

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 14, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, October 14, 2014 at 6:30 p.m. in the Village Hall.

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

Councilmembers absent: Reynolds.

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

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

Mayor Riley presided.

Mayor Riley announced the appointment of Daniel Becka as a Volunteer Fireman.

It was moved by Councilmember Welsh, seconded by Councilmember Frankel, that the appointment of Daniel Becka to Volunteer Fireman be approved.

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

Mayor Riley administered the Oath of Office to Volunteer Fireman Becka.

Mayor Riley announced the appointment of Dorothy Slunski as part-time Police & Town Hall Coordinator noting she is retiring from her full-time position.

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that the appointment of Ms. Slunski be approved.

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

Mayor Riley announced the appointment of Jody Saks to the Mayfield School System Liaison Committee. Councilmember Turner shared that Ms. Saks is a realtor practicing in the area and is very interested in joining the committee and becoming more familiar with the

Mayfield School System. Councilmember Sogg added that she has suggested that Ms. Saks join a committee and expressed that she will be an asset.

It was moved by Councilmember Turner, seconded by Councilmember Welsh, that the appointment of Ms. Saks be approved.

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

The minutes of the September 9, 2014 Council meeting were presented by the Clerk. It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that the minutes be approved.

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

Pay Ordinance #1170 in the amount of \$427,724.32 was presented by the Clerk.

It was moved by Councilmember Turner, seconded by Councilmember Sogg, that Pay Ordinance #1170 be approved.

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

The financial statement for the period ending September 30, 2014 was presented by the Clerk. Councilmember Barnes noted that, due to no real estate tax revenue being received in September, the Village is running a deficit of approximately \$190,000. He stated that, YTD, there is a surplus of \$700,000 compared to a surplus of \$900,000 last year.

Councilmember Barnes advised that he, along with Finance Administrator Lechman, Service Director Biggert and Village Engineer Courtney met to review Capital Improvement projects. He advised that the Budget for the year was just over \$1.6M. To date, \$800,000 has been spent. In considering the full year forecast, the year-end Capital Improvement cost is estimated to be around \$1.1M. Councilmember Barnes stated that two Capital Improvement projects, estimated for a total cost of \$200,000, are being pushed to next year. He also noted that the rebuilding of the tennis courts, which was not budgeted, before contributions, totaled \$100,000. Finance Administrator Lechman confirmed that \$20,000 has been received in contributions.

Councilmember Barnes then highlighted the following YTD figures: \$5.2M in Cash and Investments and Unfunded Debt is just under \$600,000.

Mayor Riley summarized that the \$5.2M in Cash and Investments reflects the \$800,000 already spent on Capital Improvement and that another \$300,000 is anticipated to be spent which would bring the year-end balance close to \$5M. Councilmember Barnes confirmed and added that the year-end figure was originally projected to be a little over \$4M.

In response to Councilmember Turner's question about the unusually high revenue in "Permits and Licenses", Finance Administrator Lechman explained the process she used regarding old building permits and highlighted a resulting increase in the general fund of \$61,000. Finance Administrator Lechman also provided a brief explanation of gasoline and washhouse expenses.

Clerk DeCapite introduced Renee Richard, a representative for the Citizens for Cuyahoga Community College. Ms. Richard gave a presentation regarding a levy on the November Ballot – Issue 6. She shared facts about the College as well as the levy, including that the levy is critical in keeping college affordable and accessible and protecting the local economy. She stated that levy funds would be used to support technical education and essential technology and equipment for students. She added that Tri-C's focus is on student success as well as increasing graduation rates. She concluded her presentation with a request to support the levy.

Mayor Riley extended his congratulations to the Gates Mills' Land Conservancy noting that it won a national award for volunteer land trust as well as to Tom Quintrell who was also recognized by the organization for his support of the land trust and for his many accomplishments. Mayor Riley then reported that new signs will be located at the library to accommodate library patrons. Mayor Riley also expressed his satisfaction in acknowledging that Old Mill Road is again open.

The Clerk had nothing to report.

Finance Administrator Lechman voiced the need for volunteers for the Halloween party scheduled for Friday, October 24th at 6:00 p.m.

On behalf of the Mayfield School Liaison Committee, Councilmember Turner announced that a tech meeting and a tour of all of the facilities are scheduled for Thursday, October 16th.

Police Chief Whitmer provided a written report. Councilmember Sogg inquired about the recent Code Red Alert message. Police Chief Whitmer explained that several vehicles on the south side of town were broken into over the weekend and that the message included recommendations to keep vehicles locked and valuables out of sight. He noted that investigations into those incidents are ongoing.

A written report was provided by Service Director Biggert. Questions by Councilmembers Welsh and Frankel, respectively, inquired as to the Village's current supply of salt and what the plan is for salt next year. Service Director Biggert responded that the bin is full and advised of the intent to participate in the State's purchase plan next year. He added that accommodation for salt storage for next year would need to be determined.

Fire Chief Robinson provided a written report.

Resolution #2014-23 “Resolution Accepting The Proposal Of Rumpke Of Ohio, Inc. For Refuse Collection, Disposal And Recycling Services”, was introduced by Councilmember Barnes and read by the Clerk. He summarized the bidding process and stated that this Resolution is to accept Rumpke’s bid which would hold current rates for the next three years; then, should the Village exercise to extend the contract, the rate would increase for years four and five.

It was moved by Councilmember Sogg, seconded by Councilmember Barnes, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-23 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Reynolds, that Resolution #2014-23 be approved.

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

Ordinance #2014-24 “An Ordinance To Authorize A Lease Agreement With The Chagrin Valley Hunt Club Corporation For Park Property Known As The Polo Field, And Declaring An Emergency”, was introduced by Councilmember Sogg and read by the Clerk. Councilmember Sogg shared that the Hunt Club has managed the park at the polo field since 1913, including mowing, fertilizing, cleaning up after events and calendar management. She indicated that the Real Estate Committee reviewed the lease and minor adjustments were made including requesting that the Village, including the Fire and Police departments, are made aware of who is using the field; increasing the insurance provision so that the liability insurance would cover injuries that happen on the property; and, including language in the lease regarding the management of fee collection should Council decide to charge a fee for use of the polo field. Councilmember Frankel asked what the process is if someone wanted to use the polo field. Councilmember Sogg responded that either the Village or the Hunt Club should be contacted and either can assist in the process. She noted that cooperation regarding scheduling is included in the lease and, in the event of a scheduling conflict, Council would have the final decision.

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 Ordinance #2014-24 be placed upon its final passage.

Roll call: Ayes: Barnes, Frankel, Schneider, Sogg, Turner.
Nays: None.
Abstain: Welsh.

Motion carried.

It was then moved by Councilmember Sogg, seconded by Councilmember Schneider, that Ordinance #2014-24 be approved.

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

Resolution #2014-26 “Resolution Authorizing The Mayor To Submit An Application On Behalf Of The Village Of Gates Mills To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Program(s) And To Execute Contracts As Required And Declaring An Emergency”, was introduced by Councilmember Barnes and read by the Clerk. It was explained that Village Engineer Courtney prepares Issue 1 applications to the Ohio Public Works Commission for grants and/or loans. This Resolution is standard in providing authorization to the Mayor to have application(s) prepared. It was noted that an application would be made for a grant that would cover approximately half the cost of the Mayfield Road culvert replacement project. The total cost of that project is anticipated to be \$400,000. Village Engineer Courtney explained that the scoring system has been changed. Service Director Biggert opined the Village may have a better chance this year noting the application for the Mayfield culvert project has been previously turned down twice. Village Engineer Courtney said preliminary results come out in January and final determinations should be known by March.

It was moved by Councilmember Barnes, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-26 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2014-26 be approved.

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

Mayor Riley referencing Ordinance #2014-24 regarding the Hunt Club lease noted for the record that Councilmembers Barnes and Welsh abstained as they are members of The Hunt Club. He further noted for the record that neither Councilmember Barnes nor Councilmember Welsh had any involvement in the negotiation of the lease.

Ordinance #2014-27 “Ordinance To Approve Current Replacement Pages To The Gates Mills Codified Ordinances”, was introduced by Councilmember Turner and read by the Clerk. Finance Administrator Lechman explained that over the year ordinances have been passed and this Ordinance is to incorporate those ordinances into the Codified Ordinances. She noted the same is available on-line.

It was moved by Councilmember Barnes, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2014-27 be placed upon its final passage.

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

It was then moved by Councilmember Turner, seconded by Councilmember Barnes, that Ordinance #2014-27 be approved.

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

First reading was held for Ordinance #2014-28 “Ordinance Enacting New Chapter 1321 Of The Codified Ordinances Of The Village Of Gates Mills, ‘Certificate Of Authorized Occupancy,’” was introduced by Councilmember Schneider and read by the Clerk. Councilmember Schneider highlighted certain issues regarding rental units in the Village, including that the Central Collection Agency has no way to trace whether there are people living in the Village that are not paying taxes. She stated that a form would be required to be filled out and filed annually along with payment of an associated fee. Initially, such fee would be \$200 and then \$100 every year after. She added that it would be the property owner’s responsibility to file. Additionally, she expressed it is a good safety issue as well as Service Director Biggert would perform property inspections. Councilmember Sogg mentioned that there have been several issues regarding rental properties at Planning and Zoning Committee meetings. Mayor Riley asked what the penalty would be for failure to file such form. Councilmember Schneider responded it would be a first degree misdemeanor with a \$1,000 fine. Councilmember Frankel questioned how property owners will be informed of the new requirement. Councilmember Schneider replied that an announcement would be made of the second and final readings in the *Pink Sheet*. A separate announcement may be considered as well. Councilmember Sogg suggested also cross-referencing the same with building codes. Councilmember Sogg commented that completed forms would be helpful to the Village’s safety forces. Councilmember Schneider said when such a form was voluntary, only two forms were received. In response to Councilmember Welsh’s question whether properties would need to be updated to comply with ADA rules, it was stated that such State law is for public buildings only.

Resolution #2014-25 “Resolution Stating The Council’s Ongoing Support Of Controlling The Extraction Of Hydrocarbons In Gates Mills And Neighboring Regions”, was introduced by Councilmember Schneider and read by the Clerk. Councilmember Schneider read the

Resolution in its entirety. Councilmember Frankel commented that it was an excellent piece of work. Councilmember Schneider declared it an emergency.

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 Resolution #2014-25 be placed upon its final passage.

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

It was then moved by Councilmember Schneider, seconded by Councilmember Frankel, that Resolution #2014-25 be approved.

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

Business from the audience:

Resident Charles Belson read Section 1157 and opined that the same appears to violate House Bill 278. He questioned if such ordinance should be repealed or if it is still legal and on books. Mr. Belson expressed that topic is important to independent voters and those still undecided. Mayor Riley thanked Mr. Belson for his question and clarified that Section 1157 is part of the codified ordinances of the zoning code and not the Gates Mills' Charter. Councilmember Schneider confirmed it is part of the zoning code. Mayor Riley said that ordinance was passed in 1991 before the State of Ohio enacted to remove home rule power on this issue in 2004. As a result of what the state has done, Mayor Riley explained that the zoning ordinance is probably ineffective. He stated that the Village has been advised that if the Village tried to enforce the same, it would likely lose in court. He expressed that the ordinance should remain on the books, noting an anticipated Supreme Court ruling. If the Supreme Court were to rule there is some power in local communities and allow us to enforce it, then, he stated, there would already be something on the books or the same could be amended based on such ruling.

Resident Bob Andreano questioned whether there would be anything done for the outgoing Police Chief. Mayor Riley confirmed that the Police Chief would be present at the next Council meeting in November.

Resident Ron Holman stated that City Council just considered and voted on a piece of emergency resolution. He shared his concern that it is an important resolution and is troubled that there was no deliberation, no one on Council asked questions and there was no debate. He further commented that no one asked what the impact would be in relation to the Bill of Rights that will be on the upcoming ballot. Mr. Holman expressed concern whether Council conducts deliberations outside of Council meetings. Councilmember Schneider responded that at the September 28th Community Forum it was announced that Council intended to start a regional organization. Mr. Holman again stated that no discussion or deliberation took place today.

Councilmember Turner shared that she read the Resolution before the meeting and thought it was well written and properly restates Council's position. Councilmember Sogg agreed. Councilmember Frankel said the first time he saw it was today and felt it was a good Resolution and was direct and to the point. Councilmember Sogg advised that all members of Council receive, in advance of Council meetings, copies of all proposed ordinances that can read prior to the meeting. She added that Councilmembers were all in agreement. Councilmember Schneider asked Mr. Holman if he did not want Council to proceed. Mr. Homan, referencing the Bill of Rights, stated that it seemed odd that no discussion or deliberation was given as residents want to consider the Bill of Rights.

Resident Bob Andreano questioned what exactly is the emergency that it gets passed at the very first reading. Councilmember Schneider expressed that Council wants to try to get going so we can start forming it. It was noted that three readings would take three months. Mr. Andreano said if it was something else it would be normal process rather than by emergency measure. Councilmember Turner responded that it was a full agenda for tonight's meeting and there were a lot of issues that were straightforward and Council passed without any discussion and passed by emergency resolution. She noted that the last Resolution was consistent with most of the Agenda for tonight's meeting. She further commented that lots of legislation does not result in discussion and is passed as an emergency.

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:
 Nays: None.
 Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor