

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 11, 2013

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, June 11, 2013 at 6:30 p.m. in the Village Hall following the public hearing on the 2014 budget.

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

In Mayor Riley's absence, President Pro tem Schneider presided.

President Pro tem Schneider conducted the swearing in of Larry Frankel as Councilmember.

It was moved by Councilmember Frankel, seconded by Councilmember Turner, that Gregg Minichello be appointed Executive Lieutenant.

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

President Pro tem Schneider conducted the swearing in of Gregg Minichello as Executive Lieutenant.

It was moved by Councilmember Welsh, seconded by Councilmember Turner, that Kevin Swiney be appointed as Volunteer Fireman.

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

President Pro tem Schneider conducted the swearing in of Kevin Swiney as Volunteer Fireman.

President Pro tem Schneider announced that the July Council meeting is scheduled for Tuesday, July 16th (one week later than the original meeting date).

The minutes of the May 14, 2013 Council meeting were presented by the Clerk. Councilmember Turner noted that Councilmember Barnes' name was erroneously listed twice in the Roll call on page 2 and that his name should only be listed as an "abstain." It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that the minutes, as amended, be approved.

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

Pay Ordinance #1154 in the amount of \$264,611.45 was presented by the Clerk.

It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that Pay Ordinance #1154 be approved.

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

The financial statement for the period ending May 31, 2013 was presented by the Clerk. Councilmember Barnes reviewed certain Year-to-date (YTD) results, highlighting as follows:

- Revenue YTD is \$200,000 below last year. Councilmember Barnes explained the difference was attributed to lower real estate and income tax revenues. Finance Administrator Lechman informed Council that a rollback check for real estate taxes was expected soon and that the amount of that check should be significant.
- The Police Department's YTD figure was approximately \$37,000 higher than last year. A portion of the increase is due to retirement accruals for the Chief.
- Both the Fire Department and Service Department YTD figures were below last year's figures. It was noted that the decrease for the Fire Department was attributed to the renegotiation of the EMS contract.
- Inheritance tax YTD is \$60,000 higher compared to the prior year.
- Cash YTD represents an approximately increase of \$600,000.
- Unfunded Debt YTD is \$100,000 below last year's figure.

Councilmember Barnes further reported that to date only \$150,000 of the approved \$1.4 Million budget for major services projects has been spent. He noted, however, that the annual road program would be taking place in the near future.

President Pro tem Schneider began the Mayor's report by extending appreciation to Councilmembers Reynolds and Sogg for their efforts for the new park and commented on the hard work by the Service Department for their overall work in the Village. President Pro tem Schneider relayed a message from Mayor Riley that a bid package is anticipated in connection with the tennis courts. President Pro tem Schneider concluded the Mayor's report by noting that she and Police Chief Whitmer are continuing to address website issues.

The Clerk had nothing to report.

Councilmember Sogg, on behalf of the Beautification Committee, extended gratitude for the efforts of the Service Department for their extensive assistance with the new park.

Councilmember Turner stated the Oil and Gas Well Committee had nothing to report.

On behalf of the Mayfield School Liaison Committee, Councilmember Turner announced that Jim Stafford is no longer planning to run for the Mayfield School District Board of Education and expressed doubt that a replacement candidate would be found prior to the start of the upcoming school year. President Pro tem Schneider suggested Councilmember Turner reach out to Michelle at Gates Mills Elementary School for possible candidate suggestions.

Councilmember Welsh indicated that the Cemetery Committee has not yet received a response from Nick Glynos on the recent proposal in connection with the expansion efforts of the cemetery.

Councilmember Reynolds announced that the Mayfield Heights library would be opening on Friday, June 14th. Additionally, Councilmember Reynolds encouraged attendance at the upcoming band concert being held on Sunday, July 21st.

Police Chief Whitmer provided a written report and added that the closure of the jail facility went smoothly and that space has already begun to be utilized. Chief Whitmer acknowledged the efforts of Executive Lieutenant Minichello and Patrolman Pollutro for getting that project completed nearly 30 days ahead of schedule.

Police Chief Whitmer stated the timeline for the transition to the Chagrin Valley Dispatch was on schedule and confirmed that Highland Hills recently signed a letter of intent to join Chagrin Valley Dispatch after the first of the year. Councilmember Frankel questioned if there would be further notification provided to the residents regarding the transition. Chief Whitmer explained that his next article appearing in *The Pink Sheet* would provide information regarding emergency numbers and services being provided. Additionally, for the alarm monitoring, he indicated a full mailing package would be sent to the residents. Councilmember Welsh inquired about the implementation dates to which Chief Whitmer answered the alarm monitoring would be effective August 1st, followed by dispatch on August 5th.

A written report was provided by Service Director Biggert. In response to Councilmember Barnes' inquiry regarding the Mayfield Road project, Service Director Biggert stated the project was on schedule with the grinding being completed and the intermediate course being started by the end of the week or beginning of the next week, followed by concrete curb installation, the final course and striping. Completion should be sometime at the beginning of August.

Councilmember Sogg introduced the topic of having a formal opening of the new garden, possibly naming the new garden and/or having a dedication for the same. In response, Councilmember Welsh expressed his sensitivity for the members of the PAR Garden. Councilmember Sogg shared her opinion that the PAR Garden is a great new area and believed that the move of the PAR Garden worked out well. The suggestion was raised to possibly pair any dedication and/or naming ceremony with the upcoming band concert. Councilmember Sogg, based on the positive conclusion of Council, stated she would speak with Mayor Riley regarding ideas/dates to introduce the garden formally to the Village residents.

Fire Chief Robinson provided his report. He stated that he and President Pro tem Schneider recently met with a group that has been working for approximately one year regarding the Opticon project. General information was distributed to Council. Fire Chief Robinson explained that the Opticon system allows emergency vehicles to receive green lights at intersections. The main benefit of the Opticon system is speeding up response times. Additionally, he stated the Opticon system helps to create a safer environment for the motoring public as well as for police and fire vehicles.

As previous attempts to obtain grant money for the Opticon project have not been successful, the group, partnering with other communities, is now focusing on seeking private funding. Both Councilmember and Reynolds inquired as to the cost to Gates Mills. President Pro tem Schneider indicated that percentages would be allocated noting Chesterland would have the largest portion followed by Gates Mills. The estimated total cost for all communities is approximately \$250,000 with Gates Mills having a 20% commitment. The percentage allocation was based on number of intersections and vehicles. President Pro tem Schneider indicated the first step in the fundraising efforts would be to reach out to the hospitals that would directly benefit from the Opticon system.

Councilmember Welsh stated that there are only three (3) traffic lights in Gates Mills and questioned if Gates Mills is allowed to modify the traffic lights as they are owned by the State. It was explained that there would be four (4) lights included in the project including the light at the Cedar/S.O.M. Roads intersection. Service Director Biggert explained that the traffic lights within the Village are the Village's responsibility. Councilmember Welsh asked if the equipment in all of the Gates Mills vehicles would have to be changed. Chief Robinson responded that an emitter would have to be added at \$1,000 per emitter plus the cost of installation. Chief Robinson and President Pro tem Schneider confirmed all of the relevant financial information has been gathered and is available. Chief Robinson included that the group has been working on exploring funding options, including donations.

Councilmember Barnes stated there was a Public Hearing on the 2014 Budget before the Council Meeting.

Resolution #2013-11 entitled "A Resolution Accepting The Alternative 2014 Village Tax Budget" was introduced by Councilmember Barnes. He recommended to Council that the budget be submitted to the County.

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 #2013-11 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Ordinance #2013-11 be approved.

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

Ordinance #2013-12 entitled “An Ordinance Amending the Compensation Ordinance” was introduced by Councilmember Barnes. Councilmember Barnes explained that the Wage Committee met to review the new position created as a result of the dispatch outsourcing. Materials were distributed to show the highlighted changes between the current and new Ordinance. The material included an updated job description as well as title information for the new position: Police and Town Hall Coordinator. He further explained the salary range would be between \$17 and \$20 per hour. The salary range was determined based on data received from similar communities. Councilmember Barnes explained there would be one (1) full-time, (1) part-time person as well as two (2) fill-ins for sick time, vacation time, etc. It was added that the Police and Town Hall Coordinator would not work on holidays. In further presenting the Ordinance, Councilmember Barnes explained that the positions of Chief Dispatcher, Dispatcher A/B and probationary were terminated as they were no longer necessary. Minor changes to update the information were also made based on Finance Administrator Lechman’s suggestions. Councilmember Barnes highlighted that on page 2, a change in incentive pay was made from \$6,200 to \$5,000. Finally, Councilmember Barnes stated that paragraph 13 was being replaced with a new paragraph 13. The new paragraph added language related to healthcare. Such language states that any employee with the Village for more than five (5) months who works at least 25 hours per week qualifies for healthcare with that employee contributing 6% of the premium amount. Councilmember Frankel questioned how incentive pay was determined. Finance Administrator Lechman stated that determination is made by the Department Heads. Police Chief Whitmer added that the Police Department conducted yearly evaluations and that incentive pay is based, partly, on supervisor recommendations as well as an established point system used by the police department. Councilmember Frankel inquired if there was documentation stating how overtime is determined. Finance Administrator Lechman replied that the materials distributed today only highlighted changes to the Pay Ordinance and that no changes have been made regarding overtime. She offered to provide Councilmember Frankel with that information.

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 #2013-12 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Reynolds, that Ordinance #2013-12 be approved.

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

Councilmember Barnes asked Service Director Biggert to explain the Chartley Road force main issue. Service Director Biggert said Council that approximately two (2) years ago the pump station on Chartley Road was replaced. The existing force main, however, was not replaced. It is believed that force main has been in place for 30 years. In reviewing the ongoing flooding issues on Chartley Road, the force main seems to allow the plant to operate at only 30% normal capacity. The example was given that the pipe which is 6" has been reduced to 3" to 4" due to corrosion. Four years ago the engineering and specs were completed. He added that grants to replace the force main have not been successful. The County has seemed to agree to a small commitment to aid in its replacement. Service Director Biggert plans to renegotiate with the County in hopes to receive a larger commitment. Councilmember Barnes said that the planned repair of the Mayfield Road culvert which was expected to be \$400,000 was not going forward given the failure to receive a grant this year and hoping to get funding next year. As that project is not moving forward, focus was then directed to the replacement of the force main due to the persistent problems on Chartley Road, including residents having water and sewage back up in their homes. County Engineer Courtney believes that the replacement of the force main will allow more efficient operation of the pump station and allow for higher volumes of water to be pumped out. President Pro tem Schneider added that due to how hard it has to work, there is serious concern that pumps will burn out. It was moved by Councilmember Barnes, seconded by Councilmember Sogg, that an advertisement be placed for bids for the replacement of the force main on Chartley.

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

Resolution #2013-13 entitled "A Resolution Submitting the Question of the Renewal of a 3 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 by Councilmember Barnes. Councilmember Barnes stated this renewal levy would generate over \$400,000 for the Village.

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 #2013-13 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Ordinance #2013-13 be approved

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

Councilmember Reynolds requested that the Resolution regarding alarm monitoring be tabled due to the fact that a formal, finalized contract was not available for Council's review. A draft of the agreement between American Security and Audio System (the current alarm monitoring company for the Village) and the Village was distributed. Councilmember Reynolds indicated that recommended changes were recently provided to the alarm company and a completed contract was expected in the near future. Councilmember Reynolds suggested that a special meeting of Council be held when a finalized contract is available for their review and vote. Given that the Police Chief plans to include relevant information in *The Pink Sheet* and the deadline for submission to the *Pink Sheet* is June 22nd, she indicated that such meeting would need to be held prior to that date. Additionally, Councilmember Reynolds explained that once a contract was entered, there needs to be adequate time to distribute information to the residents, including an acknowledgement that needs to be signed by the subscriber and returned to the alarm company prior to August 1st.

Councilmember Sogg asked if the contract could be approved subject to the changes.

Law Director Cannon summarized that there are no fundamental issues to be changed and the cost would be \$8 per household. She identified some of the items within the current draft of the proposed contract to which the Village disagrees as:

- Indemnification requested by the alarm company (a public body cannot indemnify anyone for an unknown amount);
- Acknowledgements made by the Village on behalf of the subscriber;
- Release the company of responsibility for their own negligence; and
- Authority to allow the alarm company to cause arrests on village or private property.

Councilmember Turner said something could go wrong in the negotiation, so she would rather work out the contract with Council. Councilmember Frankel asked what would happen if the contract negotiation didn't work. Law Director Cannon said she would get back to Council very quickly. Councilmember Barnes asked if this is the same company used by Hunting Valley. Chief Whitmer said it was not, but Gates Mills has a relationship with the company. He is confident the changes will be accepted. Councilmembers Reynolds, Sogg, and Schneider said they could go either way. Councilmember Turner expressed her concern about the outcome of the negotiations. Councilmember Frankel said that he is uncomfortable to agree to a contract pending changes on behalf of the Village without the opportunity to review the finalized contract.

Councilmember Welsh agreed with Councilmember Frankel's position and added his concern regarding whether the alarm company would not ultimately agree to the contract. President Pro tem Schneider indicated that a special meeting should be held before the *Pink Sheet* deadline. A special meeting to review and vote on the contract was scheduled for June 17, 2013 at 7:15 a.m.

Business from the audience:

Bonnie Frankel offered her congratulations to her husband, Larry Frankel, on his appointment to Council.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor