

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 11, 2012

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, September 11, 2012 at 6:30 P.M. in the Village Hall.

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

Councilmembers absent: None.

Mayor Riley presided.

The minutes of the meeting of August 14, 2012 were presented by the Clerk. It was moved by Councilmember Bletcher, seconded by Councilmember Welsh, that the minutes be approved.

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

Pay Ordinance #1145 in the amount of \$296,962.73 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Bletcher, that Pay Ordinance #1145 be approved.

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

The financial statement for the period ending August 31, 2012 was presented by the Clerk. Councilmember Barnes said that except for Inheritance Tax revenue, revenues and expenses are about flat with last year. Councilmember Sogg said she noticed that the budgeted expense for the Road Program under Capital Improvement was only half spent. She asked if the program would be finished this year. Service Director Biggert said it would.

Mayor Riley reported that the Mayfield Road project was originally a one-year project but has become a two-year project with added improvements. The discussions are continuing with Mayfield Village about EMS. He is confident that there will be a substantial savings in EMS expense next year.

Robert Reitman said the Gates Mills Improvement Society will sponsor a night at the Community Building on October 10, 2012 from 7:30 p.m. until 10:00 p.m. with County Executive Fitzgerald and County Council Schron. Mike McIntyre who moderated the Candidates' night will moderate that night. All the residents of Hunting Valley have been invited as well as all Gates Mills residents. There will be a chance for asking questions about the planned nature of the real estate tax process.

Mayor Riley reported that we have received a number of responses to the Request for Proposals for dispatch services. They will be summarized and shared with the Safety Committee.

The State legislature is considering steps to provide for uniformity for city income tax collection in the state. The first step will be creating a uniform set of definitions. The second step will be uniform forms. Ultimately there will be a central collection in Columbus. There will be implications for the Village.

The Clerk had no report for August.

Councilmember Bletcher reported that the Safety Committee will meet Monday, September 17 at 8:00 a.m.

Councilmember Turner reported that the Mayfield School System Liaison Committee met with Tammy Bender, the new principal. There will be a couple articles in the Pink Sheet about her. There have been a lot of articles in the newspaper lately about Broadview Heights passing an Ordinance against gas drilling. They are challenging the state's ability to protect health and safety.

Councilmember Sogg reported on the Legal Committee meeting. They are working on a request for proposals to find a replacement for Chuck Riehl who is retiring.

Councilmember Schneider reported on the Planning & Zoning Committee. They dealt with a fence issue. They, also, had a presentation by Joe Gorman and Tony Paskevich of a preliminary plan for a development. It was just for a discussion. People in the audience as well as the committee had comments. No action was required. She has no idea where Joe Gorman wants it to go with this plan.

Police Chief Szeredy presented a written report for the Police Department for the preceding period. There was one theft which was resolved. Councilmember Welsh said there was a bear sighting.

Service Director Biggert submitted a written report for his department for the preceding period. He said the new truck has arrived.

Fire Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Barnes asked if the month was busier than usual. Fire Chief Robinson said it was a little busier.

Ordinance #2012-28 entitled "An Ordinance Amending Ordinance No. 2765, Adopted By This Council On October 8, 1996, Amending The Investment Policy Of The Village To Authorize Participation In The Star Plus Cash Management Program Endorsed By The Ohio Treasurer Of State," was introduced by Councilmember Barnes and read by the Clerk. He explained that we would like to expand our investment options on a guaranteed basis. The investments with Star Plus will be placed into several banks with no more than \$250,000 deposited in any bank. The maximum FDIC limit is \$250,000. Therefore the money would have the full faith and backing of the FDIC. The reason for our interest in this investment is that currently it is paying 25 basis points and our investment in Star Ohio is paying 10 basis points. It was moved by Councilmember Barnes, seconded by Councilmember Reynolds, the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-28 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Ordinance #2012-28 be approved. Councilmember Bletcher asked if we are currently getting .10%, a tenth of a percent, and this would pay us .25%, a quarter of a percent. He was told that was correct.

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

Resolution #2012-29 entitled “A Resolution Authorizing The Village Treasurer To Enter Into An Administrative Agreement With Meeder Asset Management, Inc. Dab Public Funds Administrators To Participate In The Star Plus Cash Management Program,” was introduced by Councilmember Barnes and read by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-29 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2012-29 be approved.

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

Resolution #2012-30 entitled “A Resolution To Adopt The Solid Waste Management Plan For The Cuyahoga County Solid Waste Management District,” was introduced by Councilmember Schneider and read by the Clerk. Councilmember Schneider explained the resolution brings the Village’s plan up to date with Cuyahoga County’s current plan, which has been updated. It was moved by Councilmember Schneider seconded by Councilmember Turner, the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-30 be placed upon its final passage.

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

It was then moved by Councilmember Schneider, seconded by Councilmember Sogg, that Resolution #2012-30 be approved.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.

Nays: None.
Motion carried.

Resolution #2012-31 entitled "A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Fiscal Officer," was introduced by Councilmember Barnes and read by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Bletcher, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-31 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Schneider, that Resolution #2012-31 be approved. Councilmember Bletcher asked if as a result of this resolution the amount of property tax proceeds the Village receives will stay the same as before. Finance Administrator Lechman said except for the Land Conservation levy the amount received from the outside millage will be the same, but the amount received from the inside millage will change. Councilmember Bletcher asked if it went up or down. Finance Administrator said it went up a little. Councilmember Bletcher asked if anyone checked the rates for accuracy. Finance Administrator Lechman said she did.

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

Resolution #2012-32 entitled "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 Barnes and read by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-32 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2012-32 be approved.

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

Resolution #2012-33 entitled "A Resolution Accepting The Bid Of Morton Salt, Inc. For Purchase Of Road Salt For The 2012-2013 Winter Season," was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes said Morton Salt, Inc.'s bid was significantly lower than the other two bids. Councilmember Schneider asked who got the bid last

year. Service Director Biggert said Cargill. Councilmember Bletcher asked if there is any theory why Morton Salt's bid declined so much from last year. Service Director Biggert said maybe there was a surplus of salt. Councilmember Schneider asked if it could be a misprint. Councilmember Reynolds pointed out the bid was signed. It was moved by Councilmember Barnes, seconded by Councilmember Reynolds, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-33 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Resolution #2012-33 be approved.

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

Resolution #2012-34 entitled "A Resolution Extending The Contract With Rumpke Of Northern Ohio, Inc. For The Year 2013," was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes said the increase over last year is about 4%. Rumpke was asked about the rate charged to those who have pick up every other week. About 5% of the residents have pickup every other week. Rumpke has trucks in the Village 5 days a week. They see no reason to reduce the rate they are charging. It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-34 be placed upon its final passage.

Councilmember Bletcher said he thought it would be in the interest of the Village to start now to enter into a discussion with any possible hauler to talk about what our standards have been, what our specifications have been, and to see if multiple haulers can live with those specifications. If not, if by amending the specifications, we can increase the pool of haulers who might bid. A few years ago there was one hauler who did not bid because there was something about our truck specification that was peculiar. If word gets out that we continually stay with one hauler, and there is suspicion that there is something in the specs that favors that hauler, then other haulers won't bid, which is to our detriment. Service Director Biggert explained that the specs called for use of pickup trucks. One potential bidder called and asked if he could use a medium sized packer. Service Director Biggert said he told the hauler that he didn't think they could get down driveways. Councilmember Welsh stated that the larger trucks could crack driveways. Service Director Biggert said next year we have the option to extend one more year. It wouldn't hurt to start looking at other ways to collect. Councilmember Bletcher said he is suggesting we not wait until the last minute and send out the same specifications. He said years ago we had detailed specs for a type of truck. It would be good to enter in discussions with multiple haulers to see what specs would satisfy the Village's needs and the hauler's needs.

Councilmember Turner said she was at a Council of Councils meeting and representatives from Richmond Heights and Highland Heights commented on how much less their costs were now; how much their prices have come down. Mayor Riley asked if they outsource the collection. Councilmember Turner said they did. Service Director said he assumed they did not go down

driveways. Councilmember Turner agreed and added that distances between driveways were different also. Councilmember Schneider agreed with Councilmember Bletcher to go out for bids ahead of time. She suggested maybe the weight of the truck should be specified rather than the type. Or maybe the height of the truck should be specified to avoid tree damage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2012-34 be approved.

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

Resolution #2012-35 entitled A Resolution Authorizing The Mayor And The Clerk To Enter Into An Amendment Of The Agreement For The Mayfield Road Reconstruction Project To Authorize The Repair And Replacement Of A Stormwater Pipe On An Emergency Basis,” was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes said that in July the Mayfield Road project began. In the last couple weeks we learned that the pipes going across perpendicular to the road connecting to the drainage apparatus were in disrepair. A lot of them have already failed. The process of cleaning them also destroyed some pipes. Village Engineer Courtney, Service Director Biggert, the ODOT engineers, and the contractor’s engineers together decided the pipes needed to be replaced while the resurfacing of the road was underway. ODOT has no financial responsibility for any drainage work associated with road repairs. Service Director Biggert and Village Engineer Courtney talked to ODOT asking them to share the cost. They agreed to paying half of the cost if the Village paid for the other half plus the engineer fees. ODOT will not accept the old drawings. ODOT’s estimate for the construction will be about \$450,000 plus engineering. The eastbound side of Mayfield would be completed by mid-November. In April of 2013 construction on the westbound side would begin. The Village is agreeing to pay one-half of the construction cost plus engineering this year and the other half of the construction cost next year. Even though this additional work is not budgeted it makes since to do the work while the road is under construction rather than dig it up later to install new pipes.

Councilmember Bletcher asked if these were cross-over pipes. Village Engineer Courtney said these pipes are under the pavement and perpendicular to the road. They run between a manhole and catch basin or between a catch basin and a catch basin. Councilmember Bletcher confirmed the pipes running parallel to the road are not being replaced. Engineer Courtney said the pipes at the intersections will be investigated and possibly replaced. Councilmember Schneider asked when the current pipes were installed. Councilmember Welsh asked if there will be any more surprises. Village Engineer said he does not anticipate any. Councilmember Schneider said as a taxpayer it upsets her when a road is repaired then later torn up to do more work on it. She feels this is a waste of money. Councilmember Turner asked if a lot of the road that is already paved will have to be torn up. Engineer Courtney said all they are going to do is saw cut a 6’ by 25’ area of the intermediate layer of asphalt.

Mayor Riley said some people ask why after the project has been under way for two months this problem is just now discovered. It is because the project is being done in sections. Councilmember Bletcher asked what kind of pipe is currently in place. Engineer Courtney said the pipes are corrugated metal pipe with asphalt coating on the inside. Councilmember Bletcher said they have lasted between 50 and 60 years. He asked what is going to be installed now. Engineer Courtney said STR26 PCV pipe. Councilmember Bletcher asked about the nature of the deterioration of the pipes. Engineer Courtney said it is metal pipe that has been in the ground for 50 years and has corroded. Councilmember Bletcher asked if the replacement pipes are subject to any type of wear. How long has this material been used. Engineer Courtney said as long as it is installed properly the pipes should last 100 years.

Councilmember Bletcher said the installation is about \$450,000 of which the Village pays half. Then the Village pays the Engineering cost of approximately \$30,000. Mayor Riley said our cost should be about \$255,000 but in the Resolution we added a cushion. Councilmember Bletcher asked if the new pipes were going into the same location as the old pipes. Service Director Biggert said they were since that is where the catch basins are located. Councilmember Bletcher asked if we had old drawings from when the pipes were installed. Service Director Biggert said we did not. Councilmember Bletcher asked if there were any existing drawings that could be a starting point for the engineer. Engineer Courtney said the engineering work was not putting a line on a piece of paper but laying the drainage area, and doing storm water and drainage calculations, to make sure the size of the pipes are correct. ODOT wants to make sure they are spending money on the properly sized pipe. The drawing must be by ODOT standards and federal standards since there is federal money on the job. Councilmember Welsh said getting \$250,000 for the project was nice.

Councilmember Bletcher asked what other sources of funding were investigated. Engineer Courtney said Issue 1 is not going to give money for pipe replacement project on a state route project. You can't build a project then ask for money. He and Service Director Biggert tried for more than 50% from ODOT but didn't get it. Councilmember Bletcher said a state route goes through our village and we get minimal benefit from the State route being there. If there were a survey as to who drove on the road he guesses there would be about 95% from other communities going someplace else. The State has ended the Ohio Inheritance Tax, the income from which we used for capital projects like this. We have a state road for which the state has taken away its source of funding and Issue 1 won't fund it because it is a state road. Engineer Courtney said it is not the kind of project that can be funded through Ohio Public Works Commission plus there is a timing issue. Mayor Riley said the timing issue is a relevant problem. We could make an argument for Issue 1, but we would be gambling since ODOT will continue with the road construction without repairing the pipes. Their offer of \$250,000 exists only if the project is done now. Engineer Courtney added you cannot get a grant after construction has started.

Councilmember Bletcher suggested we approve half the project now and apply for Issue 1 or other funding before we formally approve the other half. Mayor Riley said that the state is looking for approval and commitment of the whole project. He doesn't think there is anything prohibiting us from asking for funding for next year. Engineer Courtney said Issue 1 applications are due next month and he will complete one for the Village. Service Director Biggert expressed his concern that the Village is asking for funding for the \$400,000 Mayfield culvert project. Councilmember Bletcher said everyone is concerned about all the money the Federal government is spending. He sees new roads in Geauga County. He sees signs that it is Federal money. Why

can we sit here and say there is no money available and on television tonight people will complain how much Federal money is being spent. Engineer Courtney said the Geauga County projects are being funded by the Geauga County engineer. He applied for money when it first became available. Eighty-eight projects were awarded money. Cuyahoga County had 3 projects funded: the inner belt bridge, opportunity corridor, and a resurfacing project. The problem with Federal funding is there are so many strings attached. He feels the best approach is to apply to the Public Works Commission for the westbound side of Mayfield.

Councilmember Schneider asked if we apply for Issue 1 money for the \$400,000 culvert project and \$280,000 for the westbound side of Mayfield, could it work against us. Engineer Courtney said we would rank the two projects. Councilmember Barnes suggested that a couple of the councilmembers get together with Engineer Courtney and strategize. Councilmember Bletcher suggested a subcommittee of either the Service Committee or the Finance Committee be devoted exclusively to funding available for infrastructure type projects. Mayor Riley said he would look into reinvigorating the Grant Committee. Councilmember Schneider suggested we proceed with the proposed Resolution.

It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-35 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Resolution #2012-35 be approved.

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

Resolution #2012-36 entitled "A Resolution Authorizing The Sale Of A Service Department Truck No Longer Needed For Village Purposes And Declaring An Emergency," was introduced by Councilmember Barnes and read by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Bletcher, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-36 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Resolution #2012-36 be approved.

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

Business from the audience:

Katherine Malmquist from the Gates Mills Library talked about the library's upcoming events. She urged everyone to attend the Cleveland Orchestra Community Concert Preview on Thursday September 13, 2012 from 7:30 to 8:30 p.m.

Thomas Morley from Timberidge Trail distributed a handout about his property at 329 Timberidge and his neighbor's property at 331 Timberidge.

There were 6 points he wants to review and 3 requests he would like Council's consideration and support.

His 6 points:

1. The Mangelluzzis began construction in May 2010 and it is not yet completed.
2. There have been ongoing property encroachment and trespassing.
3. There are ongoing code violations.
4. There has been harassment, intimidation and trespassing from the owners and employees.
5. He has spent more than 200 hours and \$16,000 to protect his privacy and property value.
6. More than 1.2 acres have been cleared without a Village tree permit or Ohio EPA approval.

His 3 requests of Council:

1. Require a tree permit immediately.
2. Mandate replacement of trees along the property line.
3. Ensure ALL codes are met prior to final permit.

He asked why a tree permit was not issued. Mayor Riley said Mr. Morley was told why the tree permit was not issued and he does not feel it is appropriate for Council to second guess the Service Director and Law Director. There was a citation issued for the box trucks which have been removed. The occupancy permit has been conditionally approved. Service Director Biggert said a bathroom has to be completed.

Mr. Morley said there have been 2 parties with 50 or more people. Mayor Riley said we cannot regulate the number of people at a party.

Susan Snelson said there is continually a mess visible from the street. She questioned why a tree permit was not required. Service Director Biggert said no permit is needed for trees less than 9 inches. He said that the Morley's and Mangelluzzis' have been offered mediation with the Mayor to get to a solution. Mayor Riley said Mr. Morley declined. Mr. Morley said he did not decline. However, mediation implies compromise and he has nothing to compromise. He has not been told why no tree permit was issued. It is clear to him that all the clearing was not related to construction. Service Director Biggert pointed out that his property has more tree clearing than Mangelluzzis' and no tree permits have been issued for his property. Mr. Morley said the previous owner cleared those trees.

Mr. Morley said he does not have clarity on why there was no tree permit. Mayor Riley said it will be laid out in writing.

Councilmember Bletcher said he feels it is appropriate that we respect a resident who is asking for enforcement of ordinances particularly since it has to do with protecting our trees and natural beauty. He asked if any of the trees were 9 or more inches. He won't question the opinion of the Village's Law Director. But he can comment on the fact that he served on Council in 1993 when that ordinance was approved. The building ordinance was also updated to require a vegetation plan when building a home. Many people worked on that plan, aided by the Law Director. The ordinance was intended to give protection to trees particularly in cases like this when trees were in

existence and providing a barrier between multiple properties. It was the intent when something was removed that was a barrier; they were to put something back. The intent was also not to give carte blanche to someone who happened to have a building permit to clear cut the whole lot.

Law Director Riehl said we are going to put together a report and give it to Mr. Morley. The report will be shared with Council. If Council feels there are some issues with respect to the ordinance we will address them. It is now a factual issue.

Councilmember Bletcher asked if there was a vegetation plan in the approval process for this property. Councilmember Schneider said it was with the architectural plan. Councilmember Bletcher asked if there was anything in the ordinance that would disallow us from issuing a tree permit in this case; is it forbidden. Mayor Riley said the concept of a tree permit is to give an exception. To give that after the fact for something that did not have to be done in the first place seems unnecessary. Mr. Morley said a tree permit is needed now. Councilmember Schneider said the house came through the Architectural Board and there were no variances required. A plan for landscaping comes through with the architectural plans. Sometimes the plans are sent to Planning & Zoning if there are a lot of trees that are going to come out. P&Z would then look at it for a tree plan permit requirement. There is a time limit after the construction is complete to have the landscaping complete. Because we have had problems, she suggested that maybe something can be done going forward.

Councilmember Welsh suggested we make Mangelluzzis prove they did not break the law. Law Director Riehl said we will take a look at Mr. Morley's complaints to see if the law has been violated. If it has, a citation will be made.

Councilmember Bletcher said Mr. Morley has asked for 3 things which appear reasonable. If there are more trees being taken down, a tree permit should be issued. He asked Service Director Biggert to look at the landscaping plan to see if it called for tree or shrub replacement to provide for a natural barrier. Service Director Biggert said it does. Councilmember Bletcher then said the second request is in effect.

Councilmember Turner felt this was a worthwhile discussion but maybe not here. She wonders who is going to carry this issue forward.

Mayor Riley said we are going to look into the new tree permit. Service Director Biggert is going to look into the landscaping plan and talk to the owner to see if additional screening can be put up. They are going to be held to strict compliance. Mr. Morley's point is a good one; Mangelluzzis have pushed the envelope.

Councilmember Bletcher asked Service Director Biggert about the time limit that a person is to finish or ask for a renewal and if the Mangelluzzis are up to date on their renewals. Service Director Biggert said he determines the time limit. Councilmember Bletcher asked if we have any experience like this. Mayor Riley said the variance for the property on Village Trails was approved in 2007 and it still is not completed. Councilmember Bletcher said he would feel comfortable if there was some clear cut path to resolve this issue. Mayor Riley said he would work with Service Director Biggert to push for completion. He wants an end-date.

Councilmember Bletcher said he thought having a meeting with Mr. Morley, Mangelluzzis, Law Director Riehl, and Mayor Riley is a good idea. Mayor Riley said it is an open offer.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor