

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
November 18, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, November 18, 2014 at 6:30 p.m. in the Village Hall.

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

Councilmembers absent: Barnes.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that Councilmember Barnes be excused from the meeting.

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

Mayor Riley presided.

Mayor Riley announced the appointment of Gregg Minichello as Police Chief.

It was moved by Councilmember Schneider, seconded by Councilmember Frankel, that the appointment of Gregg Minichello to Police Chief be approved.

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

Mayor Riley administered the Oath of Office to Police Chief Minichello.

Mayor Riley praised Ron Whitmer for his service acknowledging his professionalism and requested the audience recognize the former Chief of Police.

The minutes of the October 14, 2014 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that the minutes be approved.

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

Councilmember Turner, highlighting the importance of transparency, suggested that Council Minutes and Agendas be made available, by e-mail or mail, to residents that would like to receive the same. Council conferred and decided that Mayor Riley would include in his submission for the *Pink Sheet* a solicitation for residents that are interested in receiving the same

directly. Councilmember Schneider added that some residents do not have computers so would want the information by mail.

The financial statement for the period ending October 31, 2014 was presented by the Clerk. In Councilmember Barnes' absence, Clerk DeCapite explained that the biggest variance in revenue is the municipal income tax which is approximately \$500,000 behind budget. She added that Department Heads, in terms of expenses, are doing a great job. Finance Administrator Lechman noted the final receipt of Inheritance Tax. Mayor Riley summarized that the budget for Inheritance Tax was \$150,000 and \$230,000 was received. He further stated that the municipal income tax is \$480,000 short and the year-end shortfall would be approximately \$100,000. He remarked that the difference would be offset by the additional Inheritance Tax. Councilmember Frankel questioned if information is available with regard to outstanding/delinquent real estate taxes. Finance Administrator Lechman indicated information is not readily available and explained that as the Mayfield School System receives 51% compared to the Village's 18% share, she would hope the school would take the lead on gathering that information. George Hughes of the Mayfield School Board confirmed that the school does not specifically go after people in arrears until it becomes a larger issue then it relies on its attorneys to pursue such matters. Mayor Riley queried Councilmember Turner whether this would be something the School Liaison Committee could look into.

Pay Ordinance #1171 in the amount of \$321,459.95 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1171 be approved.

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

Mayor Riley shared that the Halloween party was a huge success and extended special thanks to Joycelyn Brogley and Doug Webb. He announced that the Menorah lighting is scheduled for Tuesday, December 16 and the Gates Mills' Employee Bonus day is set for Friday, December 19. He advised that checks should be made payable to the Gates Mills Improvement Society and that contributions are entirely tax deductible. Addressing members of Council, Mayor Riley stated that staff evaluations forms would be sent out this week and encouraged the same to be completed and returned by December 12th.

The Clerk had nothing to report.

There were no committee reports.

Police Chief Minichello provided a written report. Mayor Riley asked about the recent accident on Mayfield Road which resulted in a fatality. Police Chief Minichello reported that it is believed that the one-car accident was due to a medical condition involving a 53-year old male. He advised that the matter is currently with the Coroner's office and expects it will take six weeks for a final conclusion. Police Chief Minichello also shared that at the recent AAA Safety Award event, the Gates Mills Police Department received the highest award: the AAA Traffic Safety Platinum Award.

A written report was provided by Service Director Biggert. In response to questions, Service Director Biggert stated that the supply of salt is good, as is morale within the Service Department and that the equipment has held up well. Village Engineer Courtney advised that a storm sewer project would be starting next week involving the westbound lane on Mayfield Road which will result in a lane closure lasting approximately one week.

Fire Chief Robinson provided a written report. Fire Chief Robinson announced that Captain Bill Lentz, a long time member of the Fire Department, has retired after 33 years with the Fire Department. Chief Robinson highlighted that he served as Captain the last 11 years. He extended well wishes and confirmed his retirement was effective immediately.

Ordinance #2014-29 “An Ordinance To Provide For Temporary Appropriations For The First Quarter Of 2015” was introduced by Councilmember Schneider and read by the clerk. Finance Administrator Lechman provided a brief explanation including that this is something the Village does yearly and that she reviewed historical data to determine the amount needed through March 2015. She stated the need that this be passed as emergency legislation.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2014-29 be placed upon its final passage.

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

It was then moved by Councilmember Schneider, seconded by Councilmember Turner, that Ordinance #2014-29 be approved.

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

Councilmember Sogg provided an overview of a request from the Nook residents regarding a proposed project wherein they would like to extend a wall by their driveway, similar to other entryways found in the Village, and noted that a small portion of the proposed wall encroaches into the right away. Councilmember Sogg stated that the plans were reviewed by the Service Director and Village Engineer, a redesign was requested and then provided by the Nooks and then approved by the Planning & Zoning Committee. The Village Law Director drafted a lease to protect the Village from any potential liability. Once that lease has been signed and returned, Councilmember Sogg will seek approval at the next Council meeting. The purpose of the wall is decorative, like others in the area.

Second 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.’” Councilmember Schneider stated that she and Service Director Biggert discussed the fee section and determined the same needed to be further clarified. Councilmember Turner asked about and discussion took place regarding the definition of dwelling. Councilmember

Welsh asked if family units would be excluded. Councilmember Sogg raised the concern of the Village Safety Forces needing to know what places are occupied. Councilmember Schneider highlighted the need to know who is not paying taxes. Councilmember Frankel questioned how rental and non-rental houses would be distinguished as related to inspections. Councilmember Schneider explained that houses are inspected at the point of sale and this is to set up more regular inspections of rental units. Councilmember Frankel presented the query whether the Village could be held liable if something is overlooked at the time of an inspection. Law Director Cannon replied that the Village would do its best job with inspections but that there are certain immunities so that the Village would not be legally liable. Further discussion included the definition of rental property. Councilmember Frankel then asked how information regarding this Ordinance would be circulated to the residents during the period of the readings. Mayor Riley instructed information be posted on the Village's website. Councilmember Turner shared the need to have the names of tenants as well. Councilmember Schneider said that would be part of the form that the owner has to file. Councilmember Sogg suggested that Mayor Riley include it in his *Pink Sheet* submission. Councilmember Reynolds suggested a direct mailing be considered to known rental property owners.

Resolution #2014-30 "Resolution Authorizing The Mayor And the Clerk To Enter Into An Agreement With The City Of Mayfield Heights For The Furnishing Of Emergency Medical Service Protection For The Village Of Gates Mills For the Year 2015 And Authorizing A Rate Of Payment For Rescue Squad/Ambulance Services From The City Of Mayfield Heights And Declaring An Emergency" was introduced by Councilmember Reynolds and read by the Clerk. It was noted that there is a 5% increase. Mayor Riley highlighted that this is for back up service only and clarified that Mayfield Village provides the primary service. He advised that the back up service with Mayfield Heights was used approximately six times this year.

It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-30 be placed upon its final passage.

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

It was then moved by Councilmember Reynolds, seconded by Councilmember Welsh, that Resolution #2014-30 be approved.

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

Councilmember Schneider stated that she and Councilmember Turner have been working on the organization of a Regional Commission. She advised that letters are going to be sent to other communities to institute them in having them involved in it. Councilmember Turner shared a draft article for inclusion in the *Pink Sheet* which provides information on the Regional Commission and invites people interested in participating. She stated that they planned to query the group about availability and try to meet in January. Councilmember Welsh asked if this was a Committee that should be appointed by the Mayor. Mayor Riley responded that after the first

meeting, a committee would be formally appointed. Councilmember Reynolds asked about the size of the commission. Mayor Riley opined that this Committee should be less about size and more about experience and skills.

Mayor Riley shared that Resident Mary Ann Kish had a fall earlier in the week and was in the hospital. Mayor Riley requested that she be kept in thoughts and prayers.

Business from the audience:

Resident Charles Belson referenced the outlined goals of the Regional Commission. Mr. Belson shared that in 2012, Mayor Riley appointed him as a member of the Historical Review Committee Architectural-Historical Review Board. He expressed his opinion that Mayor Riley has effectively governed with the exception of the prevention of oil and gas well drilling. He referred to the July 8, 2014 Council meeting and stated that Mayor Riley commented that the Village and Villagers cannot stop drilling. Resident Belson said that belief that drilling cannot be stopped is shared by the Ohio Oil and Gas Association, provided names of corporate members, including McDonald Hopkins, noting it is the law firm where Mayor Riley is managing partner. Mr. Belson stated that Councilmember Schneider sent an e-mail to voters introducing the Regional Commission. He said that e-mail stated that various Councils have been against oil and gas well drilling since 1991. Mr. Belson stated that Council approved gas wells on Village land in 2004 shortly after the passing of House Bill 278. Resident Belson said saying one thing and doing the opposite is not leadership. He added that during the election statements were made by Councilmembers that characterized the proposed Charter Amendment as, among other things, radical. Resident Belson opined that statements like that were inflammatory. Mr. Belson remarked that he was an enthusiastic supporter of Issue 51 and that on November 5, he was advised by Mayor Riley that his term on the Historical Committee would not be renewed although it was renewed in 2013 and 2014. Mr. Belson stated his view that such termination was not performance based but rather was political retaliation. For these reasons he no longer wants to serve on the Architectural Review Board. He expressed his commitment to working with the Citizens for the Preservation of Gates Mills to support a new proposed ban on drilling.

Resident Ron Holman referencing the Resolution introduced by Councilmember Schneider at the last Council meeting for a Regional Commission, noted the same was unanimously approved by Council without discussion, debate or asking a single question. Mr. Holman shared his belief that there were several questions that should have been asked and presented and read 15 questions. Mr. Holman expressed his view that the lack of deliberation by Council indicated that either Council does not care or that Council considered and deliberated before the meeting which is unlawful under Ohio law. Mayor Riley responded that those questions were probably answered at prior Council meetings with the exception of one: whether any member of the Citizens for the Preservation of Gates Mills were invited to participate. Since that Resolution, Mayor Riley stated that at least one or two members have been solicited. Councilmember Schneider emphasized it is an open invitation and noted waiting until January is in hopes that the Supreme Court will rule before the end of the year. Councilmember Schneider invited Resident Holman to participate. She confirmed that she has spoken with people outside of the community. She expressed the wish to start small to get organized and then to go outside of the Community particularly eastward. She shared that South Russell is interested in participating. Councilmember Schneider commented that Mr. Holman had good questions and

that she, as well as Councilmembers Turner and Reynolds, would be able to answer some of them. She stated that they are working toward something that we hope will be effective. Mr. Holman stated that questions have not been asked and were not asked in a public forum. He believes it is an important piece of resolution that should be open for discussion. Councilmember Schneider replied Councilmembers voted yes as they thought it was a positive step. Resident Holman again stated that no one asked a single question to a Resolution that was a page and a half long. Mr. Holman shared that, contrary to what Mayor Riley stated, those questions were not asked, considered or deliberated on in a public forum.

Resident Bob Andreano reiterated that the Resolution was a page and a half long and no one asked a single question. He shared that he asked at that meeting what made the Resolution become an emergency legislation at that time. The answer he received was: would you rather we not do it. Mr. Andreano questioned, at that point in time, what made that emergency legislation? Mayor Riley replied that if we waited for three readings, we could not invite people to volunteer to participate and set a timely schedule of meetings.

Resident Susan Stevens congratulated members of Council as well as the members of the Citizens for the Preservation of Gates Mills for the record voter turnout. She stated that even though the Bill of Rights lost, 30% of the Village voted for it. (See December 10, 2014 council meeting minutes for comments.) Dr. Stevens then questioned who runs, or who is in charge of, the Gates Mills Improvement Society. Councilmember Welsh responded that he is the Secretary so could not speak on behalf of the Improvement Society, however, he shared his understanding that it was originally set up as a governing body dating back to the 1900's. He stated that as time progressed, the function of the Society is basically to support the Village. Councilmember Welsh provided examples of some of its activities and involvement in the Village. Resident Stevens asked if it is a Committee under City Council. Councilmember Welsh replied no, that it is open to the entire Village for participation. Councilmember Welsh also added his opinion that they have done a super job on expressing something we are all concerned about. He stated that we are trying to come together as a Community in support of this issue and that is why he, personally, voted for Councilmember Schneider's Resolution.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor