

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 13, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 13, 2014 at 6:30 p.m. in the Village Hall.

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

Councilmembers absent: Frankel.

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Councilmember Frankel be excused from the meeting.

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

Mayor Riley presided.

Mayor Riley announced the appointment of Erin Shank, Karee Broome, Cynthia Champ, Susan Diaz, Laura Rehak and Carolyn Kennedy to the Gates Mills Family Connections Committee. Mayor Riley explained the Committee's focus is on family-friendly events. Councilmember Reynolds questioned whether certain activities (Easter Egg Hunt, Halloween Party, etc.) already in place should fall under this Committee. After a brief discussion, it was decided to allow this Committee to grow and reevaluate in the future.

It was moved by Councilmember Turner, seconded by Councilmember Schneider, that the appointments to the Gates Mills Family Connections Committee be approved.

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

The minutes of the April 8, 2014 Council meeting were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the minutes be approved.

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

The minutes of the April 15, 2014 Special Council meeting were presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that the minutes be approved.

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

Pay Ordinance #1165 in the amount of \$511,027.50 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1165 be approved.

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

The financial statement for the period ending April 30, 2014 was presented by the Clerk. Councilmember Barnes noted that Department Heads were doing a good job managing administrative operating costs. He stating that the Police Department is approximately \$40,000 less than last year; Administration is approximately \$20,000 less; and the Fire Department is about the same as last year. Councilmember Barnes then reviewed certain YTD results, highlighting as follows:

- Increase of Service Department expenses are due in large part to the heavy winter including personnel costs mostly related to overtime as well as expenses for salt and aggregates. He advised that the cost for gasoline is also higher compared to last year.
- Revenues are approximately \$80,000 below last year due to municipal income tax.
- Inheritance Tax which was budgeted at zero is \$20,000 higher than last year.
- Cash and Investments just under \$6M.
- Unfunded Debt is \$640,000.
- Capital Improvement budget is substantially higher than last year. Councilmember Barnes stated that several projects are currently underway.

Mayor Riley questioned with regard to Operating Revenues what the determining factor is for the \$80,000 difference with respect to municipal income tax. Finance Administrator Lechman responded that she would request a report which would hopefully provide an explanation.

Mayor Riley began his report by referencing a photo distributed to members of Council of an awning which is being proposed for outdoor dining at Sara's Place. He explained that when negotiating the lease and adding the patio for outdoor dining, it was contemplated using umbrellas or an awning. He stated that it is believed that an awning would allow more regular use of the patio area. Mayor Riley said that the owner and Village would split the cost equally in the amount of \$7,500 each. He thinks the Service Department could manage the installation of the awning. Mayor Riley then requested Service Director Biggert to provide an update on the tennis courts resurfacing project. Service Director Biggert stated the demolition has been completed and expects the project to be done mid-July/early-August.

Councilmember Welsh expressed his concern with regard to the threatened closure of the post office. Mayor Riley responded that the US Postal Service is engaged in a study of all of its post offices to determine which are most and least utilized. Such study triggered concern for the future of the post office. Mayor Riley shared that he spoke with Dave Joyce's office as well as with Steve LaTourette. Based on those conversations, it was suggested that nothing would happen this year, however, at an appropriate time in the future lobbying in support of the post office should be considered. Councilmember Welsh informed that the post office has laid-off a clerk, implemented a 1.5 hour timeframe for lunch and expects that the post office will be closed between the hours of noon and 2:00 p.m. daily. He said he would not like to lose the 44040 zip code. To support the post office, Councilmember Reynolds encouraged residents maintain their post office boxes. Councilmember Schneider opined no one wants it to close. Mayor Riley stated that he will look into it further, including a visit to the post office to meet with employees there.

Clerk DeCapite reported that there is a requirement for four (4) members of Council and the Treasurer to attend a "Sunshine Law" seminar scheduled for Friday, May 23, 2014. Law Director Cannon advised that they could choose to delegate Finance Administrator Lechman to attend on their behalf. It was determined that Finance Administrator Lechman would serve as designee for Councilmembers Barnes, Schneider, Frankel, and Sogg plus Treasurer Tim Reynolds.

Councilmember Schneider provided a reminder that Community Awareness Day is being held on May 31st and distributed materials regarding the same.

Councilmember Welsh stated that the Fat City Summer Sausage Band has been selected for this year's band concert.

Police Chief Whitmer provided a written report.

A written report was provided by Service Director Biggert. Mayor Riley requested he provide a report on the Chagrin River Road project. Service Director Biggert stated that paving began and will be followed by the intermediate course. Village Engineer Courtney advised that prior to finalizing the paving project, work would be suspended to allow for the repair of culverts. He stated that work is anticipated to begin mid-June and result in road closure from Mayfield Road to Sherman Road for approximately 30 days. After the culvert repairs, the paving and striping would be completed. Councilmember Schneider asked if all of the culverts to be repaired fall within that section. Village Engineer Courtney confirmed. In response to Councilmember Welsh's inquiry whether the tennis courts project would be finished earlier than mid-July, Service Director Biggert responded no.

Councilmember Sogg announced that the Village has received preliminary approval to be a Certified Local Government. She expressed her gratitude for Service Director Biggert's and Finance Administrator Lechman's assistance in their work in getting such Certification.

Fire Chief Robinson distributed a written report. Mayor Riley inquired about the recent activities at the lower school's parking lot. Chief Robinson explained that such activities are

taking place as the Fire Department is required to complete driver training. Councilmember Welsh inquired about the EMS calls listed in the report. Fire Chief Robinson explained that in the case wherein an accident involves multiple vehicles resulting in more than two injuries, mutual aid is requested.

Ordinance #2014-05 entitled “An Ordinance Giving Notice Of Termination By The Village Of Gates Mills Of Its Participation In The Suburban Police Anti-Crime Network (Span) And Declaring An Emergency”, was presented by Councilmember Schneider and given its third reading by the Clerk. In was stated termination would take effect December 31, 2014 in response to Councilmember Turner inquiry.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that Ordinance #2014-05 be approved.

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

Ordinance #2014-06 entitled “An Ordinance Authorizing The Mayor And Clerk To Enter Into An Agreement To Join The “Valley Enforcement Regional Council Of Governments,” For The Purpose Of Jointly Establishing And Operating The “Valley Enforcement Group” With Other Political Subdivisions, Appointing A Representative And Alternate Represented To The Council And Declaring An Emergency”, was presented by Councilmember Schneider and given its third reading by the clerk.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that Ordinance #2014-06 be approved.

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

Resolution #2014-10 entitled “A Resolution Accepting The Bid Of Mr. Excavator, Inc.” was presented by Councilmember Barnes and read by the Clerk. Councilmember Barnes stated Mr. Excavator’s bid is \$223,000 which is under the budgeted amount of \$250,000.

It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-10 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2014-10 be approved.

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

Resolution #2014-11 entitled “A Resolution Accepting The Bid Of Guinto Schirack For The Old Mill Road Slope Repair Project”, was presented by Councilmember Barnes and read by the Clerk. Councilmember Barnes stated Guinto Schirack had the lowest bid at \$221,000 which is under the budgeted amount of \$300,000. Finance Administrator Lechman noted that the amounts for the foregoing two Resolutions did not include Village Engineer fees.

It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-11 be placed upon its final passage.

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

It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2014-11 be approved.

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

Ordinance #2014-12 entitled “An Ordinance Enacting A New Section 155.14 Of The Codified Ordinances Of The Village Pertaining To The Deposit Of Public Moneys” was presented by Councilmember Barnes and read by the Clerk. It was explained by Finance Administrator Lechman and Law Director Cannon that due to the Auditor’s requirement, any funds received are to be deposited within 1 business day. Due to the distance from the bank, this Ordinance will allow 3-5 days for the deposit to be made if the deposit is more than \$1,000. Councilmember Reynolds inquired as to transaction fees. Finance Administrator Lechman responded that she would look into the same.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2014-12 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2014-12 be approved.

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

Councilmember Reynolds made a request to advertise for bids for the sale of a 2004 Chevy Impala police vehicle that has over 97,000 miles. It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that an advertisement be placed for bids for the sale of the police vehicle.

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

Councilmember Schneider raised the issues of rental unit registry and point of sale inspections. She advised that information regarding rental unit registry by the Police Chief would appear in the next issue of the *Pink Sheet*. She explained that such registry is voluntary and could be done in-person or securely online. As it was unlikely that the Safety Committee would have passed making the same mandatory, this voluntary process will be revisited in the future. Mayor Riley commented that there are a lot of rental properties and the Village has no sense of who is living in them. Councilmember Sogg indicated that Law Director Hunt would be providing other communities' ordinances regarding the same to be reviewed at the Planning & Zoning meeting. Mayor Riley, with regard to point of sale inspections, stated that Service Director Biggert is taking a more aggressive position but there is limited authority for enforcement. Mayor Riley stated that he is working with Law Director Cannon and Service Director Biggert to recommend point of sale inspection restrictions that are enforceable. Service Director Biggert currently notes any violations but the title can still transfer. Councilmember Welsh opined that some rental units are in poor condition. Law Director Cannon advised that there are a significant amount of rental units and properties with issues of concern. Councilmember Schneider expressed concern for renters' safety. Law Director Cannon provided a brief explanation of the difference between point of sale and a rental occupancy ordinance. They are not the same.

Councilmember Barnes announced a public hearing to be held on June 10, 2014 at 6:15 p.m. to prepare for the 2015 budget.

Business from the audience:

Resident Paul Booyens requested members of Council provide their respective positions on deep well horizontal fracking. Mayor Riley suggested, in light of anticipated public meetings to be scheduled and held, that it would be more appropriate to ask for such positions in the future to allow for more information to be ascertained. He advised that there is currently only one proposal and welcomed other alternatives.

Resident Bob Andreano provided discs including articles and information on fracking to members of Council, the Clerk and Treasurer. Mayor Riley expressed his view that fracking is dangerous but clarified the issue is how to prevent it. Mr. Andreano stated his group is working

on preparing alternative solutions. Mr. Andreano confirmed that most references are included on the discs in response to Councilmember Reynolds inquiry. Councilmember Reynolds shared that this is a very complicated situation and not one easily answered by a yes or no response.

Resident Liz Lentz questioned if the Village would be implementing a sustainable energy policy or plan. Mayor Riley responded that in light of the issue not being pressed, working with limited resources and the need to prioritize, the Village does not have a plan or policy in place or proposed. Councilmember Schneider asked what the reference of energy plan was to. Resident Bob Andreano provided the answer of solar panels, wind turbines, or other forms of energy rather than from fossil fuels. Ms. Lentz shared examples of what other communities are doing, including the use solar panels and/or windmills. Mayor Riley asked if Ms. Lentz would be interested in serving on a committee to study this issue. Ms. Lentz said she would if Resident Booyens would as well. Mayor Riley advised if there were feasible ways to do so, yes, the Village would be interested. He stated that the Village did look into a Leeds designation ten years ago but it was cost prohibited.

Resident Bob Andreano, in response to the stated summer sessions, inquired if there are any firm dates. Mayor Riley replied that he is awaiting confirmation from two potential speakers as well as looking to receive information from Mr. Andreano's group regarding their suggested speakers. He advised that such public meetings would likely be held at the end of June/beginning of July and another meeting to take place likely after Labor Day. Resident Regina Staple, referencing the education seminars, expressed her concern that the original timeline to develop the trust was too short. Mayor Riley advised that the schedule is very fluid, not being rushed and that there is time and added that the original timeline, which has been revised, was optimistic. Mayor Riley said that should a better idea be presented, it is possible that the trust proposal may be abandoned and/or could go into 2015. Councilmember Schneider stated that Gates Mills has more vertical wells than any other area in Ohio. She stated that the Village is trying to come up with a plan before the fracking wells come to the Village with no way for the Village to control them. Ms. Staple asked why there is an attempt to develop a trust if there are still unanswered questions. Mayor Riley responded that based on what is known the trust proposal is currently the best answer. Mr. Andreano opined that a trust would welcome drillers to come to Gates Mills sooner. Mayor Riley explained that the trust participants could agree to either allow or not allow drilling. Councilmember Schneider added that if a Trust is formed, it could say no to drilling and, currently, residents and the Village cannot prevent drilling.

Resident Jenni McMaster expressed concern and fear in not knowing where Council stands. She asked who appoints the trust members. Mayor Riley stated the appointment of trust members is an open issue. It has been suggested there be 2 members from the Land Conservancy, one appointed by the Mayor, and the others selected by the community. Councilmember Turner stated that it is not a Village Trust. The Village is just a catalyst. It was confirmed in response to Ms. Staple's question that the Trust would be a separate entity. Councilmember Turner stated this is a conceptual discussion on ways to get around the loss of local control and stated participation in a trust would be voluntary. Resident Bonnie Myers asked if it would be possible that the shallow wells would be closed in lieu of larger wells.

Mayor Riley provided an example where shallow wells in Southern Ohio were closed in lieu of fewer larger wells. In some cases the shallow wells were bought by the fracking companies.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor