

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
September 9, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Wednesday, September 9, 2015 at 6:30 p.m. in the Village Hall.

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

In Mayor Riley's absence, President Pro tem Schneider presided.

The minutes of the August 11, 2015 Council meeting were presented by the Clerk. It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that the minutes be approved.

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

Pay Ordinance #1181 in the amount of \$356,062.47 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Frankel, that Pay Ordinance #1181 be approved. Councilmember Frankel commented on the Avalon expense.

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

The financial statement for the period ending July 31, 2015 was presented by Treasurer Reynolds. He noted the following:

- Administration costs exceed last year by \$105,000. Such increase is primarily due to legal expenses.
- Police and Fire Departments reflect a combined \$50,000 decrease.
- Service Department is higher than last year by \$123,000.
- Total reserves, YTD, are greater than last year by \$370,000.
- Excluding upcoming Capital Improvement expenses, the YTD net surplus is \$126,000 more than last year. Service Director Biggert confirmed that road program expenses will be upcoming.

Councilmember Frankel raised the potential benefit to the Village for the recent property value increase. Treasurer Reynolds noted that the Village only receives approximately 18-19% whereas schools, libraries and parks receive a greater benefit. Councilmember Sogg noted that

Jo Ann Lechman reported at the last Council meeting her belief that a resident was making increased estimated payments.

The Land Conservancy report was presented. John Kramer was in attendance. Councilmember Turner extended her congratulations on the Land Conservancy's recent acquisition of the 92-acre Sherman Road Preserve. Councilmember Whitney commented on the insurance component. John Kramer noted that second homeowners sometimes will not honor the terms of a conservation easement placed previously. John Kramer confirmed the Land Conservancy is interested in the Glynos property when asked by Councilmember Welsh. Mr. Kramer highlighted adjacent conservation easements located on both sides of the Glynos property. Councilmember Reynolds inquired as to other parcels the Land Conservancy may be contemplating. Mr. Kramer responded with a description of such considerations being property located on Berkshire, a possible land donation of 4-5 acres, the Glynos property and the Hayes property.

President Pro tem Schneider advised there was not a Mayor's report. Councilmember Reynolds announced that Shredding Day is scheduled for this Saturday. Finance Administrator Mulh noted it takes place from 9:00 a.m. to noon. In response to President Pro tem Schneider's question, it was confirmed that the National Prescription Drug Take-back Day is scheduled for Saturday, September 26. Police Chief Minichello added that residents can drop off prescriptions anytime with the Police Department.

The clerk had nothing to report.

Councilmember Welsh said the Cemetery Committee has not yet been able to meet. He then confirmed that the Glynos property has been foreclosed on. He shared that he has discussed putting together an estimated budget with Service Director Biggert. He also indicated he spoke with Law Director Cannon regarding the legality for taking on the land. Councilmember Welsh welcomed suggestions with regard to additional cemetery space. Councilmember Sogg asked Councilmember Welsh if he was aware of the bank's interest in the Glynos property. Councilmember Welsh indicated he was not aware but noted that Law Director Cannon said that she would look into it.

Councilmember Turner described the Healthy Mayfield event held on September 2 as a kick-off to a series of events for the coming year with the Cleveland Clinic and communities that are a part of the Mayfield School System. She said it was a successful event with over 500 attendees. The next event will be scheduled in October. She advised that the location would rotate among the different communities. Councilmember Welsh asked if flu shots would be available again this year. Service Director Biggert answered no and provided the explanation that flu shots are readily available and participation over the last two years declined.

On behalf of the Beautification Committee, Councilmember Sogg noted that at the previous Council meeting a playground and improvements around the tennis courts were discussed. She advised that Resident Langmack was still in the process of gathering necessary information and, therefore, a plan is not yet available. She did note that a homeowner has offered to donate a nice piece of playground equipment. The cost to move that equipment is

being determined. Councilmember Sogg hopes to have more information to discuss at the October Council meeting.

Police Chief Minichello provided a written report. Chief Minichello stated that the department received the new police vehicle that replaces the one totaled in May. He indicated it should be in service next week. In response to Councilmember Welsh's question, Chief Minichello confirmed the vehicle is a Ford Explorer.

Service Director Biggert provided a written report. Service Director Biggert shared that the awning installation across the street has been completed and some renovation work will begin next week. Councilmember Frankel asked about lighting. Service Director Biggert responded lighting is not part of the Village's responsibility. President Pro tem Schneider added that she believes that Dave Gromelski has ordered lighting. Councilmember Frankel asked if the canvas is taken down and stored for the winter. Service Director Biggert confirmed that Ohio Awning will store it and then put it back up in the spring.

Fire Chief Robinson provided a written report. Chief Robinson reported it was an active month with 22 incidents. He stated the monthly average is 12 incidents. He advised that there was a house fire and days later returned to the same house for a different incident. Fire Chief Robinson noted that mutual aid partners came to assist. Councilmember Reynolds praised the smoke alarm program. She explained that fire department personnel will come to your home free of charge to install photoelectric smoke detectors. Councilmember Welsh asked how many smoke alarms the department has. Chief Robinson explained that the detectors purchased from grant money have been depleted and the Village now purchases them. He indicated that he keeps about 30 in stock and that the average house requires eight smoke detectors.

Resolution #2015-24 "A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor" was introduced by Councilmember Whitney. Councilmember Whitney noted this is a formality for the county to collect taxes. Due to timing, Finance Administrator Mulh advised that it is necessary to pass this Resolution by emergency measure.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2015-24 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Resolution #2015-24 be approved.

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

Ordinance #2015-25 "An Ordinance to Approve Current Replacement Pages to the Gates Mills Codified Ordinances" was introduced by Councilmember Whitney. In response to Councilmember Welsh's inquiry, Finance Administrator Mulh indicated she had hard copies available.

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 Ordinance #2015-25 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance #2015-25 be approved.

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

Ordinance #2015-26 "An Ordinance Authorizing a Contract with Platform Cement, Inc. for the Berkshire Road Stabilization Project, Amending Ordinance No. 2015-21 to Increase the Authorized Total Project Expense, and Declaring an Emergency" was introduced by Councilmember Sogg. Councilmember Sogg explained that at the last Council meeting, Service Director Biggert and Village Engineer Courtney presented a plan for stabilizing Berkshire Road. She further explained that for the remaining portion of the project, bids received were either higher or companies did not bid. Service Director Biggert advised that from what was passed at the last Council meeting, the remaining portion represents an increase of approximately \$17,000. He noted \$125,000 was authorized and the actual cost is \$145,000. In response to Councilmember Frankel questions, Village Engineer Courtney responded that the cost of stone was greater than anticipated. Councilmember Frankel asked where the money comes from if it is not budgeted. Service Director Biggert commented that it was in the Budget for \$100,000 but that the recent storm increased the scope of the project. Treasurer Reynolds stated that money over budget would come from the Capital Improvement fund. Councilmember Frankel asked why it was considered part of the Foxboro project. Service Director Biggert explained that in the interest of saving time and money as opposed to writing a separate contract, it was decided to make it a change order. Councilmember Turner shared her concern with regard to competitive bids. Village Engineer Courtney stated that verbal bids came back higher or were not submitted due to the timing. He confirmed that he did speak with other contractors and went through the process to verify rates which are in-line with industry standards. Councilmember Turner expressed her preference to have written statements rather than verbal. Village Engineer referenced the essence of time. Councilmember Frankel pointed to discussions appearing in the previous month's Minutes. Village Engineer Courtney indicated that in the future, he would request at least an e-mail is sent and responses kept.

It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-26 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2015-26 be approved.

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

President Pro tem Schneider advised that the discussion on the Mueller property would be tabled until the October Council meeting in light of Mr. Mueller's request to be present.

Councilmember Turner advised that the Chagrin Valley Watershed Partners approached the Gates Mills Land Conservancy, the Western Reserve Land Conservancy, the Historical Society and the Village about a Quintrell Memorial tree. She stated that the plan is to plant a tree on the Historical Society property where the Gates Mills Land Conservancy is housed sometime in October. She noted that information would appear in the *Pink Sheet*. Councilmember Sogg commented on the beautiful landscaping that the Historical Society has done. Service Director Biggert confirmed the department would assist with the Quintrell Memorial tree project. He noted some concern he was exploring with regard to removing and replanting a tree in the same location. Service Director Biggert then stated he has contacted a cement contractor with regard to sidewalk repair and shared his desire to have some stone work at the post office replaced with concrete. He advised that he has discussed the same with the Post Master.

Business from the audience:

Ernie Swanson addressed Council with his concerns regarding the intersection of Brigham and Battles Roads. He suggested the addition of a flashing light (Red North/South; Yellow East/West) along with caution signs being placed in advance of the intersection. Police Chief Minichello said he would look into the concerns and would follow up with Mr. Swanson.

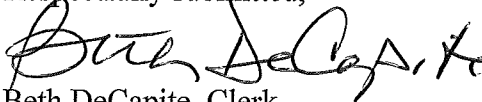
Charles Belson raised the issue of the potential purchase of the Hayes property and its gas and oil lease and proposed questions regarding the same. In response, Councilmember Turner stated that the process is underway and has not yet been finalized. She explained to Mr. Belson that independent of the sale of the property, renegotiation efforts of the mineral rights and the lease with Bass Energy are being taken. She stated that the lease would be with Bass Energy, the Village as well as two different families. Councilmember Turner shared that all parties are in agreement that there would be no drilling beyond the point where it is now. She added that there is an administrative cost involved of \$5,000 and that the new lease with Bass Energy would be signed at the same time as the property transfer.

Councilmember Welsh shared his concerns of the possible closing of the Post Office or reduced hours. Treasurer Reynolds suggested he contact Congressman Joyce. Councilmember Reynolds agreed.

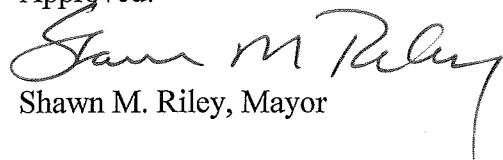
There being no further business, it was moved by Councilmember Frankel, seconded by Councilmember Turner, and unanimously carried, that the council meeting be adjourned.

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

Respectfully submitted,

  
Beth DeCapite, Clerk

Approved:

  
Shawn M. Riley, Mayor