

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
March 18, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Wednesday, March 18, 2015 at 6:30 p.m. in the Community Building.

Councilmembers present: Frankel, Schneider, Sogg, Welsh.

Councilmembers absent: Reynolds, Turner, Whitney.

It was moved by Councilmember Welsh, seconded by Councilmember Schneider, that Councilmembers Reynolds, Turner, and Whitney be excused from the meeting.

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

Mayor Riley announced the appointment of Michael Pollutro to Sergeant. Police Chief Minichello provided highlights of Mr. Pollutro's career including his hire in 1998 as Gates Mills' patrolman, his service as senior patrolman, officer-in-charge of his work shift, range officer and liaison with Bedford Heights jail. In addition, his training experience was noted and that he will be attending the Police Executive Leadership College in the fall. In conclusion, Chief Minichello commented that Mr. Pollutro is a loyal and dedicated employee, is well respected by his peers, comes from a law enforcement family, is married and is the father of two boys.

Mayor Riley administered the Oath of Office to Sergeant Pollutro.

It was moved by Councilmember Welsh, seconded by Councilmember Schneider, that the appointment of Michael Pollutro to Sergeant be approved.

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

A presentation regarding the organization of the Police Department was provided. Ron Hess, as co-chair of the Safety Committee, commented that the process has been reviewed and opined that Chief Minichello has done a good job. Police Chief Minichello provided an explanation of the distributed 2015 organizational chart.

Mayor Riley announced the appointment of Mike Day to the Records Committee.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the appointment of Mike Day to the Records Committee be approved.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.

Nays: None.
Motion carried.

Mayor Riley announced the appointments of William Turner and John Huss to the Regional Commission to Study and Address Oil and Gas Well Drilling and Exploration.

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that the appointments of Messrs. Turner and Huss to the Regional Commission to Study and Address Oil and Gas Well Drilling and Exploration be approved.

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

The minutes of the February 10, 2015 Council meeting were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the minutes, noting Mayor Riley's absence, be approved.

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

Pay Ordinance #1175 in the amount of \$334,051.19 was presented by the Clerk.

It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that Pay Ordinance #1175 be approved.

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

The financial statement for the period ending February 28, 2015 was presented by Treasurer Reynolds. He summarized the following:

- Revenues for the first two months are well ahead of last year. He noted that real estate taxes and municipal income taxes are up.
- Operating expenses for most departments are within or near budget. Due to County Auditor's expense, Administration is slightly above budget.
- General fund surplus is slightly below last year.
- Over all balance of all funds is down approximately \$460,000 relative to last year.

Councilmember Frankel asked if the trend would continue with regard to real estate taxes. Finance Administrator Lechman stated the budget amount for real estate taxes was provided by the county. She expressed her belief that payments may have been made early. It was added that real estate taxes are not likely to be significantly higher but that municipal income taxes may continue to increase.

Mayor Riley, noting the appointment of Mike Day to the Records Committee, reported that he has encouraged the Records Committee to meet to identify a viable storage location and to consider digitizing records. Finance Administrator Lechman confirmed that she will get a quote regarding record digitization.

The clerk had nothing to report.

On behalf of the Cemetery Committee, Councilmember Welsh advised that there is only one lot left and that a Committee meeting is planned for April.

Councilmember Schneider reported that the next meeting of the Regional Commission to Study and Address Oil and Gas Well Drilling and Exploration will take place on March 24, 2015.

Police Chief Minichello provided a written report. In response to Mayor Riley's suggestion, Chief Minichello reported that Euclid has joined Chagrin Valley Dispatch and the Village of Bratenahl will likely join as well. Councilmember Welsh shared his opinions that there has not been significant cost savings and would like to have dispatch return to the Village. Police Chief Minichello, citing a four month credit last year, stated there has been a \$13,000 savings to the Village. Councilmember Welsh stated he has received negative feedback regarding Chagrin Valley Dispatch. Mayor Riley said the return of dispatch to the Village would be very difficult to reintroduce and shared that several thousand dollars would be required to update the equipment to meet state standards. Chief Minichello reported that he has not received any formal complaints regarding Chagrin Valley Dispatch.

A written report was provided by Service Director Biggert. He informed Council that Tim Byrne resigned from the Department and is with the Mayfield Village Fire Department full time. He then shared that Ken Simmons has been hired as a new full time employee. He added that Mr. Simmons has his CDL license as well as certificates in welding. He expressed his belief that he will be a positive addition to the Service Department. Councilmember Welsh complimented the Service Department for their work over the winter. Service Director Biggert praised the Service Department staff for their efforts.

Fire Chief Robinson provided a written report. Councilmember Welsh queried about the hiring progress. Chief Robinson noted that although Tim Byrne left the Service Department he will stay on with the Fire Department as a paid on-call fire fighter. He advised that the Department will work with Mr. Simmons, the new Service Department hire, to obtain all necessary fire credentials as a possible new recruit. In response to the query related to turn-out gear, he responded that the purchase of new gear was included in the Budget. However, Mr. Byrne's departure was not expected, therefore, additional equipment would need to be ordered for a new hire. Councilmember Frankel inquired why a home needs both ionization and photoelectric smoke alarms. Law Director Cannon discussed the ongoing debate between fire chiefs and the Board of Building Standards. She stated that a number of communities attempted to mandate photoelectric alarms but since the State Board does not mandate the same, communities cannot. She explained that a few weeks ago, the State Board of Building Standards stated that for a residence with three levels, both photoelectric and ionization detectors are

required in the common areas of each level. However, for other areas where smoke detectors are also required, such as bedrooms, the mandate is for ionization detectors. She opined that the State Board may ultimately mandate photoelectric instead.

Councilmember Sogg made a request to bid for slag. Service Director Biggert commented this is a yearly item for the aggregate used during the winter time.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that an advertisement be placed for bids for slag.

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

Third reading was held for Resolution No. 2015-02, "An Ordinance Authorizing The Mayor To Purchase A Minimum Of 90 Percent Up To A Maximum Of 110 Percent Of The Estimated Salt Tonnage Requirements Of The Village For The 2015-2016 Winter Season Through The State Of Ohio Department Of Transportation's Contract For Sodium Chloride And To Purchase Other Snow And Ice Removal Products Through The State Cooperative Purchasing Program; Waiving Competitive Bidding And Declaring An Emergency" was introduced by Councilmember Sogg. In response to Mayor Riley's question regarding the changes in legislation, Law Director Cannon explained that the legislation had to be changed due to the state's requirement that you must agree to purchase a minimum of 90% and maximum of 110% of the estimated amount of salt. Noting that the state has both winter and summer contracts for salt, the request to pass legislation as an emergency is to allow Service Director Biggert flexibility to go with either or both. Additionally, she noted that ODOT offers other snow and ice removal products. Therefore, the changes made to the legislation allow for the administration to purchase under the state's program any of those possibilities. Councilmember Frankel inquired as to the cost. Service Director Biggert explained that cost information is not yet available. He shared that this past winter the state price was approximately \$37 compared to the market price of \$119 this year. Service Director Biggert stated the deadline for the summer program with ODOT is April 3. In response to Councilmember Welsh's question regarding availability, Service Director Biggert opined his belief this is the best option.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Resolution No. 2015-02, as amended, be approved.

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

Mayor Riley expressed his gratitude to Councilmember Sogg for the incredible amount of work she did with regard to the aggregation project.

Councilmember Sogg summarized that the Village was approached by several entities regarding aggregation of gas and electricity. With the desire to provide the best possible option for residents and after much consideration, Councilmember Sogg expressed her belief that the

best option is to join NOPEC. She stated that Mr. Charles Ramer is here to answer questions. He applauded Councilmember Sogg's analysis through her due diligence of the many other offers the Village received. He welcomed Gates Mills and highlighted that as a member, the Village can participate in the management of the organization. He shared that prices are usually difficult to beat due to the size of the organization and the strength of its buying power. Mayor Riley stated that since this was first introduced, much has been learned. He added that NOPEC fully manages the process on the Village's behalf so the Village would not have to worry about negotiating and/or obtaining licenses, etc. Councilmember Sogg supplemented that the Village does not have a big staff and did not want to add burden to administration with regard to aggregation responsibilities. Councilmember Sogg shared that there is a variable and a fixed rate program. It was highlighted that two public hearings will need to be held. Timing and scheduling was discussed among Council. Mr. Ramer explained that sometimes programs are staggered and implemented separately but opined that he believed the residents of Gates Mills could deal with both being administered at the same time. He suggested being sensitive to timing citing the upcoming summer cooling season. Councilmember Sogg confirmed that it is expected that the Village will opt out in order to go with a governmental program available to it. Councilmember Welsh asked if there are three readings, how long it would take to become law. Law Director Cannon confirmed that both ordinances approving the plans of aggregation require two public hearings which hearings require a 14-day notice period. There will be thirty days to opt out, followed by an enrollment period, then followed by a billing cycle. Charles Ramer said about 60 days total. Councilmember Sogg suggested providing information in the *Pink Sheet*. After discussion took place, it was decided to hold public hearings on April 13th and 14th at 6:00 p.m.

Finance Administration announced the Records Committee will meet on April 14 at 5:45.

Ordinance #2015-05 "An Ordinance Authorizing The Village To Join The Northeast Ohio Public Energy Council ("NOPEC") And The Execution And Delivery Of The Agreement Establishing NOPEC And Approving The Bylaws Of NOPEC, And Declaring An Emergency" was introduced by Councilmember Sogg.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2015-05 be placed on first reading.

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

Ordinance #2015-06 "An Ordinance Approving The Plan Of Operation And Governance For The NOPEC Gas Aggregation Program For The Purpose Of Jointly Establishing And Implementing A Gas Aggregation Program, And Declaring An Emergency" was introduced by Councilmember Sogg.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2015-06 be placed on first reading.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
Nays: None.

Motion carried.

Ordinance #2015-07 “An Ordinance Authorizing The Village To Enter Into A Natural Gas Program Agreement With The Northeast Ohio Public Energy Council And Declaring An Emergency” was introduced by Councilmember Sogg.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2015-07 be placed on first reading with public hearings being scheduled for April 13th and 14th at 6:00 p.m.

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

Ordinance #2015-08 “An Ordinance Approving The Plan Of Operation And Governance For The NOPEC Electricity Aggregation Program For The Purpose Of Jointly Establishing And Implementing A Gas Aggregation Program, And Declaring An Emergency” was introduced by Councilmember Sogg.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that that Ordinance #2015-08 be placed on first reading with public hearings being scheduled for April 13th and 14th at 6:00 p.m.

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

Business from the audience: None.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor