

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 19, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 19, 2015 at 5:30 p.m. in the Village Hall.

Councilmembers present: Frankel, Schneider, Sogg, Turner, Welsh, Whitney.

Councilmembers absent: Reynolds.

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

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

The minutes of the April 14, 2015 Council meeting were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the minutes, with noted corrections to pages 2 and 6, be approved.

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

Pay Ordinance #1177 in the amount of \$287,405.91 was presented by the Clerk. In response to Councilmember Frankel's question, Mayor Riley and Finance Administrator Lechman confirmed that prosecutor expenses are not reimbursed to the Village.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Pay Ordinance #1177 be approved.

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

The financial statement for the period ending April 30, 2015 was presented by Finance Administrator Lechman. In Treasurer Reynolds' absence, she reported that municipal income taxes are higher than last year including an additional \$400,000 that was recently received which resulted in a \$100,000 adjustment. She also opined that other expenses were inline. Councilmember Sogg questioned why the rental income for the Mills Building is down. Finance Administrator Lechman answered that all rent is up-to-date, however, one person pays annual and that amount is not included.

Mayor Riley stated that later in the meeting he would address leases and the Livable Communities Initiative. On a personnel issue, Mayor Riley expressed his sadness to report that

Jo Ann Lechman will be retiring on August 31. He noted that her replacement, Janet Mulh, currently works in a similar roll and will start on July 3. Jo Ann Lechman will train Ms. Mulh through August 31. After such date, Jo Ann will be available to help with special projects. He indicated that a retirement party would be planned. Jo Ann Lechman confirmed that she has been with the Village for 33 years. She expressed her gratitude for her reappointments, her sadness, and shared her belief that it is a good time for some new ideas.

Councilmember Schneider announced that Jo Ann Lechman will be one of the Grand Marshall for this year's July 4th parade.

On behalf of the Real Estate Committee, Councilmember Sogg advised that the Committee discussed Sara's, Cindy Halle as well as Howard Hanna. She noted that there may be some realignments and, although not yet finalized, advised that Sara's wants to make some improvements – some of which would slightly affect Burton Court. She shared that the Real Estate Committee is in favor of the projects. She said that Committee Member, Bill West, has helped with the negotiations with the tenants.

Councilmember Welsh reported that the Cemetery Committee has not yet heard anything regarding available property for expanding the Cemetery.

Police Chief Minichello provided a written report. He stated that the new police cars are now in service. Councilmembers Schneider and Welsh acknowledged their pleasure with the look of the new police vehicles. Police Chief Minichello, addressing the recent tragic accident on County Line Road, said the investigation is still underway and will be lengthy. He noted that the Coroner reports would take 6 to 8 weeks. He stated that preliminary it appears that speed was a factor. He confirmed that three individuals were transported to the hospital, two passed away, one was admitted and has since been released.

Service Director Biggert reported that approximately 100 residents participated in the recent Shredding Day and a little over 6,100 pounds of material was shredded. Due to the popularity of the event, another Shredding Day will be scheduled in the fall. Councilmember Schneider inquired as to the recycling bins for cardboard. Service Director Biggert responded it is also popular and may have to add a bin. Councilmember Welsh expressed his gratitude for the revival of Feller Field and emphasized the outstanding job done. Service Director Biggert added that there is still more work to do. Councilmember Turner complimented the entrance signs. Mayor Riley asked if the signs were lower. Service Director Biggert confirmed that the street signs are lower but not the main entrance signs.

Fire Chief Robinson provided a written report. Upon Mayor Riley's suggestion, Chief Robinson reported that an oil spill occurred at a home in April from an incident with the heating fuel storage tanks. He stated the spill has been cleaned up completely and explained that it was stopped before it reached the river. He advised that a clean up company was hired and ODNR was called. He described the process as being long, involved and very expensive. He confirmed that the new property owner has started paying for it and that the Village is not financially responsible. Councilmember Frankel questioned the odor of gas near a Village well. Fire Chief Robinson explained that ODNR allows for this type of escape of gas. He said testing was done and it is not a violation. However, with the location of tennis courts and residents concerns

about the odor of gas, he stated it is a nuisance. Chief Robinson mentioned that he has spoken with Ohio Valley who operates the well and requested that they install a pressure relieve valve which would allow for the periodic release of gas rather than a constant flow.

The clerk had nothing to report.

Jo Ann Lechman queried Councilmembers as to their participation and preferences for the July 4th parade.

Mayor Riley indicated that when legislation was passed last month regarding the rental unit ordinance that an effective date was not identified. He said the date of August 1, 2015 has been suggested. Law Director Cannon counseled that a motion would be necessary.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the effective date for the rental unit ordinance would be August 1, 2015.

Roll call: Ayes: Frankel, Schneider, Sogg, Turner, Welsh, Whitney.
 Nay: Welsh.
 Abstain: Whitney.
 Motion carried.

Councilmember Frankel asked how residents would be notified. Mayor Riley answered through the *Pink Sheet*.

Councilmember Whitney announced that a public hearing for the estimated 2016 budget is scheduled for June 8, 2015 at 6:15 p.m.

Resolution #2015-09 “A Resolution Declaring It Necessary To Renew An Existing 3.5 Mill Tax Levy For The Purpose Of Current Expenses Pursuant To Ohio Revised Code Sections 5705.19(A) And 5705.191, And Requesting The County Fiscal Officer To Certify The Total Current Tax Valuation Of The Village And The Dollar Amount Of Revenue That Would Be Generated By That Renewal Levy, And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Frankel, expressing sensitivity to passing legislation by emergency measure, questioned when the deadline is. Finance Administrator Lechman explained that first it goes to the County, the County determines how much money it will bring in, then sends it back. Afterwards, Council then passes another Resolution to have it submitted to the Board of Elections. The deadline to submit to the Board of Elections is in August. She added that if Council had three readings for each, it would not make the deadline. Councilmember Frankel suggested addressing earlier to avoid rushing and to allow residents time to be aware of the same. Councilmember Sogg highlighted that this is a renewal. Councilmember Schneider also pointed out that this Council only meets once a month.

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2015-09 be placed upon its final passage.

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

Nays: None.
Motion carried.

Councilmember Whitney moved, Councilmember Sogg seconded, that Resolution #2015-09 be approved.

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

Resolution #2015-10 “A Resolution Opposing Proposed House Bill 8” was introduced by Councilmember Turner. Councilmember Turner explained that HB8 was passed unanimously by the House and now is in the Senate. She advised that it makes a number changes to the oil and gas well process including making the period of time significantly shorter and includes all subdivisions of the State. She highlighted that there are a lot of issues and concerns for both interested landowners as well as involuntary landowners. She stated that this Resolution, if adopted by Council, is to put on record our opinion and to distribute to surrounding communities our concerns about this Bill. She noted the risk to parks, school properties and Village properties. Councilmember Turner commented that the Regional Commission has reached out to various organizations including the Cuyahoga Mayors and Managers Association, the Municipal League and Hillcrest Council of Councils and all are opposed. Councilmember Schneider emphasized that political subdivisions includes all school systems. Law Director Cannon clarified that the only entities exempt from mandatory unitization would be state parks and that state forests would only be exempt from any surface disturbance. Councilmember Schneider also shared that not only does HB8 take away more control but also that political subdivisions could be liable if there is a problem. Councilmember Frankel questioned how it passed the House unanimously. Councilmember Schneider opined it was off the radar. Law Director Cannon stated that the oil and gas interests presented the legislation as a requirement for ODNR to review the unitization process on a more expedited basis. Law Director Cannon acknowledged the help of the Regional Commission on drawing attention to HB8.

Councilmember Frankel moved, Councilmember Whitney seconded, that Resolution #2015-10 be approved.

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

Ordinance #2015-11 “An Ordinance Authorizing The Mayor To Enter Into A Contractual Agreement With The Geauga County Board Of Commissioners For Jail Services For Village Of Gates Mills Prisoners And Declaring An Emergency” was introduced by Councilmember Turner. She explained that Bedford Heights will no longer house prisoners effective June 1, 2015. Councilmember Turner stated that Police Chief Minichello evaluated options. She added that the full service facility was built in 2005 and the cost would be \$75.00 a day. She advised that the Village has about 13 prisoners a year.

It was moved by Councilmember Turner, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-11 be placed upon its final passage.

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

Councilmember Turner moved, Councilmember Schneider seconded, that Ordinance #2015-11 be approved.

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

Addressing Sara's Place, Mayor Riley reported that the anticipated cost for remodeling would be \$250,000. Of that total amount, \$50,000 is for the common area and \$200,000 is for the restaurant. Mayor Riley highlighted the following:

- The Village would pay \$50,000 for the common area improvements as it owns the building;
- Rent for Sara's would increase by about \$2,000 per month for 10 years, with an interest rate of 5%, to work out to full amortization of the restaurant improvement cost;
- The equipment in the kitchen and the new furniture would become the Village's at end of the lease term; and
- The lease term for Sara's would start sometime in June and be extended 10 years with three five (5) year renewal rights. At each renewal period, rent would be adjusted to market, but not go up by more than 10% at each renewal.

Mayor Riley advised that he wanted to confirm that Council is in favor of the foregoing prior to seeking the assistance of Law Director Cannon. A vote would take place at the June Council meeting. He commented that the Real Estate Committee reviewed the lease and made some changes; Bill West did a great job. He shared that Dave and Mary Gromelski are happy and have been great tenants. Councilmember Schneider stated that she went to the meetings and is supportive of Sara's. Mayor Riley added that some of the remodeling would improve the kitchen allowing Sara's to expand its menu. Councilmember Turner asked who is paying for the \$200,000 improvements. Mayor Riley responded that the Village is funding that cost but that Sara's is paying the Village back. The intent is for that money to go back into Capital Improvement. In response to Councilmember Turner's question, it was confirmed that if passed in June, the remodeling would begin immediately thereafter. Councilmember Schneider added that it is possible given the interest rate the Village could make money. Councilmember Sogg remarked that this has been worked on for a long time. Councilmember Welsh questioned if Sara's would become physically larger. Councilmember Sogg answered that it would not nor would additional seating be added. Councilmember Welsh voiced that he was glad to see its success. Mayor Riley said that space was originally designed 10 years ago to be a café/coffee shop and has since turned into a nice restaurant. He stated there will be a change of traffic flow in the restaurant. Responding to Councilmember Welsh's question, it was confirmed that the

Village's sewer system has the ability for increased capacity. Mayor Riley also shared that some sound proofing would be done for the benefit of the library and that a restroom would be added to Burton Court. Council confirmed its approval to move forward.

Councilmember Sogg made a request to bid for the Foxboro retention basin. Service Director Biggert stated that with heavy storms, creating a retention basin, would avoid having water build up in the street. He explained that water would eventually work its way from the basin and into the storm system. He noted that it is a relatively quick and inexpensive solution. Mayor Riley confirmed this is just to go out to bid and inquired as to cost. Noting that cost has not been determined, Village Engineer Courtney estimated \$50,000. Service Director Biggert described the basin would be a grassy area with slight mounds that when it rains would look like a pond.

It was moved by Councilmember Sogg, seconded by Councilmember Schneider, that an advertisement be placed for the Foxboro retention basin.

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

Resolution #2015-12 "A Resolution Authorizing The Mayor To Submit An Application To NOACA, Acting As Designated Recipient Of USDOT Funds, For The TLCI Program And To Execute A Contract With NOACA Or ODOT If Selected For Funding". Mayor Riley explained that as the MetroParks cannot do so, it has requested Gates Mills apply to have a study done to determine if it makes sense to link the North and South Chagrin River Reservations by a bike path or some type of trail. In light of the dangers associated with bike traffic, Mayor Riley opined the study would be worth doing and added that there is no cost to the Village. He stated that the federal government along with NOACA would pay the cost of approximately \$75,000. Councilmember Welsh stated this would be opening a can of worms and referenced the past adamant opposition from residents. He stressed his opinions that such path would not be used and the study is a waste of time. Councilmember Frankel said he would ride on such a path as it is dangerous to ride on the road. Councilmember Frankel also remarked that times are different now. Councilmember Sogg emphasized that this is only to allow for a study to be done. Mayor Riley stated that the Village owns a significant portion of the land and Council's approval would be required. Councilmember Welsh said it should stop here. Councilmember Turner shared that she received calls from concerned residents after the discussion from the last Council meeting. She suggested Councilmembers be prepared to reiterate that this is only for a study. She requested any information regarding the study be made available so as to better communicate with residents. Mayor Riley stated that he would make the request for information.

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2015-12 be placed upon its final passage.

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

Councilmember Sogg moved, Councilmember Frankel seconded, that Resolution #2015-12 be approved.

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

Business from the audience: Charles Belson addressing Councilmember Turner raised the issue of the existing leases for the gas wells owed by Gates Mills and his understanding that the leases appear to prohibit deep well horizontal fracking unless the leases are renegotiated. Mr. Belson asked what the approval process would be for the renegotiation of those leases to allow deep well fracking; what the potential community involvement would be; and, if the process would be similar to the one used for the new water process system which required a vote. Councilmember Turner responded that she would have to defer to the Law Director. She noted that although she was not involved at the time, her understanding is that, in advance of the shallow wells, public discussions and hearings were held. As this suggestion would be such an important issue, she could not imagine that this Council would move ahead without having public input. Councilmember Schneider interjected that the depth of the Village's wells is limited. She advised, however, that many residents with wells do not have a depth limit. Mayor Riley addressed Mr. Belson's concerns by expressing that this Council could not make any commitments as any future change of administration could bring different opinions.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor