

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
November 13, 2018

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, November 13 at 6:00 p.m. in the Village Hall.

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

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

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

Mayor Schneider introduced Julie Hullett who is the new Chagrin Valley Times representative that will be covering the Council meetings.

The minutes of the October 9, 2018 Council meeting were presented by the Clerk. Councilmember Reynolds requested a change to page 4 wherein it was stated that Ordinance #2018-33 was introduced; however, she believed it was not introduced but rather tabled. After brief discussion and the suggestion by Councilmember Sogg, it was decided that the Ordinance would be considered withdrawn. It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that the October 9, 2018 minutes, as amended, be approved.

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

Pay Ordinance #1219 in the amount of \$481,673.02 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Pay Ordinance #1219 be approved.

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

Treasurer Reynolds commented on the audit report and said it is something to be proud of that the Village has a sound financial position and complimented Finance Administrator Mulh for her hard work. He then addressed the financial statement for the period ending October 31, 2018 and noted as follows.

- Real estate taxes for the month dropped to zero and stand at about \$11,500 over last year;

- Municipal income taxes continue to be strong at about \$473,000 over last year;
- Operating Expenses are largely within Budget with exceptions as already noted in previous months;
- YTD Surplus is \$555,000. Treasurer Reynolds expects this to decline as we finish up the year;

Councilmember Sogg remarked that Treasurer Reynolds is doing a brilliant job.

Councilmember AuWerter commented that the fines and costs are not accelerating. He then raised the issue of the funds being fully invested at this point effectively with Ancora. Finance Administrator Mulh confirmed. Treasurer Reynolds indicated that the forecasted cash flow on the Ancora statement indicates for the next 12 months being \$110,000. Councilmember AuWerter asked about salt. Service Director Biggert reported there is a substantial leak in the mine under Lake Erie and as a result, deliveries of salt will only be made in increments of 150 tons at a time. Service Director Biggert said that 400 tons have been ordered and the Village has received 150 tons. Councilmember Welsh mentioned a salt alternative that Medina is using. Service Director Biggert noted that the Village does not have the storage capacity to convert completely to liquid.

Mayor Schneider reported that the election was held and that the levy passed. She said there were approximately 1,200 votes with 800 for and 400 against. She does not believe the message is getting out that the levies fund police, fire, and service. Councilmember Sogg said that residents may be confused. Mayor Schneider highlighted that it is a renewal for existing funds and services and not something new. She stressed the need to address this in advance of the next renewal. Councilmember AuWerter mentioned that postcards were mailed both by the Village and the Improvement Society. Councilmember Sogg said she did not receive either postcard. Councilmember Reynolds believes that there is a certain percent that will not vote for taxes but does not believe that would be 400 out of the 1,200. Mayor Schneider recommended doing something different or additional the next time there is a renewal. Councilmember Sogg suggested posting signs. Councilmember Whitney asked if a pie chart has ever been done. Mayor Schneider confirmed. Councilmember Whitney said she is not sure if Villagers understand where their taxes are going. Reference was made to tax letters that appeared in past issues of the *Pink Sheet* from Bob Reitman. Councilmember Welsh said it is illegal for Council to recommend on what to vote for.

Mayor Schneider referred to the Minutes of the last Council meeting wherein she had requested that Law Director Hunt provide information on Land Reutilization to consider if it is something the Village could do. Mayor Schneider then informed of a meeting with residents that took place earlier in the day that included Mayor Schneider, Councilmembers Reynolds and AuWerter, Service Director Biggert and Finance Administrator Mulh which discussed housing values, maintenance of homes in the Village, etc. Mayor Schneider also briefly spoke with Councilmember Turner about scheduling a meeting of the Positively Gates Mills Committee. Mayor Schneider said the Village needs to advocate for itself and be open to considering more variances for houses that are not as big, acreage zoning, etc. and the need to try to understand the housing stock. Councilmember Sogg requested trying to find real estate studies addressing the range of homes that are selling across the region with regard to older homes versus newer homes. Mayor Schneider referred to a study of the Land Conservancy and also stated that the Northern Ohio Real Estate organization may have information available. Councilmember Sogg said this

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cannot just be a problem for Gates Mills as there are a lot of communities that have older homes. Councilmember Sogg raised the issue of building new versus fixing up an older home. Councilmember Frankel questioned how you can control that. Councilmember Sogg suggested finding out what other communities have done or what can be done to help. Councilmember AuWerter commented on the very restrictive terms on the Historic District and that possibly being an issue. Councilmember Reynolds mentioned that it is not just the size of the house but also the size of the property. Unlike ten years ago, she said this is not a market for very large homes. She raised the need to appreciate this dynamic of the real estate market. She further suggested having open discussion on a smaller acre requirement. Mayor Schneider pointed to a variance on West Hill where a charming smaller home was built and highlighted the possibility of changing the square footage requirement as well. Councilmember Reynolds said we need to think outside of the box.

Councilmember AuWerter reported that the Service Committee met last week and will meet annually. He said there was a lot of dialogue and that Village Engineer Courtney prepared and provided a lot of material for the meeting. Discussion included the topic of the mill and fill process and Councilmember AuWerter referenced Berkshire Road as a significant improvement. The Committee is debating if every 2-3 years the focus should be put on one major road. Next year, the Village will be participating in the Cedar Road endeavor. Village Engineer Courtney will get clarification as to what that may cost the Village. Otherwise, there are no other major projects expected next year. He mentioned possibly budgeting a provision for an emergency culvert and if no such emergency then maybe spend more on roads. He said the Committee is made up of 5 members with each member being responsible for looking at certain roads. Three members did so before the meeting and two others committed to do so. Councilmember AuWerter believes, in the short-term, the Village will be ok with no major problems. He further stated that he believes next year will be the same except that Cedar Road gets done from top to bottom.

On behalf of the Safety Committee, Councilmember Frankel advised that a meeting was held last week wherein discussion included the School Resource Officer, the fire truck and new signage on County Line Road. He said the Police Chief will be talking about the new signage. Councilmember Frankel provided a reminder of the Safety Seminar being held tomorrow at 6:00 p.m. at the Community House. Finance Administrator Mulh said the Coats-for-Kids drive is also taking place tomorrow. Councilmember Reynolds shared that she has received more calls regarding concerns of the hills and speed on County Line Road.

Councilmember Whitney said that the Insurance Committee is staying on top of getting information with regard to insurance. In response to Councilmember Sogg's inquiry, it was confirmed that insurance will be considered at the next Council meeting.

Clerk's report. None.

Police Chief Minichello provided a written report. Police Chief Minichello said that Hawken School has agreed to make the purchase of a LED flashing sign that will warn of a school entrance drive ahead. The cost of the sign is about \$2,000 and the Village will be responsible for installing the sign. The sign is solar and comes with a timer. Police Chief Minichello believes this will be effective. In response to Councilmember AuWerter's question, it was explained that as Chesterland is a township and one side of the road is in Chesterland, that

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area cannot be enforced as a school zone. Councilmember AuWerter mentioned this action stemmed from a resident's concern and he thanked Police Chief Minichello for his work in getting this done. Councilmember AuWerter then asked about purchasing a sign for Mayfield Road. Service Director Biggert highlighted that Mayfield is a State road. Village Engineer Courtney advised that they are still waiting on the safety study for recommendations and possible funding. Service Director Biggert mentioned possible liability issues as well. Police Chief Minichello hopes to have the sign up within the next 2-3 weeks. Police Chief Minichello reported that the Department received the AAA Platinum Award – the highest award it gives out.

Service Director Biggert provided a written report. Councilmember Frankel asked if the park project is finished. Service Director Biggert responded there is still some concrete to pour to get all of the hard surfaces in.

Fire Chief Robinson provided a written report. Councilmember AuWerter referred to the recent accident at Mayfield and Chagrin River and asked if someone ran the light. Chief Robinson said he is not sure if that has been determined. Chief Minichello said he would need to look it up. Councilmember Frankel asked if the number of accidents occurring on State routes are reported to the State. Police Chief Minichello said that the Police Department reports such information monthly.

Fire Chief Robinson then reported on a fire that took place a couple of weeks ago. He said the fire was reported by a neighbor using the "Your 911" app as well as a follow-up call to 911. The Fire Department responded as well as the Village's mutual aid partners because it was reported as a structural fire. The resident arrived home just before the fire truck arrived. The resident attempted to extinguish the fire with a garden hose and incurred burns. The resident had to be escorted off of the porch due to being an interference to the firefighters. Chief Robinson explained there was a significant amount of fire load in the house. Chief Robinson opined that the fire was not intentional nor was it arson but confirmed that the cause will remain undetermined. With the excess fire load in the house, the cause of the fire is unknown. He said the structure of the house is sound but that the interior is heavily damaged with smoke and water damage. He confirmed that two parrots were lost in the fire as well. The house did not have a monitoring system and confirmed it had non-functioning smoke detectors.

Next, Fire Chief Robinson informed that there was a fire today on Gates Mills Estates Drive. The resident was home, however, the fire was reported by a neighbor who called 911. Chief Robinson explained that poor alterations to the fireplace, where there was a wood storage area next to the fire place, did not provide the correct separation between the fire in the fireplace and the firewood stored nearby. He advised that the fire was quickly extinguished and there was minor physical damage.

Fire Chief Robinson referred to a recent seminar in Columbus where he spoke. He said Gates Mills was one of only two fire departments invited to speak. Chief Robinson highlighted the Village's smoke detector and home monitoring programs as reasons the Gates Mills Fire Department was asked to participate. He opined it was a very nice event.

Councilmember Sogg asked if debris/hoarding issues should be added to education about fire prevention. Fire Chief Robinson said that hoarding is an illness and that many times you

cannot tell from the exterior of the home. He added that situations with hoarding have a high frequency of fire.

Ordinance #2018-33 “An Ordinance To Approve Current Replacement Pages To The Gates Mills Codified Ordinances” was introduced by Councilmember Reynolds. Councilmember Reynolds explained that this Ordinance allows the Village to replace pages to comply with the State of Ohio as well as our own amendments.

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 Ordinance #2018-33 be placed upon its final passage.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Ordinance #2018-33 be approved.

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

Resolution #2018-36 “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 Fiscal Officer And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Whitney said this Resolution is a result of the levy passing for operating funds and the need to proceed with getting that certified to the County Auditor.

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 #2018-36 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that Resolution #2018-36 be approved.

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

Councilmember Sogg said she would like to discuss the next three Ordinances together. She explained that there have been several meetings to discuss the Village’s tree cutting

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ordinances including meetings with the Ohio Department of Natural Resources (ODNR) and representatives from the County. She further remarked that significant time was spent dealing with the essence of what the Village desires and dealing with some of our residents that are participating in some programs that are giving them some tax relief. Mayor Schneider commented that ODNR took people into their programs against the Village's Ordinances and it came back to the Village to solve the mistake. Law Director Hunt explained that several properties in Gates Mills that have timber, qualified or accepted as qualified for a program either under the CAUV program – tax relief under State code, administered by the County – and/or also under the ODNR program where they get real estate tax relief. Under these programs, the property owner is required to keep their timber and forest area healthy by culling out older and/or diseased trees. He further explained that property owners cannot do that because of the Village's ordinance that says you cannot cut trees for pay or profit. The State is pushing the County to take away the tax exemptions and if so, the property owner would be required to make reimbursement for the past three year period – which is a significant amount. Law Director Hunt said that discussions took place including Councilmembers Sogg and AuWerter, representatives from ODNR and the representative from the County that handles appraisals and the CAUV program. Taking into consideration that under the program, a property owner must sell so much to qualify and the desire to limit agriculture in the Village, an ordinance was drafted with the limit of \$2,000; prohibiting timbering under the zoning code; and prohibiting any agriculture revenues in excess of \$2,000 except for nursery and green house stock. He explained this is an effort to stem the CAUV and ODNR timbering programs. The Village is making an exception for a new chapter in the business regulation code for limited cutting only to apply to those two programs. It allows those persons that have the tax exemption to limit cutting to keep their areas healthy. Law Director Hunt highlighted numerous requirements in order to cull their timber but still allowing the property owner to meet the ODNR requirements. He urged Council to go through these and plan to address the same in December. Councilmember AuWerter asked if and when these are in place then those under the existing program can continue so they will not face the back tax. Law Director Hunt confirmed and added that they would be severely limited in how they can cut trees. Councilmember AuWerter asked if someone not currently in the program could do it so long as it was under the \$2,000 limit. Law Director Hunt replied that it would be strictly prohibited. Councilmember AuWerter asked what the \$2,000 limit is for. Law Director Hunt responded so no one else can apply for any type of agriculture purposes. Mayor Schneider said there are people grandfathered in and those accepted in the program after the Village had an Ordinance about it. Law Director Hunt and Mayor Schneider said the Village needs to write a letter to not accept any further people into these programs. Law Director Hunt said that the County and ODNR need to be notified as to what the Village is doing. Discussion took place regarding culling and related problems. Responding to Councilmember Frankel's question, Service Director Biggert said there are 11 property owners in the programs but only 5 property owners who are required to cull. Mayor Schneider requested Council review further in order to consider at next month's meeting.

First reading was held for Ordinance #2018-37 “An Ordinance Amending Section 1173.06, “Logging For Economic Gain Prohibited,” Of The Planning And Zoning Code Of The Codified Ordinances of The Village Of Gates Mills” was introduced by Councilmember Sogg.

First reading was held for Ordinance #2018-38 “An Ordinance Creating A New Chapter 777, “Tree Cutting For Economic Gain,” Of The Business Regulation Code To Regulate Tree Cutting For Economic Gain In The Village,” was introduced by Councilmember Sogg.

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First reading was held for Ordinance #2018-39 "An Ordinance Amending Subdivision (d), "Prohibited Uses," Of Section 1157.01, "Classification Of Uses," Of Chapter 1157, "Zoning Uses," Of The Planning And Zoning Code Of The Village Of Gates Mills To Restrict Agricultural Land Use In The Village.

Business from the audience: None.

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

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor