

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 14, 2013

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 14, 2013 at 6:30 p.m. in the Village Hall.

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

Mayor Riley presided.

Councilmember Schneider stated that there was a Special Council meeting of Council held on Saturday, May 11, 2013 to conduct interviews of four (4) great candidates to fill the vacant Council seat. All members were in agreement to appoint Larry Frankel as the new Councilmember.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that Larry Frankel be appointed as Councilmember.

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

Mayor Riley announced Police Chief Szeredy's retirement and read a proclamation regarding the same.

It was moved by Councilmember Sogg, seconded by Councilmember Barnes, to appoint Ron Whitmer as Chief of Police.

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

Mayor Riley conducted the swearing in of Ron Whitmer as the new Chief of Police.

Mayor Riley indicated that although he had thought the June 11, 2013 Council meeting may need to be rescheduled, he confirmed it remains scheduled for June 11, 2013. Mayor Riley announced that the July Council meeting, however, would be moved from Tuesday, July 9, 2013 to Tuesday, July 16, 2013.

The minutes of the April 9, 2013 Council meeting were presented by the Clerk. Councilmember Welsh requested that two modifications be made. Councilmember Welsh wanted it noted that at the April 9, 2013 Council meeting, he had suggested that a special election be held regarding moving the dispatch center out of Gates Mills. His second requested change was to modify the language: "in the past, a location, known to flood, was being

considered to house the dispatch center” to “in the past, a location, like a basement, is known to flood.” It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the minutes, as amended, be approved.

Roll call: Ayes: ~~Barnes~~, Reynolds, Schneider, Sogg, Welsh. (corrected at June meeting)
 Nays: None.
 Abstain: Barnes, Turner.
 Motion carried.

The minutes of the Special Council meeting of May 2, 2013 were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the minutes be approved.

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

The minutes of the Special Council meeting of May 7, 2013 were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Schneider, that the minutes be approved.

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

The minutes of the Special Council meeting of May 11, 2013 were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the minutes be approved.

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

Pay Ordinance #1153 in the amount of \$439,585.03 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that Pay Ordinance #1153 be approved.

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

The financial statement for the period ending April 30, 2013 was presented by the Clerk. Councilmember Barnes pointed out that there is almost \$5.5 Million in the bank and that the amount of debt continues to decrease. He mentioned that the amount from municipal income tax is currently about \$70,000 below last year. He suggested it was premature to speculate at this time as to why this amount is less. Councilmember Barnes indicated that the operating expenses are slightly higher compared to last year. This higher amount, as explained to him earlier by Finance Administrator Lechman, is due to there being an extra pay period in April this year compared to April 2012. Councilmember Barnes stated the amount to date for inheritance tax is just over \$200,000 versus 90,000 last year.

Mayor Riley reported that First Energy, as part of their “Smart Grid” initiative, wanted to construct a tower (115 feet tall) near the substation in Gates Mills. Mayor Riley said that such placement has been avoided but expressed his concern that the issue may re-present in the future.

Mayor Riley then asked Councilmember Welsh to provide a report on a recent development regarding the cemetery. Councilmember Welsh summarized that a meeting was held earlier that day with the owner of the Glynos property. A possible real estate “swap” was discussed wherein the property owner would receive land from the Village located higher on the hill and, in return, provide to the Village an equal amount of land that would allow for the expansion of the cemetery. Councilmember Welsh described that the proposal was well-received by the property owner and that the proposal is currently being considered by the owner and his realtor. Councilmember Welsh said this proposal would allow for expansion of the cemetery at no cost to the Village and that the initial “swap” idea had been Mayor Riley’s and thanked him for the idea.

Mayor Riley advised that he has been working with Councilmember Schneider and expected to provide a broader report at the next Council meeting of the progress to improve the tennis courts, including possibly expanding the tennis courts into sports courts and Mayor Riley intends to provide a schedule for the improvement process.

Councilmember Sogg provided a report regarding the new park across from Town Hall. Councilmember Sogg stated that installation has begun with trees and shrubs having been preliminarily set in place. Councilmember Sogg advised that on Wednesday, May 15, the landscape architect will finalize placement of the trees and shrubs. The remaining plans include the completion of beds and highlighted that a butterfly garden would be placed in the middle of the park. She also confirmed that benches and an arbor have been ordered. Councilmember Sogg acknowledged Councilmember Reynolds for reaching out to Missy Marshall, the landscape architect, and encouraging her interest in designing the park.

Councilmember Schneider briefly reported developments pertaining to the Village website, including work to make videos available on the website as well as securing the protection and possession of the following domain names: gatesmillsvillage.org and gatesmillsvillage.com.

Retired Chief Szeredy provided a written report and stated that there were 584 calls in the past month. He indicated that thefts continue to be reported at Gilmour Academy in the parking lot as well as the locker room areas.

A written report was previously provided by Service Director Biggert. In his absence, Village Engineer Courtney highlighted that the anticipated resurfacing project to Chagrin River Road next year is to be paid for by ODOT, including replacing all guardrails and end treatments. He added to his report that the Mayfield Road construction project is going well and that a portion of Mayfield Road (west of West Hill) may possibly close around Memorial Day and would be anticipated to last a couple of weeks. He added that any closure would be limited to during the day and it is possible that emergency vehicles may be rerouted to use Gates Mills Boulevard to S.O.M Center Road. He stated that the hospital would be advised at least a week in advance of any planned reroute of emergency vehicles. In response to a question by Councilmember Barnes about the Mayfield Road culvert grant, Village Engineer Courtney informed Council that the grant application was not approved. It was explained that a large number of projects (in excess of \$1 Million) were submitted and due to the higher costs of such projects and money toward the same, less projects were approved. Village Engineer Courtney recommended reapplying for the grant next year. Therefore, the project will not be started this year.

Fire Chief Robinson provided his report and added that the department, participating in a mutual assistance relationship with Chesterland, responded to two (2) structure fires.

Mayor Riley announced that Fire Chief Robinson was retiring from his position with the Mayfield Heights Fire Department after 33 years of service but that he will continue in his position with the Village. Mayor Riley added that a retirement party is planned for Friday, May 17th at the Fox & Hound restaurant for 7:00 p.m.

Mayor Riley further announced that the Improvement Society was hosting a retirement party for Retired Police Chief Szeredy also on Friday, May 17th at the Community House to beginning at 5:00 p.m.

Resolution #2013-06 entitled "A Resolution Authorizing the Purchase of a Service Department Vehicle Through the State of Ohio, Department of Transportation Purchasing Program," was introduced by Councilmember Barnes. Councilmember Barnes indicated the State of Ohio had the winning bid of \$80,000.

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-06 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Ordinance #2013-06 be approved.

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

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that an advertisement be placed for equipment for the new Service Department truck.

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

It was moved by Councilmember Barnes, seconded by Councilmember Sogg, that an advertisement be placed for bids for the 2014 road program.

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

Resolution #2013-07 entitled "A Resolution to Amend and Restate the Existing Salary Reduction Pickup Plan for Village of Gates Mills Employee Contributions to the Police and Fire Pension Fund of Ohio," was introduced by Councilmember Barnes. Finance Administrator Lechman explained that the amount of withholding was going up starting July this year and increasing for two years thereafter. Finance Administrator Lechman stated that the current 10% withholding amount will increase to 10.75% this year. She added that the passing of this Resolution is necessary to allow for the required increase.

It was moved by Councilmember Barnes, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-07 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Ordinance #2013-07 be approved.

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

Ordinance #2013-08 entitled "An Ordinance Authorizing the Mayor to Enter Into a Chagrin Valley Dispatch Council New Member Participation Agreement and Declaring an

Emergency,” was introduced by Councilmember Reynolds. Councilmember Reynolds highlighted the year’s worth of research by the chiefs of the Police and Fire Departments. She extended gratitude to her former co-chair, Doug Bletcher, for his efforts in collection and distribution of data, his suggestions, and his many contributions related to the same. Councilmember Reynolds summarized the motivations of the Safety Committee to endorse the adoption of the Ordinance as follows:

1. To allow the Fire and Police Departments to continue to provide superior protection to the residents of Gates Mills and enhance the same by employing technology and greater man power;
2. The dispatch consolidation significantly reduces the Village’s costs during a time of revenue decline and budget compression. In the first year, by adopting the Ordinance, a savings in excess of \$200,000 is projected; and
- 3 Adopting the Ordinance at this time allows Gates Mills to take a proactive position in regionalization – enabling the Village to choose its partners based on its specific needs its partner(s) vs. being forced into collaboration at a later time.

Councilmember Reynolds further addressed the County’s plan to reduce the Public Safety Answering Points from 45 which exist currently to single digits in the future. That reduction means every community will be forced to conform to a consolidation center. Future state and government funding will be based on such conformity. Councilmember Reynolds noted that public meetings were held on May 2nd and 7th.

It was moved by Councilmember Reynolds, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-08 be placed upon its final passage.

Roll call: Ayes: Barnes, Reynolds, Schneider, Sogg, Turner.
 Nays: Welsh.
 Motion carried.

It was then moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Ordinance #2013-08 be approved.

In advance of a call for vote being made, Mayor Riley suggested that members of Council and/or members of the audience have the opportunity to be heard.

Councilmember Welsh explained his disagreement included the costs associated with moving dispatch services and expressed that the system currently in place was not broken. Councilmember Welsh added that there was no emergency to warrant a change at this time. In response to Councilmember Welsh’s concerns, Councilmember Reynolds indicated that he had not attended the meetings concerning the consolidation of dispatch and that the window of opportunity to join Chagrin Valley Dispatch was this month – highlighting that August 5th was the scheduled date of implementation. Based on the August 5th date, Councilmember Reynolds

stated that the Village did need to move quickly to join the consortium. Councilmember Welsh replied that he had only missed one Regular Council meeting and was not able to attend the two Special Council meetings due to work obligations. Councilmember Welsh further stated that he did not see an advantage to joining Chagrin Valley Dispatch and expressed his concerns with no longer having full control over dispatching services.

Councilmember Schneider indicated that she was glad they held community meetings and felt, to the best of her knowledge that questions presented during those meetings were fully answered. Councilmember Schneider shared her opinion that at the end of the meetings, residents seemed satisfied with the proposed move of dispatch services.

Councilmember Turner shared that when she first became a member of Council the issue of dispatch consolidation first presented as an opportunity to merely be a customer to Lyndhurst and has since developed into the well-advanced current proposal of joining a group as an actual partner. Councilmember Turner expressed her gratitude to the efforts contributed by many and indicated she believes this is a terrific opportunity.

Councilmember Sogg commented that the communities currently with Chagrin Valley Dispatch are universally satisfied and those communities seem comparable to and share the same values and services as Gates Mills.

Mayor Riley asked if anyone in the audience would like to be heard.

Resident MaryAnn Kish stated that she serves on the Safety Committee and, initially was not keen to the idea. However, after consideration all of the facts, she believes this is the best way to go.

Retired Police Chief Szeredy added that lots of hours went into this and expressed his understanding of Councilmember Welsh's concerns. Retired Police Chief Szeredy said with a deeply rooted tradition and the relationships developed with dispatchers, he personally did not like to see the dispatch services leave. However, basing the decision on financial and technology considerations, he supports it.

With there being no further discussions and a Motion pending, a vote was taken to pass Ordinance 2013-08.

Roll call: Ayes: Barnes, Reynolds, Schneider, Sogg, Turner.
 Nays: Welsh.
 Motion carried.

Ordinance #2013-09 entitled "An Ordinance Authorizing and Directing the Clerk of Council to Execute a Corrected Plat of Survey and Partition for the Parcels Known as Permanent Parcel Nos. 843-18-002, 843-18-003, 843-18-004 and 843-18-005 and Declaring an Emergency," was introduced by Councilmember Schneider. Councilmember Schneider summarized that this Ordinance was passed by the Planning & Zoning Committee and this is re-validating a subdivision that originally went through in January 1999. It was approved in 1998

by the Planning & Zoning Committee, but was incorrectly signed on the Plat. This mistake was not discovered until a title search was done this year. Until this correction is made, a title company will not authorize it. No other changes (i.e., boundary lines, etc.) are being made. Law Director Margaret Cannon confirmed that this new legislation lists the actual parcel numbers to correct the Plat and no other changes are being made. She added that parcel 843-18-002 was the original parcel from which the other three parcels were created.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-09 be placed upon its final passage.

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

It was then moved by Councilmember Schneider, seconded by Councilmember Reynolds, that Ordinance #2013-09 be approved.

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

Resolution #2013-10 entitled “A Resolution Declaring It Necessary To Renew An Existing 3 Mill Tax Levy For The Purpose Of Current Expenses Pursuant To Ohio Revised Code Sections 5705.19(A) And 5705.191, And 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, And Declaring An Emergency,” was introduced by Councilmember Barnes.

It was moved by Councilmember Barnes, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-10 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Ordinance #2013-10 be approved.

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

Mayor Riley announced that there will be a public hearing on the estimated 2014 budget which will occur on Tuesday, June 11, 2013 at 6:15 p.m. just before the next regularly scheduled Council meeting.

Business from the audience:

Katherine Malmquist from the Gates Mills Library noted that staff members of the library have been visiting local schools. Ms. Malmquist encouraged summer reading – adding that there are many positive benefits from reading – and encouraged adult participation, family reading and announced that there will be many upcoming events and camps. Ms. Malmquist noted that representatives from the Cleveland Orchestra would be visiting the library to discuss the upcoming Blossom season and also added a discussion is also planned on deer proofing lawns. Details for upcoming events can be found on summer flyers (located at the Library).

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor