

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
July 9, 2019

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, July 9 at 6:00 p.m. in the Community House.

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

Councilmember Welsh moved, and Councilmember Sogg seconded, to excuse Councilmember Frankel.

The minutes of the June 11, 2019 Council meeting were presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that the June 11, 2019 minutes be approved.

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

Pay Ordinance #1227 in the amount of \$767,925.02 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember AuWerter, that Pay Ordinance #1227 be approved. Councilmember AuWerter asked if the Village had been invoiced for the Cedar Road construction. Service Director Biggert acknowledged we had.

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

Treasurer Reynolds read his report for June 2019. Treasurer Reynolds provided a review of the Village's tax structure for the levy renewal discussion. A replacement levy would bring the taxable valuation and amount collected up, but would lose the rollback reimbursement from state. A replacement of this 3.5 mill levy would provide a \$67,000 increase in the amount collected, but Village impact results in the loss of the state-provided 12.5% rollback. Councilmember AuWerter noted this is not a big change for this particular levy, and may be better to do a new levy in the future. Treasurer Reynolds stated the likelihood of a replacement levy passing is less than a renewal levy being approved. Councilmember AuWerter added that he looked at the Village's financial history and concluded we are ahead, on average, for municipal income tax collections. Treasurer Reynolds noted collections are looking better than budget currently.

At this time, Council heard a presentation from the Gates Mills Land Conservancy's President, Rob Galloway. The Gates Mills Land Conservancy (GMLC) provides an annual report to Council on its activities and use of funds. A financial report and list of the properties that the conservancy oversees was provided. Mr. Galloway noted that much of the land GMLC owns is not restricted. Councilmember AuWerter asked what not restricted means. Mr. Galloway replied some parcels aren't owned by GMLC but there are conservation easements (which are in perpetuity) on other's properties. Properties without easements that GMLC owns,

can only be used for GMLC's purpose, which is to conserve land. The GMLC has a policy that land given to the conservancy cannot be sold for development. Land the conservancy bought could be sold, but has not. Mr. Galloway announced this year is the thirty year anniversary of the GMLC. The annual operating budget is \$33,000. Levy funds are close to \$200,000 per year. The conservancy would like one more 5-year levy. Stewardship/Defense funds are set aside, just in case, for the protection of land. The GMLC is the first all-volunteer land trust to be accredited by the land trust association in the country. It is held to high standards with the accreditation process.

He presented some properties that the Conservancy has worked upon. A property on Brigham Road wanted to keep two lots as they were forever for hillside and woods protection. GMLC gave the property owners \$40,000 to protect the parcel. One parcel they didn't conserve is on Timberidge Trail. The property wasn't right for the Conservancy as there was no conservation purpose for buying the property or for an easement. Easements are a cost in that they need insurance and inspections. The Clark property on Sherman Road is 36 acres and is limited to 5 homesites. The GMLC offered \$1.14 million to purchase the Clark estate and the offer has been accepted by the Clark's estate. The Sherman Road preserve (Newell property) is part of the same land mass as the Clark property. GMLC wants to apply for a Clean Ohio Grant to assist with the project. They will need a letter of support from the local government to proceed with the grant application. Some examples of collaboration between GMLC and the Village include the Hayes property on Mayfield Road, which may have a pumping station in the future for the Village. The property was purchased together for Village purposes. In 2009 GMLC purchased property on Carpenter Road, 79 acres of untouched woodlands, for \$700,000. The Village uses the property for infrastructure. There is a symbiotic relationship between the Conservancy and the Village. The Polo Field can never be built on due to an easement. In 1999, Woodstock Road is where the Village needed a place for a septic pumping station. GMLC and the Village swapped the Village's buildable Woodstock Road lot for the GMLC's Mayfield Road at Chagrin River Road lot to make it happen. The Votruba property was going to be developed and there was a massive creek and flood plain on the land. GMLC bought the property with another property owner to conserve the land. The property owner subsequently had issues with the creek and GMLC paid \$30,000 to help reroute the creek. The future of the GMLC work will show a pullback in land transactions. The focus will be on educational opportunities, working with the Village, and participating in nature-conserving events.

Mayor Schneider provided her report. She thanked everyone for the successful park opening day. She commented on Housebill No. 288's litigation and the effort to stop the MetroParks from taking land by eminent domain. The Mayor appointed David Atton to the Finance/Budget Committee and the Mayfield School Liaison Committee. Councilmember Sogg moved to confirm the appointment and Councilmember Turner seconded.

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

The Clerk had no report.

For the Planning and Zoning Commission, Councilmember Sogg reported there is a new pool cover that is better and safer than a fence. A variance was granted for the cover and the Commission would like to add the pool cover to our pool ordinance as an improvement. It was a pleasant result that was achieved by working with the homeowner.

Councilmember AuWerter reported the Master Plan Selection Committee had met twice to discuss the selection of a professional organization to lead the master plan process. The plan is to meet every two weeks, as they research like communities. The goal is to have ten or so organizations to look at and narrow down to 3.

On behalf of the Recreation Committee, Councilmember AuWerter reported the pickleball event had 23 participants. There are events scheduled for July 26 and in August. There is a lot of interest in playing bocce ball. On July 21 there will be an open play event from 3:30-5:30 p.m. prior to the start of the summer concert. Storage bin for bocce equipment may be necessary.

Councilmember Reynolds reported the summer band concert is at 5:30 p.m. on July 21. Councilmembers are encouraged to organize a table. Members of the audience were invited to support the event and invite their neighbors to attend.

Police Chief Minichello had provided a written report in the Council packet. Chief Minichello noted all of the construction around town. Wilson Mills is now open from County Line to Caves Road. Mayfield Village hopes to open Wilson Mills by the second week of August. A memorial motorcycle ride came through town with about 500 riders, Chief Robinson included.

Service Director Biggert asked for any questions relating to his written report. Service Director Biggert reported on the Mayfield Road at Chagrin River Road traffic project. The project is one of top three projects being considered. The State Committee is interested in funding the project and had three recommendations for the Village to consider. Backplates are recommended behind the traffic signals. Wavetronics, signals for emergency vehicles, are another recommendation. The realignment of the left turn lanes on 322 is the final recommendation. The completion of speed study will take place as a measuring point for the project. The Village will hopefully know by the August Council meeting if the funding will be secured.

Fire Chief Robinson provided a written report in the Council packets. Chief Robinson reported a typical month for the Fire Department. June is a big anniversary month with five members having anniversaries.

Resolution No. 2019-20 "A Resolution Approving and Adopting the Tax Budget for the Village of Gates Mills for Fiscal Year 2020; and Declaring an Emergency" was introduced by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2019-20 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Resolution No. 2019-20 be approved.

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

Resolution No. 2019-21 "A Resolution Declaring it Necessary to Renew an Existing 3.5 Mill Tax Levy for the Purpose of Current Expenses Pursuant to Ohio Revised Code Sections 5705.19(A) and 5705.191, Requesting the County Fiscal Officer to Certify the Total Current Tax Valuation of the Village and the Dollar Amount of Revenue that would be Generated by that Renewal Levy, Repealing Resolution No. 2019-17, and Declaring an Emergency" was introduced by Councilmember Whitney.

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 No. 2019-21 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Resolution No. 2019-21 be approved.

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

Resolution No. 2019-22 "A Resolution Authorizing the Mayor to Enter into a One-Year Extension of an Agreement for the Provision of School Resource Officer Services with the Mayfield City School District and Declaring an Emergency" was introduced by Councilmember AuWerter. He added the agreement is the same as last year's. Chief Minichello noted Officer Kimbrew will be attended SRO training. He is currently helpful in covering vacation hours while school is off for the summer.

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2019-22 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution No. 2019-22 be approved.

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

Resolution No. 2019-23, "A Resolution Submitting the Question of the Renewal of an Existing 3.5 Mill Tax Levy for the Purpose of Current Expenses Pursuant to Ohio Revised Code Sections 5705.19(A) and 5705.191 and Declaring an Emergency," was introduced and placed on first reading by Councilmember Whitney. Council discussed holding a special Council meeting on Tuesday, July 16, 2019 to consider Resolution No. 2019-23. Councilmember Frankel will be contacted and a time will be determined for the meeting.

Ordinance No. 2019-24, "An Ordinance to Amend the Annual Appropriation Ordinance No. 2019-02 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2019," was introduced by Councilmember Whitney.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-24 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance No. 2019-24 be approved.

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

Resolution No. 2019-25, "A Resolution Authorizing and Directing the Transfer of Certain Sums From the General Fund to the Water Fund and Capital Improvement Fund," was introduced by Councilmember Whitney.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2019-25 be placed upon its final passage.

Roll call: Ayes: AuWerter, Reynolds, Sogg, Turner, Welsh, Whitney.

Nays: None.  
Motion carried.

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that Resolution No. 2019-25 be approved.

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

Councilmember AuWerter moved, and Councilmember Welsh seconded, to Advertise for Bids for Refuse Collection in the Village.

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

Business from the audience:

Brent Stewart, River Oaks Trail, Confirmed with Councilmember AuWerter that the time frame for choosing an organization to lead the master plan process will be September to October and that the entire process may take a year to complete. Councilmember AuWerter confirmed.

Councilmember Reynolds moved, and Councilmember Sogg seconded, to move into an executive session to discuss pending litigation.

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

Entered executive session at 7:07 p.m.

Council meeting reconvened at 7:18 p.m.

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

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

Respectfully submitted,

*Beth DeCapite*  
Beth DeCapite, Clerk

Approved:

*Karen E. Schneider*  
Karen E. Schneider, Mayor