

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 14, 2019

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 14 at 6:00 p.m. in the Community House.

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

The minutes of the April 9, 2019 Council meeting were presented by the Clerk. Councilmember Reynolds requested clarification to language on page 8. It was moved by Councilmember Welsh, seconded by Councilmember Turner, that the April 9, 2019 minutes, as amended, be approved.

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

Mayor Schneider read and presented a Proclamation to retiring Gates Mills Elementary Principal Tammi Bender. Ms. Bender was presented with a card by former students and was honored with a reception prior to the start of the Council meeting.

Police Chief Minichello introduced Officer Andrew McKillen along with his family. Officer McKillen resides in Madison, Ohio and is thankful for the opportunity to be in Gates Mills. Mayor Schneider administered the Oath of Office to Patrolman McKillen. His mother pinned his badge.

At this time, Mayor Schneider introduced Patrick Hewitt, AICP, Senior Planner and Micah Stryker, AICP, from the Cuyahoga County Planning Commission. The representatives from the Cuyahoga County Planning Commission presented a PowerPoint slide show and discussed the Master Plan process. A Master Plan is a long-term guide for what you want for your community in the future based upon the inventory you have today. It is a vision for the future and includes goals that provide a policy document that is flexible and broad. This is in contrast to zoning ordinances, which are the rules that include what is allowed, specific details, and requirements. The five steps used in drafting a Master Plan include a review of current conditions, the community vision, action steps, implementation and a draft master plan. It was noted that public input takes many forms during the process. Municipal Planning Grants are available annually and are currently being accepted until June 7. Resident Brent Stewart asked about sewer and septic issues. Mr. Hewitt stated they work with other groups in the County when considering such issues. Councilmember Turner asked if they have worked with similar communities to Gates Mills. Mr. Hewitt stated there is a unique, special feeling in the Village and he would want to reflect the characteristics of the community in a plan. Resident Jerry Bohinc asked if they act as consultants to the Village. Mr. Hewitt noted they are an independent agency that can be hired to act as consultants to the Village. Mr. Bohinc asked how long the process takes. Mr. Hewitt responded 12-18 months and the public process typically lasts about 8

months. Councilmember AuWerter asked if the process can be tailored with unique, more specific aspects. Mr. Hewitt stated we would work through the scope of services and discuss options. The process can go more in-depth, but usually the plan level is not as in-depth as a zoning code. Mr. Stryker added they look at the needs of the community and identify what needs require an in-depth review. In responding to Councilmember AuWerter's question, Mr. Hewitt stated the Village should look at the grant application online and submit the proposal. When ready, discussions regarding the scope of services would take place. Interim Director of the Planning Commission, Susan Infeld, added when municipalities hear about their services, a grant is procured or the entity pays for the services it would like. A proposal/scope of services is discussed and prepared with time and cost estimates. The Planning Commission assigns a group of planners to a community, typically 3-4 people, to work on the project. Mayor Schneider thanked the Planning Commission for their time and presentation. She also announced Councilmember AuWerter will be heading the Master Plan Selection Committee.

Pay Ordinance #1225 in the amount of \$311,233.00 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1225 be approved.

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

Treasurer Reynolds read the financial statement for the period ending April 30, 2019. General Fund revenues are running \$574,218 below this time last year due primarily to lower real estate and municipal income tax receipts. Relative to this year's budget, real estate tax receipts are running \$504,781 ahead of expectations. This is likely a timing difference and will adjust to budget over the course of the year. Municipal income taxes are running (\$197,715) behind expectations. This likely reflects a combination of timing differences and a lower actual tax base. Operating expenses are running within budget for the departments and total fund balances are at \$5,666,053 versus \$6,163,004 at this time last year reflecting budget expectations. Our investment account at Ancora stands at \$4,612,989 including accrued interest. Income for the next 12 months is forecasted at \$109,062.

Mayor Schneider, in her report, noted the upcoming Marston Park opening on June 23. The weather has not been cooperating, but the crews are working hard to finish on time.

Clerk DeCapite, in her report, noted the council minutes were done well by Finance Administrator Mulh.

On behalf of the Positively Gates Mills Committee, Councilmember Turner reported the Committee is planning the June 23 Marston Park opening to be held from noon until 4:00 p.m. There will be a ribbon cutting ceremony, benediction, demonstrations, a food truck, and presentations taking place.

Councilmember AuWerter noted the Recreation Committee will meet on May 20 with a goal of planning activities for the park along with creating ways to get participation from the residents through a bocce league and pickleball.

Councilmember Whitney announced the May 23 public informational meeting to be held at the Community House. Members of the Chagrin River Watershed Partners and Cuyahoga Soil & Water Conservation District will present information regarding watersheds and streamside maintenance.

Police Chief Minichello provided a written report. Councilmember Sogg referred to a nice letter about the Lyndhurst Municipal Court and Judge Coletta. Chief Minichello noted some new processes at the court have been beneficial to the Village. He announced that Wilson Mills Road will be closed for 75 days beginning May 20, 2019 and Cedar Road is scheduled to be closed starting June 3.

Service Director Biggert provided a written report. He confirmed that Cedar Road will be closed June 3 with a scheduled reopening date of October 2, 2019. This is a joint project with Cuyahoga County and the Village of Hunting Valley. Councilmember AuWerter, in reviewing a salt price sheet in Service Director Biggert's report, noted a wide disparity in the pricing throughout the state.

Village Engineer Courtney presented cold-cast, painted resin barn owl for display in a tree in the park. John Matais, who has done work with the Cleveland Zoo and also put the animal prints in our park paths, made the owl. Councilmember Sogg moved to accept Mr. Courtney's donation, with Councilmember Turner seconding the motion.

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

Fire Chief Robinson provided a written report. Councilmember AuWerter mentioned that smoke detectors can be installed in a resident's home by the Fire Department.

Ordinance No. 2019-15 "An Ordinance Amending Part Nine, "Streets, Utilities and Public Services Code" of the Codified Ordinances, to Amend Chapter 915, "Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, and Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Sogg noted the FCC has limited what the Village can do regulate cell towers. Councilmember AuWerter pointed out a typographical error on page 5, where "talker" should be "taller." It was noted the Mayors and Managers Association and the Ohio Municipal League worked for six months on legislation and then the FCC scaled back what control the municipalities would have. Councilmember Turner inquired if the application fee could be raised from \$250 to \$500. Law Director Hunt stated the Village is constrained by the State's statute amount of \$250.

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-15 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance No. 2019-15 be approved.

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

Ordinance #2019-16 “An Ordinance Amending Part Nine, “Streets, Utilities and Public Services Code” of the Codified Ordinances, to Amend Chapter 915, “Small Cell Design Guidelines,” and Declaring An Emergency” was introduced by Councilmember Sogg.

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-16 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance No. 2019-02 be approved.

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

It was moved by Councilmember Sogg, seconded by Councilmember Turner, to move into an Executive Session for the purpose of consultation with the Law Director involving the imminent threat of court action.

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

Council meeting reconvened at 7:29 p.m.

Business from the audience:

Holly Matthews: Asked if there is a reply to the letter she sent to the Mayor and Councilmembers. Mayor Schneider replied that she had done so through her letter in The Pink Sheet and by beginning the Master Plan update process. Ms. Matthews asked about increasing the transparency of the Planning and Zoning Commission. Mayor Schneider replied that agendas and minutes are online. Business from the audience at a Planning and Zoning Commission meeting is for those who have a concern regarding an item on the agenda. In response to a question regarding notification of neighboring properties, it was reiterated that if there is a variance requested then neighboring property owners are notified.

Marci Hovancsek: Inquired if the ordinances on the website are always current. It was stated that it is updated annually online by the codifiers. Councilmember Frankel added that the Council minutes show what changes take place every month and council minutes are on the website.

Brent Stewart: Asked how residents can participate in the Master Plan process. Councilmember AuWerter stated he is working on the process to enlist a committee and focus groups. Mayor Schneider would like to have volunteers from throughout the Village.

Sharon Bodker: Asked if the Mayor's presentation on the history of cluster developments in the Village is available. Finance Administrator Mulh noted there are copies available.

Celeste McClung: Asked if other companies would be considered for the Master Plan project. It was noted it may be hard to get funding if the Village goes elsewhere; however, Councilmember AuWerter would like to receive 3 proposals.

Dorothy Shillman: Noted that before any rezoning takes place, a land study is necessary to determine what the land can tolerate.

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

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor