

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 10, 2016

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 10 at 6:00 p.m. in the Village Hall.

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

The minutes of the April 12, 2016 Council meeting were presented by the Clerk. It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that the minutes be approved.

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

Pay Ordinance #1189 in the amount of \$270,815.26 was presented by the Clerk. In response to Councilmember Turner's question regarding All Ways Flasher, it was explained that invoice was for traffic signs.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Pay Ordinance #1189 be approved.

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

The financial statement for the period ending April 30, 2016 was presented by Treasurer Reynolds. Treasurer Reynolds highlighted the following:

- Operating revenues are up \$75,000 above 2015 largely due to real estate tax receipts;
- Municipal income tax receipts are \$56,000 below last year;
- Operations are running within budget; and
- Total funds of \$5.5 million which is a half million more than last year.

Treasurer Reynolds then discussed the Long Range Planning Committee. He said the Committee approved a 10-year financial forecast to use for evaluating proposals to remedy the discontinuance of the estate tax and lowered local government funds received from the state. Three sub-committees were formed to focus on developing and analyzing options:

- *Taxation*: Chairman Bob Reitman and members Ron Leirvik, Ann Whitney, Les Jacobs, Sandra Turner and Jim Pender and possibly Will Barnes. This group will

review and analyze options for municipal income tax, changing the credit amount or increasing the rate and replacing or repurposing levies.

- *Fees, Fines and Other Revenues:* Chairman Chip AuWerter and members Fire Chief Robinson, Larry Frankel, Nancy Sogg, Les Jacobs and Warren Morris. This group will evaluate and consider new potential sources of income and review the foreclosure process. Mayor Schneider indicated she would reach out to Fred DiSanto to see if he would join this group.
- *Shared Services:* Chairman Roger Rankin and members Police Chief Minichello, Ron Leirvik and possibly Shawn Riley. Councilmembers Reynolds and Whitney volunteered to participate in this group. This committee will consider the possibilities of sharing services with other communities where possible.

Treasurer Reynolds indicated that the reports produced from the sub-committees will not focus on whether a proposal is good or bad but rather the focus will be on facts, impacts, actions and hurdles for Council to consider when deciding on how to proceed. The reports will be returned to the Long Range Planning Committee and then submitted to Council. Mayor Schneider recommended promoting this study. Treasurer Reynolds commented that the white papers produced by the subcommittees may be good communication pieces. Councilmember Reynolds suggested Council plan to have a Saturday workshop to consider the reports. Councilmember Sogg recommended that once alternatives are identified, doing a community survey to determine preferences. Treasurer Reynolds suggesting providing survey information in the *Pink Sheet*, having a link on the Village's website for the survey as well as publishing survey results. He noted that the Taxation subcommittee is scheduled to meet this Saturday. Councilmember Frankel asked about the timeframe. Treasurer Reynolds responded that each committee will identify their timeline but would like the process to be completed by July.

Mayor Schneider, per discussions at April's Council meeting, asked if anyone received any feedback regarding a possible meeting with NOPEC and Nicole Sweet. Finance Administrator Mulh confirmed that she heard from one resident. Councilmember Sogg remarked that NOPEC has a customer service line. Finance Administrator Mulh said she could ask Nicole Sweet to directly contact residents who have questions or concerns. In response to Councilmember Frankel's inquiry, it was confirmed that no further thought had been given to the grant money that the Village was receiving from NOPEC. Mayor Schneider then advised that information from the health department regarding mosquito-related questions will be posted in the *Pink Sheet* as well on as the Village's website. Then, pursuant to Resident Dan Collister's request, Mayor Schneider read his letter to her regarding the Metroparks' connector study. Mr. Collister's letter highlighted the history of the conflict with regard to connecting the Metroparks and pointed to Village-owned land which was put into place to block the same and expressed concern for the potential hardship and conflicts the same would potentially cause within the Village. Mr. Collister spoke to Council and inquired whether there would be additional public meetings and publicity regarding the same. Mayor Schneider thanked Mr. Collister. Councilmember Whitney opined that she felt the survey was very slanted. Councilmember Reynolds agreed and stated the survey is not fair and lacks a place to share anticipated detrimental effects. Councilmember Sogg expressed her view that permission by private property owners would be difficult to receive. Mayor Schneider reiterated that

information about the study will be available at the July 4th parade and shared that at least two more public meetings will be scheduled before the study is complete.

Clerk's report. none.

On behalf of the Mayfield School Liaison Committee, Councilmember Turner passed around a thank you card to send to Gates Mills Elementary School for hosting Council's April meeting. She advised that the schools were featured in the *US News and World Report* as a top school. Such acknowledgment will be featured on the website as well as in June's edition of the *Pink Sheet*.

Councilmember Welsh remarked that there was nothing to report for the Cemetery Committee.

On behalf of the Planning & Zoning Committee, Councilmember Sogg reported that it had a controversial meeting this month. She explained that Resident Audrey Knight has hired Davey Tree to reforest the front of her property. Such work includes putting in native plants and trees and removing non-native plants. Davey Tree is recommending a deer fence for the first 18 months of planting. Councilmember Sogg noted that her neighbors are against a fence and are concerned about a precedent being set. She said the request was not passed by Planning & Zoning but that a section of fence will be erected for viewing prior to the next meeting.

Councilmember Reynolds reminded everyone of Shredding Day scheduled for Saturday at the Community House.

Police Chief Minichello provided a written report. Chief Minichello reported that on Monday, April 18 there was a fatal motorcycle accident on River Road. He conveyed that a 37-year old male was riding recklessly and died on impact after being thrown into a fire hydrant. Chief Minichello also commented that the one-year anniversary of the car accident involving the boys from Hawkin was coming up. He then reported that the recent National Prescription Drug Take Back Day collected 38 pounds of medicines from 22 different residents. Councilmember Welsh asked about the closing of Mayfield Road. Chief Minichello said that closure is in Chesterland for a culvert repair project and hopes the project would last only 2 – 4 weeks.

Service Director Biggert provided a written report. Service Director Biggert informed Council that he and Mayor Schneider met with Sara Russo, an intern at Ursuline College who is majoring in Historic Preservation. He advised that Ms. Russo is going to assist with getting the walking bridge put on the National Registry. She will also be doing research with regard to the interurban railway. Mayor Schneider added that it may qualify the Village to receive money. Councilmember Sogg raised the idea of getting help from Ms. Russo regarding the Certified Local Government program to assist in receiving funds. Mayor Schneider responded that Ms. Russo has limited time before returning home for the summer but will return for two years for her education. Councilmember Reynolds recommending inviting Ms. Russo to a Council meeting to present her findings. Councilmember Sogg requested asking her if she is aware of the Certified Local Government program. Service Director Biggert announced the Village's Hazardous Waste Drop Off day is scheduled for Monday, May 16. He reported that Feller Field is being prepped for the spring/summer months. Councilmember Sogg suggested the

Beautification Committee consider the idea of adding new plantings where the tree work is being done at the corner of Old Mill and Chagrin River Roads. Councilmember Welsh noted a property on Gates Mills Boulevard East clear cut trees from its front yard. Service Director Biggert said he will be meeting with Law Director Hunt and looking at it tomorrow. Mayor Schneider confirmed permission was not given. She shared that she received multiple reports including a video of the yard. Councilmember Frankel recommended highlighting the need for permission to take down trees as well as providing a reminder of regulations regarding open burning in the *Pink Sheet*.

Fire Chief Robinson provided a written report. Chief Robinson shared that in April the department participated in regional training, Prom Promise and also, in May, certain members partook in live fire training. Councilmember Welsh commented that Tom Majeski has been with the department for 21 years. Chief Robinson said he has been highlighting anniversary dates in the *Pink Sheet* and would like to identify additional ways to recognize members. Finance Administrator Mulh suggested participation in the employee appreciation lunch. Chief Robinson responded that schedules make it hard for members to attend.

Service Director Biggert brought up the hillside stabilization project done last year on Berkshire and expressed the desire to continue that stabilization another 100-150 feet. Village Engineer Courtney added that it would just be stone stabilization on edge of the creek bank. Service Director Biggert confirmed there is \$125,000 in the budget. Village Engineer Courtney agreed to Councilmember Sogg's request that debris located in that area would be removed at the time the work is done.

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that an advertisement be placed for bids for the lower Berkshire streambank stabilization.

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

Service Director Biggert raised the issue of the annual road maintenance program and noted there is \$225,000 budgeted. Village Engineer Courtney advised that, in addition to the budgeted amount of \$225,000, the Village has \$75,000 in grant money from the County to use for county road maintenance. Councilmember Frankel asked what areas would be focused on. Service Director Biggert answered that the list is not complete but primarily Gates Road and Epping Road. Village Engineer Courtney further answered that work would be done to drive aprons on Andrews as well as a portion of Village Trail. He noted that Mayfield Village already completed work on their portion of Village Trail.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that an advertisement be placed for bids for the 2016 annual road maintenance program.

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

Ordinance #2016-09 “An Ordinance Confirming The Mayor’s Appointment Of The Law Director, Authorizing The Mayor To Enter Into An Agreement With Walter I Haverfield LLP, And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg stated this was introduced at the last meeting and highlighted it is on second reading but emphasized that she would like to pass this ordinance at tonight’s meeting. She explained that an extensive interview process was performed when selecting Walter Haverfield and opined she has been extremely pleased with their work. Councilmember Welsh questioned the need to pass as an emergency. Councilmember Sogg highlighted the need to have a law director. Mayor Schneider added that Walter Haverfield has already been working. Councilmember Reynolds noted it is on second reading and 30 days had already been given. Councilmember Welsh complained about expenses.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-09 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Whitney.
Nays: Welsh.
Motion carried.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that an Ordinance #2016-09 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Whitney.
Nays: Welsh.
Motion carried.

Resolution #2016-10 “A Resolution Authorizing Participation In The ODOT Winter Contract (018-17) For Road Salt; and Declaring An Emergency” was introduced by Councilmember AuWerter. Councilmember AuWerter distributed a handout. He explained that the resolution is written up with a place holder for the amount of salt. Councilmember AuWerter shared the amount of salt the Village has in storage on-site as well as off-site. He explained that the Village has a contract which costs \$2,000 for the storage of the Village’s additional supply of salt. He commented on the purchase history and urged Council to identify a prudent number for Service Director Biggert to use for the contract. Discussion ensued over the recommended amount. Councilmember Sogg raised consideration of not participating in the ODOT program and bidding on our own. Service Director Biggert stated the Village has limited storage capacity to about 600-700 tons at a time. In the past, he said the Village bought what it needed without a commitment amount. In 2015, however, no bids were received and the Village paid much more for the salt it needed. He further opined that if quantities are managed while balancing the storage capacity and the winter predictions, the ODOT program can work. Village Engineer Courtney shared that Hunting Valley is going to request a lower amount for this contract as they also have salt being stored off-site. Mayor Schneider stated the Village can go with any amount it wants. It was confirmed that last year, the Village committed to 1,800 tons. Service Director Biggert recommended going with 1,000 to 1,200 this year. Councilmember Reynolds raised the possibility of selling excess salt. Service Director Biggert responded that a lot of communities have excess salt but have talked with communities about that possibility. Mayor Schneider

added that the Village would have to load and deliver. After further discussion, it was decided to request 1,000 tons instead of the 1,600 that was originally put in the resolution. It was confirmed that the Village is obligated to purchase 90% of the requested quantity and can buy up to 110%.

It was moved by Councilmember AuWerter, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-10 be placed upon its final passage. Councilmember Reynolds highlighted the need to suspend was to due to the opportunity to buy now.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Reynolds, that Resolution #2016-10 be approved.

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

Mayor Schneider said she received a letter from the Gates Mills Land Conservancy requesting the Village put the 1 mill levy renewal on the November 2016 ballot. The same would need to be filed in August. Councilmember AuWerter noted the proceeds of the levy goes to the Village with the Village deciding to give 95% to the Conservancy. He further stated that the Taxation subcommittee will look at the possibility of changing the percentage. Mayor Schneider reported that she met with the treasurer and president and believes that the separate contract it has with the Village will be worked out. She anticipates having another meeting. Councilmember Sogg stressed the importance of transparency when putting something on the ballot and being very clear about the purpose for such levy. Treasurer Reynolds noted the Village would be bound by the language of the renewal. Councilmember Reynolds highlighted the importance of the Committee to appreciate the potential support base. Councilmember Whitney shared that the levy is very restrictive on how funds can be used. Councilmember AuWerter raised the question if the levy language stays the same, whether the length of the renewal could change. In response to Councilmember Welsh's question, Mayor Schneider confirmed an operating renewal levy will be on the ballot. Councilmember Turner and Finance Administrator Mulh indicated they would get the ballot language from the last renewal to share with the Taxation sub-committee.


Business from the audience:


Dr. Duangjak stated she would like the NOPEC meeting and believes others would as well. Council agreed to invite Nicole Sweet from NOPEC to be available to meet with residences just prior to the start of Council's June meeting.

There being no further business, it was moved by Councilmember Reynolds, 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