

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
December 10, 2019

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, December 10, 2019 at 6:00 p.m. in the Council Chambers at Village Hall with Council President Pro Tem Mary Reynolds presiding.

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

The minutes of the November 12, 2019 Council meeting were presented by the Clerk. Councilmember Turner asked that the word “media” be added before the word “coverage” at the bottom of page 2. It was moved by Councilmember Sogg that the November 12, 2019 minutes be approved with the correction. Councilmember Whitney seconded the motion to approve the November 12, 2019 minutes.

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

Pay Ordinance #1232 in the amount of \$462,172.69 was presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Pay Ordinance #1232 be approved.

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

Treasurer Tim Reynolds read his report. He noted capital projects are decreasing the reserve balances. Councilmember AuWerter commented on last year’s December expenses, while Treasurer Reynolds noted we may have over \$350,000 in December this year. Councilmember Sogg noted municipal income taxes are still on task with last year’s one-time bump. Councilmember Turner remarked on the investments and interest income produced with Ancora.

President Pro Tem Reynolds noted the wildlife presentation at the Community House had 45 people in attendance. She reported the Menorah lighting ceremony will take place on Monday, December 23 at 5:30 p.m., which is the second night of Hanukkah. Councilmember Turner also mentioned there will be an event at the Environmental Center to memorialize the Coast Guard Station. It will take place on December 12 at 12:30 p.m.

The Clerk remarked that the lighting in the Village is the best it’s ever been. She also noted the demolition of the house on Chagrin River Road which had been damaged by fire last year.

Treasurer Reynolds reported the Budget Committee had met and approved the budget with the exception of two items that may move into 2020 if not completed in 2019. Flood insurance, cyber insurance and property and casualty insurance costs were discussed. The budget will be updated with year-end figures and any changes and then distributed. The Budget Committee will meet again prior to the next Council meeting.

Councilmember AuWerter stated the Master Plan Selection Committee will look for approval of the consultant for the project at the January Council meeting.

Councilmember Turner stated the Gates Mills Land Conservancy had made a presentation in regard to the grant it is seeking to be awarded. The Gates Mills Land Conservancy asked for 30% of its project, while other applicants were asking for up to 75% funding for a project. They will know if they were selected in January.

Police Chief Minichello had provided a written report in the Council packet. He noted the wildlife seminar held on November 18 was successful with 45 people in attendance. Wildlife Officer Scott Deniman gave a very good presentation. Chief Minichello noted there is one wildlife officer for every county in the state. Councilmember Sogg stated she believes Officer Deniman will come to a person's property if a deer nuisance exists and a nuisance permit is requested by the homeowner.

Service Director Biggert asked for any questions relating to his written report. Councilmember Frankel asked where trees are being harvested in the Village. Service Director Biggert responded that John and Evan Spirk properties at County Line and Brigham are being harvested and are part of the State's harvest program. Councilmember Frankel asked if there are stormwater requirements when harvesting. Mr. Biggert stated no; however, ODNR Forestry Manager John Kehn had contacted the Ohio EPA and said that the tree harvesting program is exempt from those requirements. The tree harvesters and homeowners will meet Village standards though. Councilmember Frankel asked how the Perrino development at County Line and Brigham is being handled. Mr. Biggert stated the ponds are not full and Engineer Courtney stated sediment control is still in process and it is as bad as it will be. Councilmember Turner asked if the tree cutting ordinance is being reviewed again. Councilmember AuWerter noted the Village should let realtors and tree companies know about the ordinance. The property next door to him looks better even though they took down so many trees. Councilmember Sogg stated there are a lot of old trees in the Village that may have to come down. Councilmember Whitney remarked that the removal of trees affects the health and welfare of those residents living downstream. Councilmember Sogg responded the ordinance can be reviewed again, but stormwater issues are a different issue.

Fire Chief Robinson had provided a written report in the Council packet. Councilmember Sogg inquired about a call involving a water leak. Chief Robinson stated the homeowner wasn't sure where to shut their water off. Home safety surveys can help residents to know these things. Chief Robinson presented photographs of the new fire engine. The engine is due to be delivered this month. Councilmember Reynolds congratulated the Chief on his 25 years with the department.

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 placed on second reading by Councilmember Sogg. Councilmember Sogg stated the Planning and Zoning Commission will discuss the ordinance at its next meeting. Law Director Hunt advised the ordinance will need to have a public hearing at the February Council meeting.

Ordinance No. 2019-38 “An Ordinance to Approve Current Replacement Pages to the Gates Mills Codified Ordinances” was introduced by Councilmember Reynolds.

Councilmember Reynolds moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-38 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter that Ordinance No. 2019-38 be approved.

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

Resolution No. 2019-39 “A Resolution Authorizing the Mayor to Execute a Memorandum of Understanding with the Northeast Ohio Regional Sewer District and the Cuyahoga Soil and Water Conservation District for a Conservation Program Involving Education, Stewardship and Public Participation” was introduced by Councilmember Sogg. This program relates to Phase II stormwater regulations.

Councilmember Sogg moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2019-39 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Resolution No. 2019-39 be approved.

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

Ordinance No. 2019-40 “An Ordinance Declaring the Village’s Intention to Enter into a Health Reimbursement Account for 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 Ordinance No. 2019-40 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Ordinance No. 2019-40 be approved.

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

Ordinance No. 2019-41 “An Ordinance to Increase the Compensation of Certain Village Employees; 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 Ordinance No. 2019-41 be placed upon its final passage. Councilmember Turner seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance No. 2019-41 be approved.

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

Ordinance No. 2019-42 “An Ordinance to Amend the Annual Appropriation Ordinance No. 2019-2 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2019; 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 Ordinance No. 2019-42 be placed upon its final passage. Councilmember Frankel seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Ordinance No. 2019-42 be approved.

Councilmember Frankel asked for an explanation of the numbers, which was done by Finance Administrator Mulh. He then asked if the post office parking lot paving was part of the original road program. Service Director Biggert stated it was added after the last Council meeting, but was done within the planned amount. Councilmember Frankel asked if it is too cold to pave. Service Director Biggert responded that it is not. They have watched the temperatures and it can be mid-thirties when pouring an inch or more of material. Councilmember Sogg asked if a bond is in place for the work. Village Engineer Courtney responded there is a two-year maintenance bond.

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

Resolution No. 2019-43 “A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund and Police Pension Fund” was introduced by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and Resolution No. 2019-43 be placed upon its final passage. Councilmember Reynolds seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Resolution No. 2019-43 be approved.

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

Ordinance No. 2019-44 “An Ordinance Authorizing a Contract with Wichert Insurance Services, Inc. to Furnish and Provide Liability and Property Insurance Coverages for the Village of Gates Mills, Its Officials and Employees; 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 Ordinance No. 2019-44 be placed upon its final passage. Councilmember Frankel seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that Ordinance No. 2019-44 be approved.

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

Resolution No. 2019-45 “A Resolution Requesting the County Auditor to Advance Taxes from the Proceeds of Tax Levies Pursuant to Ohio Revised Code Section 321.34” was introduced by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and Resolution No. 2019-45 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Turner, that Resolution No. 2019-45 be approved.

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

Ordinance No. 2019-46 “An Ordinance Providing Temporary Appropriations for Expenditures for the Village of Gates Mills, Ohio for the First Three Months of Fiscal Year Ending December 31, 2020; Repealing Certain Ordinances 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 Ordinance No. 2019-46 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

It was moved by Councilmember Whitney, seconded by Councilmember Turner, that Ordinance No. 2019-46 be approved.

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

Business from the audience:

Don McClung, 780 Chagrin River Road: Mr. McClung asked if there is a communications plan

relative to the Master Plan consultant proposal being considered by Council. Councilmember AuWerter stated there is not; however, community involvement will be a part of the process development. Subcommittees will be doing some of the work to help facilitate the process. Councilmember Frankel added there will be community surveys, ambassadors, and outreach groups involved as well.

Acting Mayor Reynolds thanked everyone for their service during 2019.

There being no further business, it was moved by Councilmember Sogg, seconded by Councilmember Turner, 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, Clerk

Approved:



Mary Reynolds, President Pro Tem