

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 12, 2018

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, June 12, 2018 at 6:00 p.m. in the Village Hall.

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

It was moved by Councilmember Turner, seconded by Councilmember AuWerter, that Councilmember Welsh be excused from the meeting.

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

The minutes of the May 8, 2018 Council meeting were presented by the Clerk. Councilmember Reynolds referred to page 3 and opined the term "house plans" was confusing and requested the same be changed to "archived architectural drawings." It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that the minutes, as amended, be approved.

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

Pay Ordinance #1214 in the amount of \$356,434.82 was presented by the Clerk. Councilmember Sogg asked about the expense related to the Brotzman purchase. Service Director Biggert confirmed it was related to bare root trees. Councilmember Turner asked about the American Security invoice. Service Director Biggert said the Village needed a new fire alarm panel and also added additional detectors.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Pay Ordinance #1214 be approved.

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

Treasurer Reynolds provided the financial statement for the period ending May 31, 2018. He highlighted the following:

- Revenues continue to exceed both last year's pace and budget expectations. Total Revenues are \$523,000 more than last year. Municipal income tax receipts are approximately \$340,000 greater than this time last year. Real estate tax receipts are approximately \$190,000 greater than this time last year.

- Expenses are also running higher than last year. Prosecutor expenses are about \$21,600 which is 56% of the annual budget. As discussed last month, engineering expenses are at \$46,000 which is 130% of the annual budget. However, he noted that the Village may recover some of those funds.
- Due to the rough winter, the Service Department has spent \$36,000 versus the annual budget of \$35,000 for annual equipment maintenance. Service Director Biggert confirmed such spending should slow down.
- Police Department is generally on pace with the Budget through May.
- The Village opened its investment account with Ancora and has invested roughly \$3M in a conservative and diversified portfolio -- inline with its investment policy. Treasurer Reynolds said the Village has approximately \$1.4M in a money market account which is Fidelity government cash reserves. He added that some of that may be invested but much will stay liquid. The Current portfolio breakdown is approximately 1/3 in Fidelity government cash reserve; roughly 1/3 in corporate bonds and a little more than 1/3 in agency securities. He then informed Council that the Village's total value is just under \$4.5M. Councilmember AuWerter asked about estimated yield income. It was noted that cash flow through May to May will be about \$85,000 to \$86,000. Mayor Schneider highlighted the indebtedness amount came down from this time last year. Treasurer Reynolds opined the Village's financial situation is very solid and well positioned. Councilmember AuWerter asked about the negative interest amount for the month. Treasurer Reynolds explained that bonds were purchased and accrued interest had to be paid. He added that the Village has not yet been paid any interest. He said the Village has earned about \$2,300 in the money market account this month.

Mayor Schneider thanked everyone for a wonderful Community Day. She said it was a fun day and has received positive feedback. She summarized her recent trip to Washington, D.C. with the Cuyahoga County Mayors and City Managers Association. Council discussed the site work for the park (sidewalk, drainage, grading) and the need for a re-bid. It was noted that the bid opening date is June 15 and that a Special Council meeting will be scheduled for Wednesday, June 20 at 5:00 p.m. to award the site work.

Clerk's report. None.

On behalf of the Safety Committee, Councilmember Frankel reported that there were 15 children that participated in the recent bike rodeo. He said the kids seemed to enjoy it. The rodeo included safety training, helmet fitting, etc. Councilmember Frankel then summarized his experience with the recent police training simulators at Hunting Valley's Village Hall. He discussed his participation and impression of the driving simulator as well as the shooting simulator. Mayor Schneider participated in the shooting simulator and remarked on how fascinating it was.

Police Chief Minichello provided a written report. He advised that the St. Francis Church festival recently concluded and informed of an incident that occurred the day before the festival began. He said there was a fight between carnival workers. One of the workers had his leg broken. Both were charged with disorderly conduct. Councilmember AuWerter asked about the

cost for police coverage. It was explained that there is no cost to the Village as it is a security detail where the officers are paid directly by the organization.

Police Chief Minichello referred to a meeting he and Mayor Schneider recently attended regarding Chagrin Valley Dispatch. He then shared data regarding the same. Treasurer Reynolds remarked on the controlled costs since joining Chagrin Valley Dispatch. Councilmember Sogg spoke of an incident that occurred in Moreland Hills that reflected poorly on Chagrin Valley Dispatch. She then asked Police Chief Minichello if Village residents are satisfied. Police Chief Minichello said that Chagrin Valley Dispatch has been very responsive when issues arise and opined that residents are satisfied. Councilmember AuWerter asked about changes in dispatch staff. Police Chief Minichello confirmed that it is the same group serving Gates Mills since it joined. Mayor Schneider said the group is specifically trained and that if we have had any issue, it was addressed quickly. Councilmember Sogg commented on the positive cost savings and service.

Councilmember Reynolds referred to accidents on Mayfield and noted that ODOT installed grade severity warning signs at West Hill and Mayfield. Councilmember AuWerter opined that there is not a long pause between the light turning green at the intersection of Mayfield and River. Village Engineer Courtney confirmed that it had been changed. Service Director Biggert provided an explanation of signs that will be added to Brigham and Sherman roads. Councilmember AuWerter referenced the Mayor's recent meeting in Washington and questioned if the Village can seek funding for flashing lights. Mayor Schneider remarked that it would be nice if the Village had a whole new light all together and highlighted that the traffic lights are antiquated. Service Director Biggert said the cost for a new light per intersection is approximately \$100,000.

Service Director Biggert provided a written report. Councilmember Sogg remarked on how amazing Town Hall looks. Tree planting was discussed. Councilmember Frankel asked about the 30-day notice for a Gates Mills Estates Drive property. Service Director Biggert responded that he needs to inspect the property. Mayor Schneider shared that Service Director Biggert has been sending more notices. Mayor Schneider noted a large issue on Berkshire as well as working with a homeowner on Robinwood. Councilmember AuWerter asked about the involvement of the prosecutor. Mayor Schneider said that a letter is first sent and then if there is no response, the prosecutor sends a letter. If there is still no response, then it goes to Court and becomes an offense wherein fines can be imposed.

Fire Chief Robinson provided a written report. Fire Chief Robinson said that next month's report will include the natural gas issue that resulted from the installation of a sprinkler system at a home on Chartley. He provided a brief explanation of the same. Councilmember Frankel raised the issue of open burning. Fire Chief Robinson briefly summarized an event that arose from open burning. The Police Department assisted until the Fire Department arrived on scene.

Mayor Schneider announced a Public Hearing for the estimated 2019 tax budget which will be on July 10, 2018 at 5:45 p.m. It was confirmed that members of Council must attend.

Resolution #2018-15 “A Resolution Declaring It Necessary To Renew An Existing 3 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 Of Gates Mills And The Dollar Amount Of Revenue That Would Be Generated By That Renewal Levy, And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Whitney explained this will enable the Village to put the levy on the ballot and she advised that the need to suspend is due to timing issues.

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 #2018-15 be placed upon its final passage.

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

Finance Administrator Mulh will receive a number from the Auditor, Council will consider the same at the next Council meeting and then legislation can be put on the ballot. The deadline to submit to the Board of Elections is August 8.

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that Resolution #2018-18 be approved.

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

Councilmember AuWerter requested a finance report to the community in *The Pink Sheet*. It was confirmed this levy is a renewal. Treasurer Reynolds suggested encouraging people to vote. It was recommended that such encouragement can be done through a letter from the Mayor as well as a postcard from the Improvement Society.

First Reading of Ordinance No. 2018-16 “An Ordinance Amending Part Nine, “Streets, Utilities And Public Services Code” Of The Codified Ordinances, To Add New Chapter 915 To Regulate Small Cell Facilities and Wireless Support Structures In Public Ways; And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg shared that this was discussed at length and that Law Director Hunt assisted in putting this together to help address the small cell facilities. It was noted that the same is disallowed in the Village’s Historic District. Law Director Hunt informed that there is a waiver provision. It was confirmed that this must be passed by July 31. In response to Councilmember AuWerter’s question, Law Director Hunt explained the requirement in the State statute. Councilmember AuWerter asked what the difference between the two ordinances is. Law Director Hunt responded that one addresses the procedure and the other relates to the design guidelines. Councilmember Frankel asked which one gives exemption in the Historical District. Law Director Hunt confirmed it is the second ordinance.

First reading was held for Ordinance #2018-17 “An Ordinance Amending Part Nine, “Streets, Utilities And Public Services Code” Of The Codified Ordinances, To Add New Chapter 917 Adopting Design Guidelines For Small Cell Facilities And Their Support Structures In Public Ways; And Declaring An Emergency” was introduced by Councilmember Sogg. Law Director Hunt confirmed that waivers go through the Board of Zoning Appeals. Councilmember Sogg expressed her hope that having new towers will eliminate the need for these smaller cells.

First reading was held for Ordinance #2018-18 “An Ordinance Amending Chapter 1317, “Certificate Of Inspection” And Chapter 1321, “Certificate Of Authorized Occupancy” Of The Building And Housing Code And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg explained that changes were needed based on a federal court ruling. Law Director Hunt noted some confusion with the language and confirmed that he will make clarifying revisions. Councilmember Sogg suggested putting this on the Agenda for Wednesday’s Special Council meeting and requested the changes be made prior to that meeting. Law Director Hunt said if someone refuses an inspection, either for point of sale or for a rental of a unit, then Service Director Biggert has the authority to request a search warrant through the Municipal Court. He then explained that if a search warrant is not issued, then in that situation, the owner just has to sign a certificate to provide to the buyer that an inspection was not done. Mayor Schneider advised that a residence on Berkshire provided consent so the Village did not need to obtain a search warrant. Councilmember Turner raised the issue of rental properties. Councilmember Frankel asked about registration of rental units. Service Director Biggert said registration is terrible. Councilmember Whitney expressed her opinion of the financial burden on someone who is renting. She commented that it is not just the registration fee but also the 30-day waiting time period. She noted the potential loss of revenue and financial punishment of a month’s rent to a landlord who is complying. Law Director Hunt agreed for the initial registration but not for an annual renewal. Councilmember Whitney responded that an owner cannot get a new tenant until the paperwork is received. Mayor Schneider said that is a good point and it needs to be looked into further. She then said it is more about ensuring the value in the homes, not the fees. Service Director Biggert remarked on inaccurate records regarding rental properties. Councilmember Frankel questioned the need for such an ordinance. Mayor Schneider said the issue is not unique to Gates Mills and noted that surrounding communities have this type of ordinance. She mentioned she is not sure how they control it. Councilmember Sogg said she would do some research. Law Director Hunt said it works well with larger units. Councilmember Whitney understands the intent but noted the side effects. Mayor Schneider said this was originally done from a safety standpoint. Councilmember Frankel citing issues of enforceability questioned whether the Village needs such ordinance. Councilmember Sogg suggested providing reminders via *The Pink Sheet* and/or in a letter from the Mayor. She added that the Village had some issues with dilapidated and unsafe rental properties in the past. Service Director Biggert highlighted the implementation of the Property Maintenance Code and shared that he is aggressive in getting compliance and having issues resolved.

Resolution #2018-19 “A Resolution Awarding A Contract To Service Supply, Ltd. For Play And Recreational Equipment And Other Necessary Items For The Village Park And Declaring An Emergency” was introduced by Councilmember Reynolds. Councilmember Reynolds said that Village Engineer Courtney reviewed the bids received and believes the best interest of the Village is to go with Service Supply Ltd. The anticipated cost is \$85,400 with

75% of costs being reimbursed by ODNR through the NatureWorks grant. She noted the need to suspend is due to timing constraints of the ODNR grant.

It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2018-19 be placed upon its final passage.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Frankel, that Resolution #2018-19 be approved.

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

In response to Councilmember AuWerter's question, Service Director Biggert said it came under the original estimate.

Business from the audience: None.

It was moved by Councilmember Reynolds, seconded by Councilmember Frankel, to adjourn to Executive Session to Discuss Compensation of a Public Employee.

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

Mayor Schneider reconvened the Council meeting at 7:34 p.m. from Executive Session.


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

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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Karen Schneider, Mayor

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