.

Councilmember Reynolds offered the suggestion of possibly relocating the tennis courts to accommodate parking and provide for better aesthetics. Councilmember Reynolds proposed

that having the courts near the elementary school would allow the school's use as well. Councilmember Schneider responded that she did not believe there was enough space to accommodate courts near the school.

Village Resident Sue Thrope expressed her concern that residents should not fund the repair cost through tax monies as the courts are used by only a group of residents and not all Village residents.

Village Resident Susan LaPine suggested that although not everyone would use the courts that perhaps the space would allow for a community gathering place. If paths that lead to the river were added and the area expanded it would provide a nice gathering area. Additionally, she commented that the location near the school was a positive idea.

Councilmember Schneider indicated that the Village built the courts in 1964 for approximately \$20,604 and the courts have had limited repairs and have lasted 50 years. She opined that such longevity represented a good return for the Village's initial investment. Councilmember Welsh agreed and indicated that like any other Village asset, the courts should be maintained and included that repairing the courts would be beneficial to the Summer Camp program.

Village Resident Byron Coffman shared his view that the tennis courts are a community asset that would appeal to young families and stated a decision should be made one way or the other.

Service Director Biggert included in the discussion that the tennis courts could become multi-use (*i.e.*, pickle ball and/or basketball). He also spoke with a landscape architect who shared ideas of including a patio or sitting areas to expand the use of the site. Service Director Biggert said the concern of their being in the flood plain would have to be considered.

Village Resident Sue Thorpe advised that there is a path from the footbridge to the tennis courts with access to the same behind the library.

Village Resident Langmack acknowledged that although not all residents may use the courts – sometimes actions must be taken as being the right thing to do. He stated that he would welcome being involved in fundraisers and the promotion of its use but that the core basic cost of the repair should be the Village's responsibility.

Mayor Riley summarized that the choice is whether it is appropriate to abandon the tennis courts or repair the courts for use. He shared the example that not all residents agreed with the rebuilding project of the downtown area but that the Village could not allow the same to deteriorate. He suggested that Service Director Biggert work with the Recreation Committee to obtain a proposal with a budget for Council to consider at the next Council meeting. In the interim, Mayor Riley indicated that he would work with Resident Langmack and the Improvement Society to assess how much potential exists for raising money to repair the tennis courts. Council and Mayor decided that the Service Director spend up to \$2000 to get specs and estimates for the repair/replacement.

On behalf of the Planning and Zoning Committee, Councilmember Schneider raised the issue of “Granny Cottages” in the Village. She explained that the Committee received a request to allow a resident, with an existing, unused detached garage, to convert/remodel the same for his in-laws. He owns 2-3 acres. If the request was approved, it would mean there would be two houses on less than five acres. Mayor Riley confirmed this was a variance request to allow for the detached garage to be converted for separate residents without the same being a rental property and whether the Village should allow such variance request. Councilmember Schneider offered that the garage could be deed restricted (*i.e.*, age, percentage of existing house, no new construction). Mayor Riley stated it would be best to have addition to our Code. Councilmember Welsh shared his concern if allowing or changing the variance would open up the opportunity for more rental properties in the Village. Councilmember Sogg said it would open the possibility for more rental properties. Then it becomes a management issue for Council and the Building Inspector. Councilmember Frankel questioned if allowing “Granny Cottages” would present tax income opportunity and/or more revenue to the Village. Mayor Riley asked if there were comments from the audience.

Resident Susan LaPine suggested Council consider/inquire what other communities are doing with regard to this issue. Councilmembers Sogg and Schneider said they were looking at some.

Resident Sue Thorpe expressed her concerns as properties are sold and shared an experience related to a neighboring property of hers.

Resident Gabe Rhoads, who made the request, summarized that he and his wife have lived in the Village for four years. They believe renovating the existing structure would be an enhancement to the Village. He expressed his gratitude for consideration with regard to keeping deed restrictions open.

Councilmember Schneider thanked Resident Rhoads. She continued by suggesting this is also an issue relevant to the Safety Committee with regard to the possibility of owners and tenants filing an occupancy permit annually. Councilmember Schneider also advised that deed restrictions follow the sale of properties.

Mayor Riley reiterated that the discussion is whether Council would like to consider the idea to have the Law Director draft an ordinance, make the decision not to allow “Granny Cottages” or to make a specific request to the Planning and Zoning Committee.

Resident Mary Ann Kish raised the issues of septic and water concerns. In response, Councilmember Schneider responded that the Engineer would have to be involved.

Resident Mitzi Seith, in consideration of the amount of barns and garages in the Village, suggested allowing the request would be opening Pandora’s Box.

Law Director Cannon advised Council that granting the variance sets precedence and any variance/land deals should be focused on the use and not the user. She added that the Village has a large aging population and a significant amount of residences meet such standards.

Councilmember Schneider expressed her sympathy to Resident Rhoads request but indicated this is an issue pertinent to the Village as whole.

Councilmember Sogg expressed that she is not in favor of two homes on less than five acres. Councilmember Reynolds questioned if the requirement of five acre minimum should be reviewed/reconsidered. Councilmember Barnes indicated his agreement with Councilmember Sogg's position. Councilmember Frankel stated that the focus with regard to the five acre requirement should be on use vs. user. Councilmember Welsh indicated that any change to the minimum acre requirement would be an issue that should be put on the ballot as it affects all Villagers.

Mayor Riley summarized that the consensus of Council seemed to indicate no desire to change the code but, rather, to possibly revisit the minimum lot size requirement.

Resident LaPine acknowledged that the issue is a complicated one but raised the sociological side of the issue and encouraged Council to take into consideration that allowing three generations to share space would likely attract young families to Gates Mills and shared her view that allowing the same would not ruin the community.

An additional issue from the Planning and Zoning Committee was addressed by Councilmember Schneider. A handout was distributed. Councilmember Schneider explained that there are two (2) separate lots owned by one owner along River Road. She advised that someone wants to buy the property and the prospective purchasers are requesting (i) that the smaller of the two lots, which is currently a non-buildable lot, be changed to a buildable lot and (ii) the purchasers would like to install a vehicular bridge to allow access to the property. The only access to the property is a walking bridge which the current resident uses. Councilmember Schneider advised that the Village currently owns property at the West side of the river where the proposed bridge would be built. That land owned by the Village was deeded to the Village by the Improvement Society for use as a park. Village Engineer Courtney stated that the criteria to build the bridge would be mandated by the Army Corp. of Engineers and FEMA. In response to Mayor's Riley query of cost for the bridge, Village Engineer Country estimated the cost to be approximately \$500,000 which the cost would be the responsibility of the purchasers. Mayor Riley indicated that a request would have to be made to the Improvement Society with regard to the public land. If the Improvement Society was not in favor of the bridge, the topic of building a bridge would become moot. Mayor Riley indicated the only way the current homeowner would be able to sell the property would be to allow access to the property other than just the walking bridge. Mayor Riley raised the issue of safety and the Village's Safety forces being limited in their ability to access the property. Councilmember Sogg raised concern as to potential liability issues to the Village in regard to the public land where the private bridge would be installed.

Resident Mitzi Seith reiterated that the current homeowner could not sell the property without a bridge. She added that the current resident has lived there her entire life and that the property has been handed down through the generations of her family.

Resident Gwin shared his concerns with Council that to allow the smaller lot to be buildable and allowing the installation of a bridge (a fairly major structure) would change the nature of the area. Additionally, with the foregoing, giving up public land would allow precedent for future requests along that stretch of the land.

Mayor Riley suggested Council scheduled a work session to allow Council to consider issues including the proposed unitization project. The work session was scheduled for Saturday, March 8, 2014 at 9:00 a.m.

Business from the audience: none.

There being no further business, it was moved by Councilmember Reynolds, seconded by Councilmember Schneider, and unanimously carried, that the council meeting be adjourned.

Roll call: Ayes:
 Nays: None.
 Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor