

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
August 11, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, August 11, 2015 at 6:30 p.m. in the Village Hall.

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

Councilmembers absent: Turner.

It was moved by Councilmember Frankel, seconded by Councilmember Schneider, that Councilmember Turner be excused from the meeting.

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

The minutes of the July 11, 2015 Council meeting were presented by the Clerk. Councilmember Frankel noted a correction to page four to indicate the motion did not carry. It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that the minutes, as amended, be approved.

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

Pay Ordinance #1180 in the amount of \$653,953.00 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1180 be approved.

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

The financial statement for the period ending June 30, 2015 was presented by Finance Administrator Lechman. In light of Treasurer Reynolds' absence, Finance Administrator Lechman noted the following:

- Municipal income tax continues to be positive.
- Mostly attributable to legal fees, Administration costs are running higher than last year.
- As a result of a refund received last year, insurance costs are higher this year.
- Partial payment received for the recently destroyed police vehicle.

- Fire Department is running higher due to the purchase of a vehicle from the Police Department.
- Service Department's increase is due to salt expenses.
- Cash and Investments is down approximately \$200,000.
- Debt is down approximately \$200,000.

Mayor Riley reported that Chief Minichello has moved into the Chief's house. Referring to discussions at the last Council meeting regarding the purchase of the Hayes property, Mayor Riley expressed gratitude to Chip AuWerter and Sandra Turner in their efforts in working with the drilling company to limit any drilling on that property to only a shallow vertical well and for a restriction to be placed on that property to prevent horizontal drilling.

The clerk had nothing to report.

There were no committee reports.

Police Chief Minichello provided a written report. Chief Minichello addressed the County Line fatality reporting that the driver appeared in court. At that court hearing, the driver changed his plea from not guilty to no contest. The judge found the driver guilty and immediately sentenced him to 180 days with all jail time being suspended. A \$1,000 fine for each count was imposed; the driver was given five years active probation; will be required to give a safety talk at Hawkin School; and, as mandated by State law, his driver's license is suspended for five years. Police Chief Minichello said the driver expressed great remorse. He noted that the driver has 30 days to appeal the sentence but opined an appeal was unlikely.

Service Director Biggert provided a written report.

A written report was provided in advance by Fire Chief Robinson. Due to his vacation, Chief Robinson was not in attendance.

Ordinance No. #2015-20 "An Ordinance Submitting A Proposed Charter Amendment To The Electorate At The General Election To Be Held On The 3<sup>rd</sup> Day Of November, 2015, As Specified In Article XII, Section 1 Of The Gates Mills Charter, And Declaring An Emergency" was introduced by Councilmember Frankel. Councilmember Frankel explained that this is an Ordinance for a Charter Amendment so that the general electorate could vote to determine if there would be any deep well drilling on Village property. Mayor Riley asked if this was certified by the Board of Elections. Finance Administrator Lechman confirmed. In response to Mayor Riley's voiced belief that Council's options were limited with regard to the same, Law Director Cannon confirmed and stated that the law is clear that if sufficient signatures are produced then the role of Council is to certify it to the Board of Elections and it is not within Council's purview to determine the wisdom or the legality of the proposed Charter Amendment. Councilmember Reynolds asked what the cost to the Village would be in putting it on the ballot. Finance Administrator Lechman estimated \$5,200. Councilmember Reynolds then questioned if that amount is in addition to fees that Council would incur and if the true cost would be more than \$5,200. Janet Mulh indicated she would distribute the related financial data to Council. Finance Administrator Lechman responded to Councilmember Reynolds' question that such expenses were not included in the Budget. Law Director Cannon advised that the Board of

Elections could determine the exact cost to the Village. Councilmember Schneider requested the cost information for the prior Charter Amendment initiative as well. It was noted that the need to suspend was due to timing in order to get this onto the November ballot.

It was moved by Councilmember Schneider, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-20 be placed upon its final passage.

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

It was moved by Councilmember Frankel, seconded by Councilmember Schneider, that Ordinance #2015-20 be approved.

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

Ordinance #2015-21 “An Ordinance Authorization Emergency Repairs To The Lower Portion Of Berkshire Road, Waiving Competitive Bidding, And Declaring An Emergency” was introduced by Councilmember Sogg. Service Director Biggert noted this repair project was included in the Budget. He shared that a review of multiple systems was performed and advised that GSI offers the best and most cost effective solution. He explained that not having a bidding process is due to the fact that GSI is the only company that provides such a system. He noted that it is a cost-not-to-exceed contract as there is work such as guardrail, paving and excavation which is outside GSI’s contract. Councilmember Frankel inquired as to other communities’ experience with the process, how it compares to the original plan, and its success. Village Engineer Courtney responded that three different options were considered and noted that in Summit County, eight different areas were repaired using the system and after 10 years, those areas still look great. Generally, he stated, companies will offer a one-year maintenance bond but not typically offer a guarantee. He said GSI offers a five-year guarantee. Additionally, he remarked that the feedback regarding the same has been positive. Councilmember Frankel expressed his concern of non-competitive bidding with such a large contract and asked about the \$125,000 for other work. Village Engineer Courtney clarified that the \$125,000 includes the work of GSI along with the other work involved and that the total amount is not to exceed \$125,000. Councilmember Frankel asked Law Director Cannon if it is permissible to not have competitive bidding. Law Director Cannon stated that Council may waive competitive bidding in the event of emergency. She further stated that by the time Council would go through the bidding process, there may not be enough time to complete the work before Winter and remarked that there is a possibility of losing more of the roadway. Law Director Cannon further stated that Village Engineer Courtney did consider a variety of systems and it just happens to be that this one is proprietary. Councilmember Frankel stated that the next legislation refers to various roads repairs including other areas on Berkshire Road and asked whether there is potential cost savings to get all of the repairs done at the same time. Village Engineer Courtney believed the work would be done in sequence but would want the bank stabilization to be completed and then

proceed with the asphalt portion. He expressed his concern that doing the repairs at the same time may cause congestion. Law Director Cannon noted that additional road work may be requested at favorable prices as the bid came in much lower than anticipated.

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 #2015-21 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance #2015-21 be approved.

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

Resolution #2015-22 “A Resolution Awarding The Foxboro Drainage Improvements Project To Platform Cement, Inc., And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg commented that this was discussed at the last Council meeting.

It was moved by Councilmember Sogg, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2015-22 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Resolution #2015-22 be approved.

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

Resolution #2015-23 “A Resolution Awarding The Contract For The Repair And Resurfacing Of Various Roads To Specialized Construction, Inc., And Declaring An Emergency” was introduced by Councilmember Sogg. Service Director Biggert went over the list of locations to be repaired. Councilmember Reynolds inquired as to Sherman Road. Service Director Biggert indicated he would look into it.

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 #2015-23 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Resolution #2015-23 be approved.

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

Councilmember Schneider announced that Heather Elmer was present on behalf of Chagrin River Watershed Partners to discuss a memorial tree for Tom Quintrell. Ms. Elmer shared that Tom Quintrell was the founding secretary and legal advisor to Chagrin River Watershed Partners and served as secretary up to 2014. After his passing, the Board of Trustees adopted a Resolution of Mr. Quintrell's contribution to the organization. It was suggested at a Board meeting that it would be appropriate to plant a memorial tree in honor of his contributions. The Western Reserve Land Conservancy and the Gates Mills Land Conservancy were both approached with this idea and all three organizations support the same. It was then suggested that a location on Village property would be an appropriate place to plant the tree and sought a recommended location. Mayor Riley asked how soon they would need to know the location. Heather Elmer responded that they would like to plant the tree this fall. Mayor Riley said he would take suggestions for the location from Council members and/or anyone in the community for a decision to be made at the next Council meeting. Mayor Riley advised Ms. Elmer that she did not have to attend the next Council meeting and that she will be informed of the decision. Councilmember Sogg suggested that Service Director Biggert may have ideas as to possible locations.

Councilmember Sogg advised that the Beautification Committee received a donation to work toward beautifying the area behind the tennis courts over by post office and near the river. Mr. Langmack remarked to Council on the heavy use of the tennis courts and thanked Council for its support of the same. Messrs. Langmack and LaPine provided visual examples of suggestions for improvements to the area. Mr. Langmack noted the major issues are visual garbage dumpsters and parked cars. He suggested planting a row of deer-resistant arborvitae. He said a 5' plant costs around \$50 to \$60. He shared the desire to make the area more of a family center than just tennis courts. He advised that the Garden Club has committed to a donation of \$500 a year for five (5) years. He further shared that there is \$1,800 available for the purchase of pickle ball equipment. He made a request that Council match funds in an effort to further improve the area to include a swing set. Mr. Langmack suggested relocating the recycling bins to take them out of the line of sight. He also suggested adding a terrace area to the tennis courts. Resident Langmack stated the intent would be to first add plantings, then a swing set followed by a terrace area. Hal LaPine commented that a terrace area would allow a place to use when waiting for a court. Mr. Langmack confirmed that the request is for Council to match

the donations of the Garden and Community Clubs. Councilmember Reynolds, commented on parking for the tennis courts, recommending the use of the Community House parking lot as a possible option. Councilmember Schneider agreed with the suggestion of relocating the recycling bins. Mr. LaPine raised the possibility of adding a bocce court. Mr. LaPine stated he would be willing to work to raise money for the same. Mayor Riley stated he would like to have a master plan in order to better understand associated costs. He also noted that the Village spent \$80,000 on the tennis courts. Mayor Riley requested the Beautification Committee come up with a total plan including cost and what the Village's proposed share of the cost would be. Councilmember Welsh suggested reaching out to the Improvement Society regarding its possible interest in donating. Mayor Riley said once the cost is known, then the Village can evaluate. Councilmember Reynolds stated that the swing set concept would allow children to be occupied when their parents are playing tennis. Councilmember Frankel recommended emphasizing in the master plan the desire to attract younger families to the Village and stated a playground is important. Mayor Riley confirmed the matter would be tabled until the Beautification Committee submits a final plan.

Mayor Riley provided a reminder of Jo Ann Lechman's retirement party scheduled for August 30. He noted the party is sponsored by the Improvement Society. Mayor Riley further announced that this will be Jo Ann Lechman's last Council meeting and, on behalf of Council and himself, thanked her for her many years of great service.

Business from the audience:

Janer Belson speaking on behalf of the Garden Club said donated funds are to be used only for plantings and not for a swing set.

Tom Morley addressed a recent construction project adjacent to his property which he believes causes flooding issues at his property. He noted that only once before the construction, during 2007 and 2010, did he experience flooding on his property. Since the construction, however, his driveway floods every time there is significant rain. Mr. Morley said he has worked with a privately hired engineer who has provided a list of contractors. The estimate for the work is approximately \$10,000 - \$12,000. He made a request to Council to consider assisting with the remediation problem, based on the fact that Council signed off on the construction project next door. Councilmember Sogg asked if Mr. Morley has spoken with Service Director Biggert. He indicated that he has communicated with Village Engineer Courtney. He stated that the Village's position is that the flooding is a result of a broken pipe at his property. Mr. Morley disagrees with the assessment that the pipe is the sole reason for the flooding highlighting that the pipe has been broken for many years and it has only been recently that the flooding issues have become prevalent. Mayor Riley addressed the extreme difficulty for the Village to pay for repairs on private property. He was not sure if the Village legally could and then emphasized the concern of potential for voluminous requests from residents for the Village's assistance. He expressed his understanding and sympathy of Mr. Morley's frustration but stated that the Village is not in the position to contribute. Councilmembers Schneider and Sogg agreed with Mayor Riley.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor