

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
January 12, 2016

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, January 12 at 6:00 p.m. in the Village Hall.

Councilmembers present: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.

Law Director Todd Hunt administered the Oath of Office to elected Mayor Karen Schneider.

Law Director Todd Hunt administered the Oath of Office to elected Councilmembers Welsh, Turner and AuWerter.

Law Director Todd Hunt administered the Oath of Office to elected Clerk DeCapite.

Councilmember Sogg moved, Councilmember Welsh seconded, to appoint Mary Reynolds to fill the vacancy for the remainder of Karen Schneider's term through December 31, 2017.

Roll call: Ayes: AuWerter, Frankel, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Law Director Todd Hunt administered the Oath of Office to appointed Councilmember Reynolds.

Councilmember Welsh moved, Councilmember Whitney seconded, to elect Councilmember Reynolds as President of Council Pro Tem for one-year. Councilmember Frankel moved, Councilmember AuWerter seconded, to nominate Councilmember Turner. Councilmember Turner expressed her gratitude for the nomination and then requested she be withdrawn from consideration and requested support for Councilmember Reynolds.

Roll call: Ayes: AuWerter, Frankel, Sogg, Turner, Welsh, Whitney.
Abstain: Reynolds.
Nays: None.
Motion carried.

Law Director Todd Hunt administered the Oath of Office to Councilmember Reynolds as President of Council Pro Tem.

A list was distributed to Council identifying proposed appointments to administrative offices. The list included:

- Robert S. Reitman, Income Tax Administrator;
- Todd Hunt, Law Director;
- Michael Cicero, Prosecutor;
- Janet Mulh, Finance Administrator;
- Gail Palmer, Assistant Treasurer;
- David Biggert, Service Director, Building Official and Building Inspector;
- Gregg Minichello, Police Chief; and
- Tom Robinson, Fire Chief.

It was moved by Councilmember Welsh, seconded by Councilmember AuWerter, that the appointments to administrative offices be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
 Nays: None.
 Motion carried.

Mayor Schneider highlighted changes to the list of proposed appointments to various Boards, Commissions and Committees included that Hadley Kline is on the Long Range Planning Committee; Bob Andreano is chairing the Art Show; and Charles Belson is added to the Safety and the Chagrin Valley Connector Study Committees. Councilmember AuWerter asked if it was necessary to appoint the Regional Commission for 2016. Mayor Schneider responded that the Regional Commission will be considered a Committee this year.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that the appointments to various Boards, Commissions and Committees be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
 Nays: None.
 Motion carried.

The minutes of the December 9, 2015 Council meeting were presented by the Clerk. Councilmember Frankel referred to Paragraph 3 of Page 7 and suggested the language regarding the redevelopment of the property across the street be more specific. Mayor Schneider remarked that the individual leases contain details. Councilmember Frankel then noted a correction needed wherein he had recused himself – not abstained– from the vote on Ordinance No. 2015-42 (page 8). It was moved by Councilmember Frankel, seconded by Councilmember Whitney, that the minutes, as amended, be approved.

Roll call: Ayes: Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
 Abstain: AuWerter.
 Nays: None.
 Motion carried.

Pay Ordinance #1185 in the amount of \$1,018,285.17 was presented by the Clerk. Councilmember Turner asked about payments to the Gates Mills Land Conservancy as well as to Mayfield Village. Finance Administrator Mulh responded the payment to the Land Conservancy happens twice a year and the payment to Mayfield Village was for the EMS runs.

It was moved by Councilmember Welsh, seconded by Councilmember AuWerter, that Pay Ordinance #1185 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

The financial statement for the period ending December 31, 2015 was presented by Treasurer Reynolds. Treasurer Reynolds highlighted the following:

- Revenue, mostly due to municipal income tax, was approximately \$400,000 greater than 2014
- Overall Revenue was higher than 2014 by approximately \$350,000
- Operating Expenses were \$57,000 under budget for the year
- Administration was over budget largely due to legal expenses
- Police Department was under budget primarily due to lower personnel expenses
- Operated at a surplus adding approximately \$542-543,000 to the General Fund
- Overall Fund balance is \$4.7M

Treasurer Reynolds noted that the Finance and Long Range Planning Committees will be studying the future outlook for finances. He said the Budget Committee will meet on January 23 to put together the Budget for 2016. Councilmember Sogg inquired on the Village's delinquency rate for property taxes. Janet Mulh indicated that she would request a report from the County Auditor. Councilmember Sogg requested an analysis regarding the same be done. Councilmember AuWerter raised the issue of salt, including cost, commitment amounts and storage. Service Director Biggert said the Village's commitment is 90% and did not anticipate storage problems.

Resolution #2016-1 "A Resolution Authorizing A Temporary Exception To The Rent Provisions Of A Lease With Cynthia W. Halle, Inc. For Village Property Located At 1501 Chagrin River Road And Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Sogg said the renovation of Cindy Halle's space has been discussed at prior Council meetings. She explained that it is customary to give a rent abatement when the space cannot be used.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-1 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Ordinance #2016-1 be approved. In response to Councilmember Turner's question, it was confirmed that the rent is current.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Ordinance #2016-2 “Amending Ordinance 2015-37 To Modify Employee Eligibility For Village-Sponsored Health Insurance Coverage” was introduced by Councilmember Whitney. Councilmember Whitney explained that the main change is offering employees health care coverage when the normal work week is 30 hours or more instead of the 25 hours that had previously been in effect.

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-2 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Ordinance #2016-2 be approved. Councilmember AuWerter asked if the five months per year was for a calendar year or a rolling year. Finance Administrator Mulh confirmed the only change is from 25 to 30 hours. She noted the goal is to keep the hours less than 30. Councilmember Sogg said ordinances are only annual so there would not be carryover.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Ordinance #2016-3 “Amending Section 1313.04(A) And (B) – Composition Of Architectural Board Of Review And Historic District Subcommittee” was introduced by Councilmember Sogg. She explained the need to change the composition of the Board and Subcommittee due to the Ohio Ethics Commission’s issue with board members representing their own client and project to the board. She further explained that the Ordinance will make the architects non-voting members of the Board and Subcommittee. The makeup of the board will increase to eight to include the three non-voting members. Mayor Schneider confirmed the Committees are not different having the same architects but that they will only advise and not vote. She noted that other communities have similarly done the same. Councilmember Frankel suggested having architects that are Village residents. Mayor Schneider said there have been in the past. It was noted the need to pass as an emergency is because a meeting is scheduled this month.

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-3 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance #2016-3 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Ordinance #2016-4 "Amending Ordinance Nos. 2015-21 And 2015-27 To Authorize A Change Order To A Contract With Geostabilization International" was introduced by Councilmember Sogg. She said the Berkshire Road project became a much more complicated project. Service Director Biggert commented that the length of the project had to be extended. Councilmember Sogg said the contract needed to be increased by \$5,200. Councilmember AuWerter asked if the work had already incurred. Finance Administrator Mulh confirmed and stated that an additional \$5,200 is needed to complete the payment for the Berkshire Road project above what was authorized. Councilmember Frankel questioned the language that it was not practical to advertise for bids and said he thought that no bids were obtained due to it being proprietary. Councilmember Sogg said that was part of it and that the work had to be done at the same time. Service Director Biggert confirmed it was a proprietary system. Councilmember Sogg clarified that the whole project was not done by Geostabilization. Village Engineer Courtney said that they coordinated getting all of the work done at same time. Councilmember Frankel asked if the work done by Platform should have been up for competitive bid. Village Engineer Courtney said it would have taken time to go out for bids and it was necessary to get a company involved before Geostabilization could to their work. He said it was an emergency nature to award that work to Platform to avoid road closure and further damage. Mayor Schneider stated that the project on Foxboro was a bid situation. Village Engineer Courtney added that the proprietary method saved significant money compared to other methods.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-4 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2016-4 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Mayor's Report. No report.

The Clerk had no report.

Committee reports.

On behalf of the Mayfield Schools Liaison Committee, Councilmember Turner encouraged attendance at the upcoming gala in February. She then shared with Council that Gates Mills Elementary would like to invite Council to hold its March 8 meeting at the school. Mayor Schneider said she would poll members who will be in town February – April and will consider it after receiving responses.

Councilmember Welsh, on behalf of the Cemetery Committee, said he spoke to the Law Director who informed him there was nothing new to report. He then asked Finance Administrator Mulh if there have been many requests for plots. Per Finance Administrator Mulh, no requests have been made.

Police Chief Minichello provided a written report. He remarked on the high volume of accidents in the month of December. He noted two were OVI-related and four were deer-related. He further shared that there was a very serious accident in January that occurred on Mayfield Road. He provided details of that alcohol-related accident wherein the driver has been charged and is looking at extensive rehab. Councilmember Welsh thanked Chief Minichello for copying Council on reports.

Service Director Biggert provided a written report. He confirmed that the new backhoe has been received.

Fire Chief Robinson provided a written report. Chief Robinson extended his congratulations to the Mayor and members of Council. He noted that the totals for 2015 significantly exceeded 2014 numbers. Mayor Schneider asked about ambulance runs. Chief Robinson responded they are steady.

Business from the audience: None.

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

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
 Nays: None.
 Motion carried.

Respectfully submitted,


Beth DeCapite, Clerk

Approved: 

Karen Schneider, Mayor