

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 8, 2012

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 8, 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.

Mayor Riley appointed Caryl Cantor and Ann Whitney to the Beautification Committee.

It was moved by Councilmember Bletcher, seconded by Councilmember Welsh, that the Mayor's appointments be approved and confirmed.

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

Mayor Riley appointed J. Ross Haffey to the Gas Well Committee.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the Mayor's appointment be approved and confirmed.

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

Mayor Riley appointed Charles Belson to the Historical Review Board replacing Jocelyne Linsalata who has resigned.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the Mayor's appointment be approved and confirmed.

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

The minutes of the meeting of April 10, 2012 were presented by the Clerk. Councilmember Bletcher referred to page 5 and asked Law Director Riehl if legislation was needed to renew the trash hauling contract. Riehl said there will be legislation to exercise the option. Councilmember Bletcher requested that "*subject to approval of Council*" be added to the last line of the third paragraph on page 5 of the April 10, 2012 minutes. It was moved by Councilmember Reynolds, seconded by Councilmember Bletcher, that the minutes as amended be approved.

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

Pay Ordinance #1141 in the amount of \$321,419.78 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1141 be approved.

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

The financial statement for the period ending April 30, 2012 was presented by the Clerk. Councilmember Barnes pointed out the Inheritance Tax income is almost \$90,000, the department heads are doing a good job managing their budgets which are in sync with their last year budgets, and the cash balance is about \$5.4 million. The library debt of \$450,000 will be paid off May 22.

Mayor Riley reported that he received a request for a contribution to the Mayfield Historical Society. A few years ago Gates Mills, Highland Heights, Mayfield Heights, and Mayfield Village formed the Society and moved into a house. Each community was to contribute \$2500 per year. We cannot find where the Village has contributed to the organization and cannot find any agreement on the part of the Village. The organization cannot find an agreement either. Mayor Riley added that no contributions are made to the Gates Mills Historical Society. This contribution would be extraordinary. Councilmember Welsh said the Mayfield Historical Society was very helpful when he was working on a grant application. Councilmember Schneider suggested the Mayfield Historical Society talk to the Gates Mills Improvement Society. Mayor Riley said he would put something in the Pink Sheet encouraging residents to donate to the Society. Councilmember Welsh feels a contribution should be made.

Mayor Riley said Service Director Biggert and he are working on replacing the traffic light at SOM and Cedar Roads. Two of the other three communities have agreed to share the cost. Pepper Pike has not yet responded.

Mayor Riley said the Day Camp is sponsoring the re-enactment of the Civil War on July 6 and 7, 2012. The re-enactors are professional adults and there will be between 20 and 30 of them.

Councilmember Schneider reported on the Positively Gates Mills Committee. The Committee created a booklet about Gates Mills. The booklet was presented at a wine and cheese event at Howard Hanna on April 24. There were a lot of good questions and suggestions. The committee is taking action on them. There will be another presentation from 4:00 to 6:00 p.m. on May 31 at Burton Court.

Clerk DeCapite explained that the buzz word with the auditors is backup and recovery of computer systems. We have talked to a couple companies. The cost ranges from \$5500 over two years to \$7000 if we want whole recovery. She would like to know what council would like – full protection or what we currently have. Councilmember Reynolds asked what we have to have. Clerk DeCapite said at this time the auditor is just suggesting. Councilmember Welsh said offsite

backup is important. Backup without the recovery feature would be ample. A few past backup copies should be kept. He said offsite can be at a bank. Councilmember Schneider didn't think there was anything wrong with our current system; a copy is put in the safe. Mayor Riley prefers the backup done remotely. Clerk DeCapite offered to get more information for the next council meeting. Mayor Riley feels it is worth the extra money to have the backup done remotely and to have recovery capability.

Councilmember Turner has been investigating ways to have a village email list so there can be communication with the villagers for little cost. She has talked to a couple vendors and to the website manager. She suggested that we ask residents if they want to participate, and also gather more information such as their age, if they have children, if they have a gas well, etc. which can be used if there is a need to communicate to them about certain topics. She feels the way the emails were gathered for the police email list would allow other uses; in the Pink Sheet residents were told the list would be for community information, not just for emergency information. Since people might have the impression their information was being used only for emergency information, it might be better to start new and gather the information. She feels the data base could be created correctly from the beginning. Mayor Riley asked Councilmember Schneider if this would be a project for her Positively Gates Mills Committee. She pointed out the Community Club is starting on their next telephone book. Maybe this could be tied in with them. A lot of people put their emails in the telephone book. Councilmember Bletcher feels it would be good for council to say as a mission we would like to create a list that the Village could use to send out official communications, completely separate from the police list. Councilmember Schneider said we could start with something in the Pink Sheet asking residents to send their information to our new email address committees@gatesmillsvillage.com. Councilmember Bletcher said we should first come up with the plan. Mayor Riley delegated the project to Councilmember Schneider's Positively Gates Mills Committee. Councilmember Sogg feels the residents should know they are voluntarily giving this information. Therefore, she likes the idea of using the Pink Sheet to ask for the information. Councilmember Barnes noted that some people do not have email. Councilmember Schneider suggested there be a place for the resident to tell if they want to be contacted by email, postal service mail, or both.

Councilmember Turner said she and Mitzi Seith visited all the Mayfield elementary schools. They learned that many of the students from Gates Mills Towers are the children of medical personnel recently immigrating to Cleveland for work at the Cleveland Clinic. These doctors can walk to work at Hillcrest Hospital. After about six months, they decide where to live permanently in the area. These children are from India, China, S. Korea, Uzbekistan, etc. This cultural diversity is a great asset to the school system. That could be why Gates Mills Elementary School has the highest test scores among the elementary schools in the Mayfield City Schools District. The secretary at Gates Mills Elementary School will be happy to give brochures about Gates Mills to prospective residents when they tour the school for their children.

Police Chief Szeredy presented a written report for the Police Department for the preceding period. There was one theft reported. They think the thief was an invited guest.

Service Director Biggert submitted a written report for his department for the preceding period. Village Engineer Courtney reported on the meeting with the Chagrin Watershed Partners. The organization is meeting with all the communities investigating what the Partners provide, how the communities feel about what they do, and what they can do for the member communities. He

asked the Partners to provide more support for stormwater in order to reduce the Village's costs, and for more technical support for issues relating to the river. They will come back with a formal report on what they can do better or different. At some point they will make a presentation to Council.

Councilmember Welsh asked if the bridge was going to be open for the July 4th parade. Service Director said it should be open but the Gates Mills Improvement Society should have a backup plan.

Village Engineer Courtney said they will meet next Tuesday morning with the contractor for the Mayfield Road project to discuss a traffic plan. The contractor is to contact neighboring communities to attend the meeting so that all the safety departments can look at it and comment. The results should be a quicker, safer project.

Fire Chief Robinson presented a written report for the Fire Department for the preceding period.

Mayor Riley reminded Council about the County's protocol to discourage communities from poaching businesses from other communities. He explained Gates Mills' business district is so small there would be little impact from this protocol. However, it is important to the county to have the support of the communities. There was a first reading of the Resolution last month and he suggests that the second reading be suspended. Resolution #2012-10 entitled "A Resolution Authorizing The Mayor And The Clerk To Enter Into The Cuyahoga County Business Attraction And Anti-Poaching Protocol Agreement," was introduced by Councilmember Bletcher and read by the Clerk. It was moved by Councilmember Bletcher, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-10 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 Bletcher, seconded by Councilmember Barnes, that Ordinance #2012-10 be approved.

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

Resolution #2012-12 entitled "A Resolution Approving The Adoption Of The Office Of Emergency Management For Cuyahoga County, 2012," was introduced by Councilmember Bletcher and read by the Clerk. It was moved by Councilmember Bletcher, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-12 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 Ordinance #2012-12 be approved.

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

Resolution #2012-13 entitled “A Resolution Approving The Adoption Of The Countywide All Natural Hazards Mitigation Plan For Cuyahoga County, 2011 Update,” was introduced by Councilmember Bletcher and read by the Clerk. Village Engineer Courtney said it is an updated version of what has been in place. It was moved by Councilmember Bletcher, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-13 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 Bletcher, seconded by Councilmember Reynolds, that Ordinance #2012-13 be approved.

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

There have been complaints about bicyclists riding on the pedestrian bridge which could be dangerous to small children or pets on the bridge, and the Safety Committee has been asked to evaluate solutions. Councilmember Bletcher said he dislikes excessive government regulations but everything else has been tried. There have been a number of complaints from residents about bicyclists speeding by them when they are walking on the bridge. We have tried signs but they have not had much of an effect. He thought of having a wordier sign. Councilmember Sogg said that a bicyclist became surly with her when she asked him to walk his bicycle. Councilmember Barnes asked if the issue was only while the Old Mill Bridge is closed. Mayor Riley said this is a temporary Ordinance. Councilmember Schneider said we could later consider making it permanent. Law Director Riehl stated a penalty amount needs to be established. Councilmember Reynolds feels the fine amount should be included on the sign. She feels when there is a real fine it makes a bigger impact. Councilmember Barnes said that a police officer will need to be there to give a citation. If no one is fined, making an example, it won't make an impact. He recommended a fine of \$200. Law Director Riehl felt it wasn't the amount but the fact they have to pay. It was decided the fine would be \$100.

Resolution #2012-14 entitled “An Ordinance Establishing A Civil Infraction Penalty For Riding Bicycles Across The Walking Bridge While The Old Mill Road Bridge Is Closed And Declaring An Emergency,” was introduced by Councilmember Bletcher and read by the Clerk. It was moved by Councilmember Bletcher, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-14 be placed upon its final passage.

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

Councilmember Reynolds confirmed that this Ordinance is in effect only while the Old Mill Bridge is closed. Mayor Riley said it will be revisited if the problem continues. Right now it is a problem and the police have no authority to do anything.

It was then moved by Councilmember Bletcher, seconded by Councilmember Schneider, that Ordinance #2012-14 be approved.

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

Councilmember Barnes said in a previous council meeting Council made a motion to bid for the 2012 road construction. There needs to be a change in the Resolution changing "one bid" to "three bids" that were received. Resolution #2012-15 entitled "A Resolution Awarding Sections I And IA Of The 2012 Repair And Resurfacing Program To Specialized Construction And Declaring An Emergency," was introduced by Councilmember Barnes and read by the Clerk. 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 #2012-15 be placed upon its final passage. Councilmember Bletcher asked which roads were being paved. Village Engineer Courtney said Chestnut Run, Fox Hill, Fox Hill East, Epping, County Line, Berkshire, Cedar, Old Mill, Stoneham, and Dorchester. Councilmember Bletcher asked if the work on Chestnut is in the same area as in 2011. Village Engineer Courtney said the work for 2012 will be adjacent to the work completed in 2011. Councilmember Bletcher asked about the erosion on Sherman Road. Service Director Biggert said they have addressed some of the areas. Councilmember Bletcher said there were areas where the ditch comes up to the road. Service Director said there was a lot of work yet to be done on Sherman. Councilmember Turner said there was no line on Sherman Road where it was repaired last year. Service Director Biggert said that will be done when stripping is done throughout the Village.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Ordinance #2012-15 be approved.

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

Village Engineer Courtney asked what amount was approved. Councilmember Sogg said it was for \$175,000.

Councilmember Barnes asked Village Engineer Courtney for background of the Resolution accepting the stormwater bid. Village Engineer Courtney said this was the stormwater improvement grant which pays for 100% of the project cost. Councilmember Bletcher asked where the rain garden was going to be. Village Engineer Courtney said it will be between the Post Office and tennis courts. A bio retention area will be installed on the back edge of the service department parking lot between the parking lot and the river. The construction amount of the grant is \$71,500. Both projects are 100% reimbursement by the Ohio EPA grant. Councilmember Sogg asked about the expertise of Eclipse Company, LLC. Village Engineer Courtney said they are a general contractor with no special expertise, but very capable. The projects should be done before the end of the month. Service Director Biggert said we will post general educational material at the Post Office, Library, and the Town Hall. A sign is required that states where the grant is from. Occasionally we will have educational classes for the residents. Village Engineer Courtney will make a presentation to the Watershed board as part of the requirements. The information he uses for that will be available for anyone who wants to see it. Mayor Riley requested to see any signs unless they are very small. Councilmember Schneider suggested the school be contacted about making a presentation for their science classes. Village Engineer Courtney said that is part of the Phase II public education requirement.

Councilmember Bletcher feels there are projects more important than the rain garden and bio retention area. Therefore, he is voting against the Resolution. Mayor Riley confirmed with Engineer Courtney that the money was not available for another purpose.

Resolution #2012-16A entitled "A Resolution Accepting The Bid Of Eclipse Company, LLC For The Construction Of The Stormwater Retrofit Demonstration Project," was introduced by Councilmember Barnes and read by the Clerk. 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 #2012-16A 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 Reynolds, that Ordinance #2012-16A be approved.

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

Councilmember Welsh asked if the tennis courts are operable. Service Director Biggert said the service department has started cleaning them.

Councilmember Schneider said we received a letter from the State asking if we are interested in participating in their Salt bid program. The Village has never participated in the program and she thinks we should continue to buy salt on our own. If we participate in the State program we are committed to a specific quantity even if we don't need it. Mayor Riley said he attended a meeting where the mayors were complaining because they had too much salt and were looking for places to store it. He said it is a "take or pay" commitment. Councilmember Reynolds asked

how much salt we have now. Service Director Biggert said our bin is about $\frac{3}{4}$ full. Mayor Riley said even if we have a heavy use of salt next year we will probably still be ahead. Councilmember Schneider recommended the Village does not participate in the State Salt bid program.

Councilmember Barnes announced there will be a public hearing for the estimated 2013 budget at 6:15 p.m., before the council meeting on June 14.

Business from the audience:

Karen Schneider, representing Sally Burke, said on May 16, 2012 at 7:00 p.m. at the North Cemetery the St. Francis Cub Scouts are giving a salute to those who participated in all the wars. They hope the Mayor and Council can attend.

Katherine Malmquist from the Gates Mills Library talked about their art show.

MaryAnn Kish asked who is responsible for painting the inside of the Post Office. Mayor Riley asked Councilmember Sogg to have the Beautification Committee look at the building. Service Director Biggert said he will look at the contract but thinks the Village is responsible only for the exterior of the Post Office.

Doug Bletcher said a lot of people put a lot of hours into making the Art Show a resounding success. He feels they should be recognized. Mayor Riley said he was writing a letter to those involved.

At 7:35 it was moved by Councilmember Bletcher, seconded by Councilmember Reynolds, that Council go into executive session to discuss personnel matters.

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

Councilmember Welsh left the meeting at this point.

At 8:00 Council returned from Executive Session.

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor