

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
November 12, 2019

Mayor Schneider called the Public Hearing to order for Ordinance No. 2019-28, "An Ordinance Amending Sections 1157.03 and 1157.031, "Accessory Uses in U1 Single-Family House District", Both 'New Standards' and 'Old Standards,'" of the Codified Ordinances of the Village of Gates Mills to Permit the Use of Pool Safety Covers to Prevent Uncontrolled Swimming Pool Access by Children." Hearing no comments from the public, the public hearing was closed at 6:01 p.m.

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, November 12, 2019 at 6:00 p.m. in the Council Chambers at Village Hall.

Councilmembers present: Frankel, Reynolds, Sogg, Turner, Whitney. Councilmember Reynolds moved to excuse Councilmembers AuWerter and Welsh with Councilmember Sogg seconding the motion.

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

The minutes of the October 15, 2019 Council meeting were presented by the Clerk. It was moved by Councilmember Whitney that the October 15, 2019 minutes be approved. Councilmember Reynolds asked for a change in wording on page 4 to reflect that the budget is meant to meet the needs of the Village. Councilmember Frankel seconded the motion to approve the October 15, 2019 minutes.

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

Pay Ordinance #1231 in the amount of \$334,853.05 was presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Pay Ordinance #1231 be approved.

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

Treasurer Tim Reynolds read his report. Village revenues are somewhat ahead of budget. We have collected substantially all of our real estate taxes for the year. Municipal income taxes are on budget with approximately 11% of the budgeted amount yet to be collected. Operating departments are all operating at or below budget. Total fund balances stand at \$5,726,114 versus \$5,680,571 at this time last year which is about \$100,000 better than budget expectations. Our Ancora account stands at \$4,726,899 including accrued interest. We anticipate \$94,537 in

interest earned over the next 12 months in this account. Treasurer Reynolds noted that timing may be an issue for the remaining items budgeted to be paid in 2019. Councilmember Turner noted the Village's increased interest income that is a direct result of the 2016 Long Range Planning meetings. Councilmember Frankel inquired about income tax delinquencies and abatement requests.

Mayor Schneider reported the Community Club's event, An Evening in the Village, was a really nice night. The Village's Halloween Party was a success; however, it did conflict with the elementary school's fall fest. She noted that Ohio House District 6 State Representative Phil Robinson held a Town Hall meeting at the Community House last night. Mayor Schneider stated Cedar Road is open and it is nice. She received a note of thanks from residents Beth and Clay Rankin regarding Mark Rindeman and his crew that worked on the road. Councilmember Sogg inquired about a section of Cedar Road that has cones around a four-foot drop on the Hunting Valley side. This may be an area marked for additional drainage work, but Village Engineer Courtney will research the issue. Mayor Schneider reminded everyone that the Thank You for Service Luncheon is tomorrow at the Community House. She then arranged a Wage Committee meeting on November 20 at 4:30 p.m. prior to the 5:00 p.m. Budget Committee meeting. Lastly, Mayor Schneider announced that Gina Rotsky was named the Mayfield City Schools 2019 Citizen of the Year and was honored at a recent dinner. She is a long-time Gates Mills resident. Councilmember Turner noted this is a very important award in the school district.

The Clerk did not have a report.

Councilmember Frankel reported on the Safety Committee meeting held on October 21, 2019. Radio replacements and a vehicle for the School Resource Officer to use were discussed. The Police Department will keep the next trade-in vehicle for this purpose. Councilmember Frankel stated some fees may be increased for fines such as speeding in a school district. He then discussed fire lanes at Gilmour being blocked. Citations will be issued if the vehicles are not moved. Safety chevron patterns will be installed on Village vehicles to improve visibility. Fire hydrants on Mayfield Road are deteriorating and will have red bags on them during the winter months to keep the salt from causing further damage. Lastly, the County is devising plans for emergency evacuations which outline the roles of police and fire personnel.

Councilmember Turner stated that Mayor Schneider, David Atton, Nat Smith and she had attended a meeting with Mayfield School officials. The district report card, finances and demographics were discussed. The school made a thorough presentation and the meeting lasted three hours. Councilmember Turner noted the school district is a pillar of a community and will be important in the Master Plan process. Councilmember Reynolds asked about a recent article in the Cleveland Plain Dealer that seemed more critical of the Mayfield School District. Councilmember Turner responded that 29% of the district is economically challenged, 17% have developmental needs, and report cards have changed six times and are changing again. Some takeaways from the meeting were: discussing a preschool involving Gates Mills Elementary, redevelopment zones with reductions in taxes for a time, and media coverage of the school isn't as great as the surrounding schools in the Chagrin Valley Times. Councilmember Turner wants the Master Planning Committee to have a field trip to the school and noted Scott Snyder, School District Treasurer, offered to help on the Master Plan Committee. For the Master Plan, the

Selection Committee reviewed the three proposals received and felt CT Consultants provided the best opportunity. She stated Councilmember AuWerter asked them additional questions and they responded better to our specific situation. Kristin Hopkins would be the lead on the project and the Committee felt very good about her. They were also the best price and most workable at \$55,000.

Police Chief Minichello had provided a written report in the Council packet. He noted thirteen deer have been harvested in six weeks. He reminded everyone that on Monday, November 18, there will be a wildlife seminar by Wildlife Officer Scott Denaman at the Community House at 6:00 p.m.

Service Director Biggert asked for any questions relating to his written report. Councilmember Reynolds stated she noticed the entrance to the Post Office is deteriorating as you drive in by the Post Office trucks. Service Director Biggert will investigate the area. He updated Council on 1337 Chagrin River Road. He is working with the contractor to establish a date for the demolition. The cost of the demolition will be added to the tax duplicate for the property. Councilmember Frankel asked about construction totals for this year compared to last year. Service Director Biggert responded he will provide those figures after year-end.

Fire Chief Robinson was unable to be in attendance. Mayor Schneider stated EMS calls appear lower than this time last year. Treasurer Reynolds asked if a smoke machine caused a fire alarm. Service Director Biggert stated that it did trip a fire alarm. Councilmember Reynolds inquired about an accident at Mayfield Road and Chagrin River Road. Mayor Schneider would like to get better coverage from ODOT for plowing during snowstorms on Mayfield Road. Chief Minichello noted the coverage is better now than it used to be. Mayor Schneider will provide a contact to discuss the situation with at ODOT.

Ordinance No. 2019-28 “An Ordinance Amending Sections 1157.03 and 1157.031, ‘Accessory Uses in U1 Single-Family House District’, Both ‘New Standards’ and ‘Old Standards,’ of the Codified Ordinances of the Village of Gates Mills to Permit the Use of Pool Safety Covers to Prevent Uncontrolled Swimming Pool Access by Children” was read by Councilmember Sogg. The public hearing regarding the Ordinance was held at the beginning of this Council meeting.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance No. 2019-28 be approved.

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

Ordinance No. 2019-33 “An Ordinance Amending Division (A) of Section 792.081, ‘Credit for Tax Paid to Another Municipality’, of Chapter 792, ‘Earned Income Tax’, of the Village’s Taxation Code to Reduce the Credit to Village Taxpayers for Income Taxes Paid to Other Municipal Jurisdictions; and Declaring an Emergency” was read by Councilmember Whitney for the second time. Councilmember Whitney read an email from Councilmember AuWerter recommending tabling the Ordinance (Exhibit A). Law Director Hunt explained that

if the ordinance is tabled and then a motion is made to move it off the table in the future, the ordinance would be on third reading. The ordinance will not appear on the agenda until it is brought off the table. Councilmember Sogg noted the original income tax included a .75% credit in 1968. In 1976, Council faced issues and changed the credit to .50%. She wanted to note that Council has reduced the credit, due to finances, in the past. Councilmember Frankel read a statement he had prepared (Exhibit B). He does not dispute the need for funds, but we need to look at alternatives before making tax changes.

Councilmember Whitney moved to table Ordinance No. 2019-33 with Councilmember Frankel seconding the motion. Councilmember Reynolds clarified that if the ordinance is moved off the table after Long Range Planning does its work, the ordinance would be on third reading. Treasurer Reynolds commented that it is appropriate to table the ordinance. He advised finishing the budget and the five-year forecast with Long Range Planning. It is important to look at all options and then have meetings to educate and discuss. Mayor Schneider noted a date in March has been set aside for a Town Hall meeting.

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

Resolution No. 2019-34 “A Resolution Accepting the Proposal of Rumpke of Ohio, Inc. for Refuse Collection, Disposal and Recycling Services and Authorizing a Contract Therefor” was introduced by Councilmember Reynolds.

Councilmember Reynolds moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2019-34 be placed upon its final passage. Councilmember Sogg commented Rumpke does a great job. Councilmember Frankel added they proposed very reasonable increases. Councilmember Whitney seconded the motion to suspend the rules.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that Resolution No. 2019-34 be approved.

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

Ordinance No. 2019-35 “An Ordinance Authorizing a Contract with Aetna Health Care to Furnish and Provide Hospitalization and Health Care Coverage for Village Employees and Declaring an Emergency” was introduced by Councilmember Whitney. She noted the rates were held flat with no increases in premiums.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-35 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Ordinance No. 2019-35 be approved.

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

Ordinance No. 2019-36 “An Ordinance Authorizing a Contract with Delta Dental to Provide Dental Insurance Coverage for Village Employees and Declaring an Emergency” was introduced by Councilmember Whitney. She noted the rates were held flat with no increases in premiums.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-36 be placed upon its final passage. Councilmember Turner seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that Ordinance No. 2019-36 be approved.

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

Ordinance No. 2019-37 “An Ordinance Amending Section 1157.02, “U1 Single-Family House District”, To Prohibit Short-Term Residential Rentals of Less than Thirty (30) Days” was introduced by Councilmember Sogg. Councilmember Sogg stated this issue has been discussed by the Planning and Zoning Commission in terms of Vacation Rental by Owner (VRBO) and AirBNB rentals. The Village does have some homes advertising on AirBNB. Law Director Hunt advised the Ordinance needs to be referred to the Planning and Zoning Commission for a recommendation to Council.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, to refer Ordinance No. 2019-37 to the Planning and Zoning Commission for review and recommendation.

Roll call: Ayes: Frankel, Reynolds, Sogg, Turner, Whitney.

Nays: None.  
Motion carried.

Business from the audience:


Brent Stewart, River Oaks Trail, stated he is glad Council tabled the income tax legislation and that the plan to reinstitute the Long Range Planning Committee is good. A March meeting with the public would be excellent.

David Atton, Chagrin River Road, asked if the Council would not be putting the legislation back on the table until after Long Range Planning meets. Treasurer Reynolds noted there is no reason to do so.


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

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

Respectfully submitted,

  
Beth DeCapite, Clerk

Approved:

  
Karen E. Schneider, Mayor

**Timothy Reynolds**

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**From:** jauwerter@gmail.com  
**Sent:** Tuesday, November 12, 2019 9:43 AM  
**To:** annwhitney@gmail.com; Timothy Reynolds  
**Cc:** 'Karen Schneider'  
**Subject:** Ordinance for Changing Village Income Tax Credit

Ann and Tim:

As the Council person who introduced the ordinance in the last council meeting as a placeholder to potentially change the credit percentage for Village income taxes, I feel an obligation to weigh in from afar as you approach the second reading.

While I remain very concerned about the prospect of the Village incurring deficits going forward, I think and hope there is now a lot of momentum going into next year to do a new long range plan and a master plan for the Village. I am also hopeful that perhaps our deficit for 2019 will be less than budget based on the October financials. And, I agree with the sentiment of others that it would be wise to educate our fellow residents on our financial situation before initiating any changes, a step which we cannot do this quickly. So, while I obviously cannot vote in tonight's meeting, my sense at this point is to table the proposed ordinance. Please read this to Council if you feel it is appropriate.

Meanwhile, I am going to climb on my camel and ride off to Petra for the next stop on my Israel-Jordan tour. Enjoy the snow!

Chip

Jay P. "Chip" AuWerter  
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Ph. No. 216-464-1111

11/12/19

EXHIBIT B

I would like to speak concerning the ordinance for raising the Village income tax credit.

I am not disputing the need for addition funds to run the Village. The question is how best that this should be done, what are the alternatives to increased revenues, and the timing for this. Considering that we are going to be developing a Master Plan for the Village isn't it wise to proceed having considered all of our possibilities for additional revenue before imposing a tax on our friend and neighbors.

At our last council meeting the Mayor had indicated there would be a meeting to discuss the ordinance and to hear the voices of our residents concerning the matter. As the minutes that were approved this evening reflect, a possible date for the meeting was November 11<sup>th</sup>. To date we have not had a meeting date set so that we could hear the voices of those we serve.

Municipal income taxes targets those with earned income and targets a smaller segment of the Gates Mills population. There are questions that need to be considered. How will this effect real estate sales and will it discourage younger families from buying homes in the Village. Would a millage on property be more equitable? What are the implications of both options? What other alternatives are available.

I do not understand the rush to judgment; I do not understand the introduction of the ordinance prior to the meeting of the budget and finance committees nor do I understand not waiting until we have had a Master Plan developed and an opportunity to have Town Hall meetings to discuss this with our constituents.

With these concerns in mind, I would like to make a motion to table this ordinance until a time when the Village Master Plan has been completed, the long range planning committee has met and a Town Hall meeting has been organized.

- LARRY FRANKEL