

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 11, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, October 11, 2011 at 6:30 P.M. in the Village Hall.

Councilmembers present: Barnes, Bletcher, Reynolds, Riley, Schneider, Welsh.

Councilmembers absent: Nemastil.

Mayor White presided.

It was moved by Councilmember Reynolds, seconded by Councilmember Riley, that Councilmember Nemastil be excused from the meeting.

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

The minutes of the meeting of September 13, 2011 were presented by the Clerk. Councilmember Schneider requested that "who assisted in a car accident" be added to page 4, paragraph 1, line 4. It was moved by Councilmember Reynolds, seconded by Councilmember Barnes, that the minutes be approved as amended.

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

Pay Ordinance #1134 in the amount of \$333,271.49 was presented by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that Pay Ordinance #1134 be approved.

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

The financial statement for the period ending September 30, 2011 was presented by the Clerk. Councilmember Barnes said that the Village just received \$132,835 in inheritance tax, which is not reflected on the September financial statement.

Chief Szeredy presented a written report for the Police Department for the preceding period. He said he is again emphasizing the importance of locking car doors and removing valuables. He also recommends using "police department" instead of "home" on Global Positioning Systems (GPS). Councilmember Bletcher said bicyclists are riding their bikes with speed across the

pedestrian bridge. He has heard complaints from walkers who feel there is a safety issue. He feels that it should be referred to the Safety Committee. However, meantime he suggested that a “walk your bicycles” sign be posted. Chief Szeredy felt it was a logical short-term solution. Councilmember Riley recommended speed bumps at each edge easy enough to walk over. Councilmember Bletcher asked if it was lit enough so no one would trip on them. Councilmember Welsh is afraid someone might hurt themselves. Councilmember Reynolds said a barrier would be better. It was decided to leave it up to Chief Szeredy to decide what to do.

Service Director Biggert submitted a written report for his department for the preceding period but was not at the meeting.

Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Bletcher inquired about lightening rods. Fire Chief Robinson explained the way the rods worked. He said they work and work well. Councilmember Welsh complimented the fire department on the outstanding job they did on the house on his street.

Ordinance #2011-27 entitled “An Ordinance To Approve Current Replacement Pages To The Gates Mills Codified Ordinances,” was introduced by Councilmember Welsh and read by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-27 be placed upon its final passage.

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

It was then moved by Councilmember Welsh, seconded by Councilmember Schneider, that Resolution #2011-27 be approved. Councilmember Bletcher asked if the Ordinances are those passed previously by Council. Law Director explained that most incorporate changes in the state law. Councilmember Bletcher asked who makes sure they are done properly. Finance Administrator Lechman said the Police Executive Lieutenant Whitmer and Solicitor Feudo have reviewed them thoroughly. They were changed a couple of times before they were finalized.

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

Resolution #2011-28 entitled “A Resolution Authorizing Accepting The Bid Of Nerone & Sons, Inc. For The Sherman Road Slope Repair Project,” was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes explained the plan was to have First Energy move the power lines shortly after December 1, 2011, when the Old Mill Bridge opens. The power lines will be moved so the equipment can be brought into the area. While this is being done Sherman Road will be closed, about 3-4 weeks. After the sheet piling is received, the beginning of 2012, it will be closed again for a month. At the end of the project when the road is being repaved it will be closed for a few days. Potentially Sherman Road will be closed off and on for more than

two months. Subject to weather the project will be done by May 1, 2012 when the Old Mill Bridge is closed again.

Councilmember Riley asked if the bid was \$184,000 and the budget was \$175,000. Councilmember Barnes confirmed. Councilmember Barnes said he understood that further patching is not an option. Village Engineer Courtney said additional patching would help drive the failure more quickly. Village Engineer Courtney explained the contract provides for temporary pavement that will be done so the road will be passable while the contractor is getting ready and when work is in progress so the road is as safe as possible.

Councilmember Schneider asked if the sheet piling being used was the same as that used on Cedar Road and what the life span was. Village Engineer Courtney said it was the same and it should be permanent. Councilmember Reynolds asked when most of the work will be paid for. Engineer Courtney replied most of the expenses would be in 2012. Councilmember Barnes said Sherman Road is a safety issue.

Councilmember Bletcher asked about the \$10,000 line item in the contract. Engineer Courtney explained there may be additional quantities needed. Councilmember Bletcher stated that the actual maximum cost is \$194,700. He then asked what the cost was for First Energy. Engineer Courtney said there will not be a charge. Councilmember Bletcher asked what other costs there will be, like engineer, etc. Engineer Courtney said the engineering was in the base fee; five weeks of inspection will be about \$7000, and the total fee would be less than \$10,000.

Councilmember Bletcher said there have been multiple conversations about revenue sources for the Village, including grants. There is a Jobs bill in U.S. Senate. There is a huge amount of money available for shovel ready projects, which Sherman Road is. He feels the project should be held until next summer to see if we can get a grant. Engineer Courtney explained that Sherman Road is not a State or County Road, it is actually a vacated County Road, which makes it a local street. Local roads are not eligible for State and County (ODOT and County Engineer) funding. Issue 1 grants are based on number of residents and volume of traffic. The only funding source would be money that is "earmarked" by Congressmen. It goes to ODOT with regulations. The plans would need to be redone to qualify. There would be additional costs and the project would be pushed out a couple years. He sees no sources available for this project. Councilmember Riley summarized by asking if what he was saying is that other than "earmarked" or new Federal funds, there is no funding available. In addition it has been discussed in prior meetings that Sherman Road is becoming a safety issue.

Councilmember Barnes said we have spent \$7000 and the road is becoming worse; it is a safety issue and a possible liability. Councilmember Bletcher said he has seen a lot of signs in Geauga County that announce roads are being repaired with stimulus money. Engineer Courtney said it depends what kind of roads they are – county, state, etc.

Councilmember Riley asked if the contractor will work through the winter. Engineer Courtney confirmed. Councilmember Schneider said she has no problem with repairing Sherman Road. 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 #2011-28 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Reynolds, that Ordinance #2011-28 be approved.

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

Resolution #2011-29 entitled "A Resolution Authorizing The Mayor And The Clerk To Enter Into An Agreement With First Communications To Furnish Telephone Services To The Village Of Gates Mills For A Period Of Three Years," was introduced by Councilmember Barnes and given its first reading by the Clerk. Councilmember Barnes said our current carrier, AT&T, notified us that they will continue to provide certain capabilities of our telephone service but at an unknown escalated cost. Therefore, we have been soliciting prices. The Resolution is for an agreement with First Communications but he is open to more suggestions. None of the carriers offer Centrex but it is no longer necessary. First Communications was the lowest of the cost of providers solicited.

Councilmember Reynolds asked if some of the landlines could be eliminated. Chief Szeredy said landlines are necessary in emergencies and disasters.

Councilmember Welsh recommended Time Warner who has new technology and is faster and more reliable, be contacted. Councilmember Welsh said he thought it wasn't legal to enter into contracts for more than one year. Councilmember Bletcher asked if when the total cost for the three years is more than \$25,000 if we have to request bids in a formal way. Law Director Riehl said that this can be considered a professional service thus exempt from these requirements.

Councilmember Bletcher said his company has used First Communications. Their problem was not a service issue but a billing issue. New add-on charges were tacked on every month or two. He said Time Warner uses different technology and we would have to have different equipment. Therefore, we can't use them. He recommended that Law Director Riehl draft a clause that both parties agree to that says the provider cannot tack on extra category charges unless they are required by law (like a non exempt tax). In addition he suggested the bills but watched so this does not happen. There is a special department at AT&T that tries to win back customers. He suggests that they be contacted and told about the First Communication's quote. He feels a change should be made quickly since we are losing \$1,500 a month.

At this point Sandra Turner set up the equipment for her Gas Well Survey results. While she was doing this Chief Szeredy announced the drug "take back" day was October 29, 2011 from 10:00 a.m. to 2:00 p.m. It will be outside if the weather permits, otherwise at the police station.

Sandra Turner presented the results of the survey. At the end of the presentation she said the next step is to have a meeting of all the gas well owners and go over the results. Treasurer Reitman suggested that a model agreement favoring the owner be drafted.

Councilmember Barnes said a postcard has been drafted to present facts about the 3.5 mill levy. He asked if the Conservation levy should be included on it. Treasurer Reitman said the Gates Mills Conservancy was planning on sending out a postcard about the 1.0 mill levy. It was decided the Village's postcard would address only the 3.5 mill levy.

There was no business from the audience.

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:

Connie White, Mayor