

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
July 16, 2013

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, July 16, 2013 at 6:30 p.m. in the Village Hall.

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

Councilmember absent: Welsh.

It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that Councilmembers Welsh be excused from the meeting.

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

Mayor Riley presided.

It was moved by Councilmember Schneider, seconded by Councilmember Frankel, that Loretta Schmitt be appointed to the Safety Committee.

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

The minutes of the June 11, 2013 Council meeting were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Turner, that the minutes be approved.

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

The minutes of the June 17, 2013 Special Meeting of Council were presented by the Clerk. Councilmember Frankel noted that on page 2, paragraph 3 the word "contact" should be replaced with "contract." It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the minutes, as amended, be approved.

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

Pay Ordinance #1155 in the amount of \$543,856.87 was presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Barnes, that Pay Ordinance #1155 be approved.

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

The financial statement for the period ending June 30, 2013 was presented by the Clerk. Councilmember Barnes reviewed certain YTD results, highlighting as follows:

- Operating Revenue YTD is \$2.6 Million compared to \$2.656 Million the year previous. The negative variance is due to municipal income tax.
- Operating Expenses are approximately \$100,000 below last year primarily due to the renegotiation of the EMS contract. Councilmember Barnes noted that all of the departments are continuing to do a good job at keeping expenses under control.
- The Operating Surplus YTD is \$559,000 vs. last year's figure of \$496,000.
- Inheritance taxes are \$60,000 above last year.
- \$5.5 Million in Cash and Investments.
- Debt continues to come down due to regular amortization.

Mayor Riley presented his report wherein he announced that two more communities, Mayfield Village and Highland Hills, have approached Chagrin Valley Dispatch ("CVD") about joining. Mayor Riley opined that it would be likely that additional communities would also join CVD which would result in further savings to the Village.

The Clerk had nothing to report.

Councilmember Schneider announced that the transfer of e-mails to a new host was successfully completed and that a meeting has been scheduled to address website design.

Councilmember Reynolds provided a reminder that the band concert is scheduled for Sunday, July 21<sup>st</sup> from 5:30 p.m. to 8:00 p.m. rain or shine.

Councilmember Turner stated that the Mayfield School Liaison Committee would be meeting on July 25<sup>th</sup> with the Superintendent and Treasurer. She added that Ms. Dvorak and Mr. Mangeluzzi have interest in joining the committee.

Councilmember Turner announced that six (6) Village residents would be participating in the upcoming Senior Games being held in Cleveland and that she has requested details be included in the upcoming *Pink Sheet*.

On behalf of the Beautification Committee, Councilmember Sogg stated that the entryway landscaping located at the intersection of S.O.M. Center & Cedar Roads has been completed by the Service Department. She would like feedback.

Chief Whitmer provided a written report and indicated that the dispatch consolidation is on schedule. In response to an inquiry regarding the theft incident in June, Chief Whitmer explained that such report of theft was for steel beams from a construction site and that the complaint was subsequently withdrawn.

A written report was provided by Service Director Biggert. Service Director Biggert stated the Mayfield Road project is to be completed in August. Although the project experienced some weather-related delays, Service Director Biggert indicated crews are catching up. In response to Councilmember Frankel's inquiry, Service Director Biggert provided an explanation of how recycling figures are determined. A brief discussion among Council in connection with a recent recycling report by the County ensued. Councilmember Reynolds suggested that such figures in the County's report were askew. Councilmember Sogg provided the example that the Village does not collect leaves where other communities that do include such numbers in their recycling figures.

Fire Chief Robinson delivered his written report. Upon request, he provided an overview of the residential fire that occurred on Chartley Road in the Village on Saturday. He explained that pursuant to the normal response plans in place, the Village received mutual aid from Mayfield Village, Mayfield Heights, Pepper Pike, Willoughby Hills and Lyndhurst. Fire Chief Robinson stated that the homeowner was not injured nor was criminal intent or arson suspected. He added that the fire began around 10:30 p.m. near the water heater located in the basement of the home. The investigation process revealed that the 2005 water heater was most recently serviced in 2011 and the exact cause of the fire may not be able to be determined although a pipe which fed natural gas to the water heater was found to be missing from where it should have been. Fire Chief Robinson highlighted that residential fires originating in a basement area are the worst kind of residential fires to fight and acknowledged the positive effort of the fire departments involved.

Resolution #2013-15 entitled "A Resolution Awarding Section I and IA of the 2013 Repair and Resurfacing Program to Carron Asphalt Paving, Inc. and Declaring an Emergency" and Resolution #2013-16 entitled "A Resolution Awarding Sections III and IV of the 2013 Repair and Resurfacing Program to Specialized Construction and Declaring an Emergency" were introduced by Councilmember Barnes. He explained that the Resolutions relate to the annual road program. Bids were received at the end of June and he provided to Council an exhibit breaking down the bid information received from Carron and Specialized.

Councilmember Barnes explained that Carron provided the lowest bid in connection with the traditional road repair. That bid was \$223,000. The budget previously approved was for \$225,000, however, that amount did not include repairs to Carpenter Road. The majority of the work falling under this Resolution, includes repairing the parking areas along Chagrin River Road and addressing handicap ramps. Repairs are also planned for Stoneham and Foxboro Roads.

Councilmember Barnes explained that Resolution #2013-16 is specifically for repairs to Carpenter Road. The lowest bidder for that project was Specialized. The work for the Carpenter Road project is not to exceed \$75,000.

Councilmember Frankel questioned the price difference between Carron and Specialized. Service Director Biggert said Carron is being aggressive. Maybe they need work or maybe they want to get work in Gates Mills. There is no difference in the material each will use since it is defined in the specs. Councilmember Turner asked if Carron had been researched by using the Better Business Bureau and other references. Service Director Biggert said they are significantly large company and he is not aware of any negative issues.

Resolution #2013-16 entitled “A Resolution Awarding Sections III and IV of the 2013 Repair and Resurfacing Program to Specialized Construction and Declaring an Emergency” was introduced by Councilmember Barnes. (*Suspension and emergency caused by 30 day limit on the price that was bid.*)

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 Resolution #2013-16 be placed upon its final passage.

Prior to a roll call taking place, Councilmember Turner addressed her concerns with regard to the process of declaring an Emergency. She questioned how these Resolutions qualified as emergencies. It was clarified that the bids associated with the foregoing Resolutions were only good for 30 days. Councilmember Turner added that out of the last 22 Resolutions, 11 have been passed by Emergency. During discussion among Council it was noted that certain Resolutions passed by emergency were because of time restrictions, deadlines and other contract terms. Councilmember Schneider responded that councils that meet more than once a month may be more likely to not use emergency measures. Mayor Riley added that in the instance of Chagrin Valley Dispatch, there were multiple readings. It was also mentioned that special meetings could also be used in lieu of declaring an emergency. Councilmember Reynolds suggested noting in the Minutes the reason for using an emergency measure. Councilmember Barnes commented that Councilmember Turner’s question was a good one but added that there has been improvement compared to five or six years ago when so much was passed by emergency measure. Councilmember Frankel asked if there were guidelines. Law Director Cannon stated that municipalities are the only public body required to have three readings. She explained that the suspension of three readings and the emergency clause are two separate rules. Per Law Director Cannon the three readings is how many times Council has to consider the legislation before it can adopt it and the emergency clause is when it is to take effect after it is adopted.

With a motion to suspend pending, the Clerk called the roll.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Sogg, that Ordinance #2013-16 be approved.

Resolution #2013-15 entitled “A Resolution Awarding Section I and IA of the 2013 Repair and Resurfacing Program to Carron Asphalt Paving, Inc. and Declaring an Emergency”

was introduced by Councilmember Barnes. (*Suspension and emergency caused by 30 day limit on the price that was bid.*)

It was moved by Councilmember Barnes, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2013-15 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Schneider, that Resolution #2013-15 be approved.

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

Business from the audience:

Resident Mary Ann Kish indicated that she had matters to discuss beginning with her dissatisfaction with regard to American Security. Specifically, Ms. Kish explained that at certain times and on the weekends, another company, Quick Response, would take over monitoring services. She complained that communications by the Village as well as the letter by American Security that provided the contract made no mention of Quick Response's involvement. In addition to that complaint, Ms. Kish added that she was upset that American Security would charge \$75 for any service calls. She further shared her concerns with regard to response times as Quick Response monitors a large volume of security systems. In response to Ms. Kish's concerns, Chief Whitmer advised that he has been to Quick Response's location and was very impressed with their state-of-the-art systems. He added they are local to the area and provide outstanding service. In addition, Chief Whitmer explained that the standard response time is 90 seconds and Quick Response averages 30-45 seconds on their response times. Finally, Chief Whitmer shared that American Security has assisted Gates Mills in the past and he has had very good experience working with the company.

Ms. Kish continued by stating her crowd concern at the recent July 4<sup>th</sup> parade. She explained that the streets became narrowed with the crowd as parade attendees went for the candy that was distributed from the parade participants and expressed her worry that older vehicles that require more time to stop presents potential liability and injury possibilities. She suggested the police work to keep people behind the white line. Councilmember Reynolds mentioned that in advance of next year's parade, thought be given to which participants in the parade would distribute candy specifically suggesting that candy not be distributed from those in older vehicles.

Ms. Kish concluded with her inquiry as to whether the Engle house used a logging company for tree removal. Service Director Biggert responded that a tree company – not logging

company – was used and the trees were removed for disease, because they were dead and/or for a proposed addition.

Councilmember Reynolds suggested that those riding in antique cars in the July 4 parade not throw candy. Or, at least thought be given to who throws candy and who does not.

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.  
                  Nays: None.  
                  Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor