

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
January 10, 2017

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, January 10 at 6:00 p.m. in the Village Hall.

Councilmembers present: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that Councilmember Sogg be excused from the meeting.

Roll call:      Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
                     Nays: None.  
                     Motion carried.

Councilmember AuWerter moved, Councilmember Welsh seconded, to appoint Mary Reynolds as President of Council Pro Tem for a one-year term.

Roll call:      Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
                     Nays: None.  
                     Motion carried.

Mayor Schneider administered the Oath of Office to Councilmember Reynolds.

Police Chief Minichello introduced Peter Starr, a newly hired part-time patrolman. Chief Minichello shared that Peter Starr has his bachelor's degree in criminal justice from Baldwin Wallace, likes to workout, play basketball and is a golfer. Chief Minichello highlighted that Mr. Starr's mother and girlfriend were in attendance but his father, who is the Mayor of Middleburg Heights, could not attend as he had a Council to attend.

Mayor Schneider administered the Oath of Office. Officer Starr's mother pinned on his badge.

Mayor Schneider introduced and welcomed Jean Misch as the new part-time Town Hall Coordinator. Coordinator Misch expressed her appreciation to be a part of the community and her gratitude for the opportunity to work for Gates Mills. Councilmember Frankel inquired as to her hours. Finance Administrator Mulh explained that both Town Hall Coordinators, Dorothy and Jean, will work on Mondays; that Dorothy will work on Tuesdays and Fridays and that Jean will work on Wednesdays and Thursdays. Finance Administrator Mulh said that Jean trained with Dorothy during December and was on her own last week and did a fabulous job.

Mayor Schneider raised the need, due to upcoming meetings wherein the following individuals plan to attend, and requested the appointment of John Spirk and Judy Eakin to the Architectural Review Board and Scott Broome to the Planning and Zoning Commission. In

response to Councilmember Reynolds' inquiry, it was confirmed that terms are four years and that all of the individuals were members that are being reappointed.

It was moved by Councilmember Turner, seconded by Councilmember AuWerter, that the appointments be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

The minutes of the December 13, 2016 Council meeting were presented by the Clerk. Councilmember Frankel noted a correction needed on page 13 to change "Height" to "Heights." It was moved by Councilmember Frankel, seconded by Councilmember Reynolds, that the minutes, as corrected, be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

Mayor Schneider highlighted a recent *News Herald* article about Resident Lauren Davis who won her first Women's Tennis Association event. Mayor Schneider provided a reminder of Ms. Davis' fundraising efforts for the Village's tennis courts. Next, Mayor Schneider encouraged attendance at the Improvement Society Dinner on January 13<sup>th</sup> and requested that anyone planning to go inform Charley Marston so he has an accurate headcount.

Clerk's report. None.

Treasurer Reynolds entered the meeting at 6:13 p.m.

Committee reports. None.

Pay Ordinance #1197 in the amount of \$594,968.91 was presented by the Clerk.

Councilmember Turner inquired about the check to Mayfield Village for over 100 EMS calls and if the amount is typical as to previous years. It was confirmed that there were a total of 152 calls and such amount is consistent with prior years. Councilmember AuWerter asked about the payments made to Hunting Valley and Moreland Hills. It was explained that the payment to Hunting Valley was for the use of their shooting range and that money originally received by the Village from the MetroParks in connection with the Connector Study was subsequently transferred to Moreland Hills. Councilmember AuWerter then asked about charges from Ken's Window Cleaning and asked if that is something the Service Department could take over. Service Director Biggert explained that is for the cleaning of individual window panes that would take hours to clean. He added that the service relates to the building across the street and the Village is reimbursed as it is a common area expense. Next, Councilmember AuWerter questioned the CEI Capital Improvement cost. Finance Administrator Mulh stated it was in connection with the Old Mill Road Slope Project to de-energize and move a pole. Mayor Schneider addressing the Hunting Valley shooting range said it offers savings of time and

money. Councilmember AuWerter then raised the issue of flood insurance. Finance Administrator Mulh said that the flood insurance is currently more than the cost of the Village's liability insurance and noted a total average increase of 47%. She said there are still four more premiums to pay. Discussion ensued. Treasurer Reynolds commented on congressionally mandated regulations and suggested exploring coverage through private companies. Village Engineer Courtney said that that parcels could be evaluated to determine if a parcel could be re-rated at a lower risk level. Mayor Schneider requested the same be done.

It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter, that Pay Ordinance #1197 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

Treasurer Reynolds presented the financial statement for the period ending December 31, 2016. With regard to year-end results, he stated that the overall balance of all funds went up due to a number of factors including cost cutting by department managers, success in having overall expenses lower than budgeted and unspent capital expenditure funds. The increase over all funds is \$117,000. He then announced that the Budget meeting is scheduled for January 21<sup>st</sup> and shared that the Long Range Planning Committee has initiatives to reduce costs and increase revenues. Councilmember Turner inquired about increased interest income. Finance Administrator Mulh explained that Star Plus was earning less than Star Ohio so she transferred approximately \$3.5M to earn greater interest. Treasurer Reynolds said that the Investment Planning Committee will be meeting soon and expects a recommendation for an investment policy to be presented at the next Council meeting. He opined the new policy will seek prudent investments that will be more beneficial to the Village. Councilmember Reynolds asked about the increase of general insurance. Finance Administrator Mulh explained it includes flood insurance. She noted that significant increases are expected over the next three years.

Councilmember AuWerter distributed a document he prepared called "2016 Financial Results on 5-Year Outlook for the Village." Councilmember AuWerter said one of his priorities is to address the deficit. He shared that he has been involved in the long range planning process. He provided a detailed overview of the document. His description included addressing his goal of identifying cash in and cash out, considering all of the different funds as a whole and identifying the cash balance of all funds at the beginning and the end of the year. He discussed forecasts, one time and/or unusual events and highlighted money underspent on capital expenditures. He advised on the figures for revenues and expenditures over the past five years and spoke on long range planning for the next five years. He expressed his belief that the Village's deficit, before inflation, may be \$40,000 per year going forward. He anticipates a positive impact from certain Village initiatives including Mayor's Court, cemetery fees and a revised investment policy. He also noted prudent cost management. Further, Councilmember AuWerter raised the issue of streets and infrastructure reminding Council that the Service Committee is working with Service Director Biggert and Village Engineer Courtney to develop a five-year plan. Councilmember AuWerter suggested when working on the 2017 Budget to consider the results of 2016 and recommended it be done on a total cash basis. Treasurer Reynolds said the total picture of all funds would be presented. Councilmember Welsh thanked Law Director Hunt for doing a nice

job with regard to legal fees. Councilmember Welsh asked if the Village should investigate having its own ambulance. Chief Robinson said that possibility can be looked into again. Councilmember Reynolds asked if any consideration was given to a possible increase of real estate tax income highlighting major houses that are expected to be completed this year and added to the tax duplicate. She suggested a review of the building permits may provide a sense of what will be completed in this year. Councilmember AuWerter remarked that the amount of projects is substantial. Councilmember Reynolds asked if an increase in real estate was accounted for. Councilmember AuWerter believes that some of the categories may be higher and some may be less. Treasurer Reynolds opined that Councilmember AuWerter provided an excellent analysis and agreed that the long range forecast needs to be updated. He said this analysis provides a great foundation. Mayor Schneider said the Service Department's report includes anticipated increases. Councilmember Turner sought clarification that Councilmember AuWerter believes the deficit is more like \$30,000 to \$40,000. Treasurer Reynolds said the Village is structurally much better than five years ago. Councilmember Reynolds asked how many vacant homes were in the Village and if there are any delinquencies. Mayor Schneider and Finance Administrator Mulh confirmed a report will be reviewed after January. Councilmembers thanked Councilmember AuWerter for his work. Pursuant to Councilmember Turner's question, it was noted that the Budget meeting is scheduled for January 21 at 9:00 a.m.

Police Chief Minichello provided a written report. Chief Minichello reported that, primarily due to additions of two more communities, the Village will receive \$21,000 from Chagrin Valley Dispatch in 2017 and \$5,000 in 2018. He further stated that the dispatch fee will be \$136,000 which is \$5,000 less than last year. He said the original cost to the Village was \$161,000. He stated that going to Chagrin Valley Dispatch was a good financial move for the Village. Next, turning to the recent incident that occurred on Gates Mills Boulevard, Chief Minichello said that the Police Department is working with other agencies including Mayfield Heights and a sketch artist from the Shaker Heights Police Department. He advised that the victim is a 44-year old female who was not physically injured. In response to Councilmember Reynolds' question whether the doors were locked, Chief Minichello shared that the victim was expecting a package and when a male carrying a package came to the door, she opened the door and when she tried to close the door, the suspect forced entry into the house wherein a struggle ensued. The suspect tied up the victim and remained in the house for approximately one hour. Police Chief Minichello advised that the Department has some leads including possible video footage. Councilmember AuWerter raised the possibility of making residents aware of the same. Councilmember Welsh, referring to an incident in Pepper Pike, stated that he, along with Police Chief Minichello, advised residents. Police Chief Minichello said the Department will be hosting a safety event in March wherein this topic will be addressed. Councilmember AuWerter, expressed sensitivity to not panicking residents but suggested distributing information in the *Pink Sheet*. Chief Minichello expressed his belief that this was an isolated incident. Councilmember Welsh asked about putting cameras throughout the Village. Chief Minichello said doing so would be very expensive. He further stated that obtaining a grant for the same would be unlikely. He added that a lot of evidence from the scene has been secured that may offer DNA. He said the turn-around time on testing is about one month. Councilmember Welsh asked how the victim was able to call 911. Police Chief Minichello explained that she was able to get to her phone, however, she called her husband and her husband then called 911. He stated that Law Director Hunt assisted with some follow up with the family. In response to Councilmember Welsh's inquiry, Chief Minichello explained that Code RED is used for emergencies. He added

that he has been keeping the Mayor informed. Councilmember AuWerter then asked about the fines being down and the number of warnings going up compared to the previous year. Police Chief Minichello stated he believes the numbers are consistent with numbers in the past.

Service Director Biggert provided a written report. He reported that the Village ended the year with 51 building permits including four for new homes. The total construction value was \$8.3 million compared to \$5 million in 2015. Additionally, 49 re-sale inspections and reports were completed. Councilmember Frankel highlighted that the construction value does not include land value. Finance Administrator Mulh stated that the process must be completed by the end of the year in order to go on the tax duplicate for the next year and collection the year after that. Service Director Biggert confirmed the possible two-year lag.

Fire Chief Robinson provided a written report. Chief Robinson noted a decrease in calls from 162 last year to 155 in 2016. He said that higher call years are usually due to storms. Councilmember Welsh asked about the transition to the Heights-Hillcrest team. Chief Robinson advised that with 14 communities it will take some time to get all of the paperwork in place. He opined that the dive component is high risk and was glad that the team was not asked to aid in the recent plane that crashed into Lake Erie. Councilmember Reynolds expressed her congratulations to Rob Jamieson's 25-year anniversary with the Department.

Third reading was held for Ordinance #2016-28 "An Ordinance Amending Chapter 179, "Board Of Cemetery Trustees" And Enacting Chapter 959, "Village Cemeteries" In The Codified Ordinances Of The Village Of Gates Mills, And Declaring An Emergency." It was noted that the Ordinance was revised January 10, 2017. Law Director Hunt distributed the final paper work. He advised Council that the rules do not need to be suspended but that the emergency clause allows it to go into effect immediately.

It was moved by Councilmember Welsh, seconded by Councilmember Reynolds, that Ordinance #2016-28 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

Resolution #2017-01 "A Resolution Approving The Construction Of A Wireless Communication Tower And Related Facilities At Gilmour Academy In The Village By Lancer Operations, Inc." was introduced by Councilmember Turner. Councilmember Turner shared that Planning & Zoning found it was in compliance with regulations and recommends that Council approve the same. Councilmember Welsh asked if it would take any business away from the Village's tower. Mayor Schneider said it would be supportive to the Village's tower. Consultant Ron Garver who was in attendance along with Russ Berzin, a member of Gilmour's Board of Directors, explained that the tower is strategically located to hand off seamlessly to surrounding towers including the Village's and it would be helpful. He commented on a presentation provided to Planning & Zoning.

It was moved by Councilmember Turner, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-01 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

It was moved by Councilmember Turner, seconded by Councilmember Welsh, that Resolution #2017-01 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

In response to Councilmember AuWerter's question, it was confirmed that affected residents have already been notified. Law Director Hunt indicated that residents would not have any remedy in court. Mayor Schneider advised it now goes through the Architectural Review Board due to the building and fence around it. Councilmember Turner shared that feedback suggests that people are anxious for it to be built. Councilmember AuWerter inquired about carriers. Ron Garver stated that the primary carrier is Verizon and that T-Mobile will be added in 2018 and AT&T in 2019. Councilmember AuWerter asked when it is expected to be up and functioning. Mr. Garver responded around the end of summer or early fall. Councilmember Frankel asked if there is any environmental impact. Village Engineer County advised that there is no stream or wetland involvement and there is not much disturbance of the ground. Councilmember Turner stated that it will be closer to the streets rather than the middle of campus. She added that there were some questions and concerns at Planning & Zoning but the 3-D demonstration showed that it will be hidden as much as possible.

Ordinance #2017-02 "An Ordinance Amending The Village Compensation Ordinance No. 2016-35 To Create The Temporary Position Of Acting Service Manager, The Compensation Rate Therefor, And Declaring An Emergency" was introduced by Councilmember Reynolds. Councilmember Reynolds noted the need to suspend the rules is to allow the Village to provide fair compensation to Trevor Murfello who will serve as Interim Service Manager while continuing compensation to Billy Murfello who is on extended leave and will retire in April. She stated this is a short term appointment in office.

It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-02 be placed upon its final passage.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

It was moved by Councilmember Reynolds, seconded by Councilmember Frankel, that Ordinance #2017-02 be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

Proposed mayoral appointments to administrative offices included:

- Robert S. Reitman, Income Tax Administrator;
- Todd Hunt of Walter Haverfield, Law Director;
- Michael Cicero, Prosecutor;
- Janet Mulh, Finance Administrator and Asst. Tax Administrator;
- Gail Palmer, Assistant Treasurer;
- Gregg Minichello, Police Chief;
- David Biggert, Service Director, Building Official and Building Inspector;
- Tom Robinson, Fire Chief; and
- Trevor Murfello, Acting Service Manager.

It was moved by Councilmember Welsh, seconded by Councilmember Reynolds, that the appointments to administrative offices be approved.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
Nays: None.  
Motion carried.

Business from the audience:

Resident Charles Belson referring to the recent conservation charter levy that was renewed for 5 more years asked Law Director Hunt if the Village has a defensible position for the purchase of land with gas wells using conservation funds. Law Director Hunt clarified that he is legal counsel to the Mayor and to Council as a whole, to the Directors and Chiefs, but not to the citizens. He further stated that if he is asked to respond to the question, he would hesitate to do it verbally out of concern of being quoted out of context. Law Director Hunt thanked Mr. Belson for sending an e-mail to him laying out what he intended to asked, however, he reiterated that he has not been asked by his client to respond. Mayor Schneider asked for clarification from Mr. Belson as to what has not been answered. She added that it may be a question for the Land Conservancy as they control their money. Councilmember AuWerter raised the issue of possible legal costs to respond and if Council is obligated to answer the question. Law Director Hunt advised that an answer would fall under the salary retainer. He informed Council that he had a discussion with the State Auditor's General Counsel after Mr. Belson's conversation with the General Counsel and believes there are no inconsistencies as suggested by Mr. Belson. He advised that there is no legal obligation to respond. Councilmember AuWerter suggested if it does not cost anything, then a response should be given. Councilmember Turner expressed her opinion that the question is not so much a legal question as it is a philosophical question. She would not want Council to advise legal counsel to respond to something that is philosophical. Councilmember AuWerter highlighted the question was made directly to legal counsel. Councilmember Reynolds said she supports the Mayor's decision. Mayor Schneider indicated she would need to consider it further.

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

Roll call:      Ayes: AuWerter, Frankel, Reynolds, Turner, Welsh, Whitney.  
                    Nays: None.  
                    Motion carried.

Respectfully submitted,

*Gaut m. Mull*      Clerk Pro Tem  
Beth DeCapite, Clerk      2/14/17

Approved:

*Karen E. Schneider*  
Karen Schneider, Mayor