

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
January 15, 2019

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, January 15 at 6:00 p.m. in the Village Hall.

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

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

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

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that Janet Mulh act as Clerk Pro Tem for the meeting.

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

Police Chief Minichello advised that Officer Dylan Hustosky was in attendance and that he has been physically cleared to return to work. Chief Minichello said that he did a great job working his way back and will be in full uniform on Monday.

Police Chief Minichello shared that Mike Day has been with the Gates Mills Police Department for 17 years and fills a wide-variety of roles, including detective, court liaison and IT coordinator. He expressed his opinion that Mike Day is professional and courteous. Chief Minichello said it is an honor and privilege to recommend him for promotion to Sergeant. Chief Minichello then introduced Mike Day's family members that were in attendance.

Mayor Schneider administered the Oath of Office to Sergeant Michael Day. Tanya Day pinned his badge.

It was moved by Councilmember Welsh, seconded by Councilmember Turner, to appoint Mary Reynolds as President of Council Pro Tem for one year.

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

Mayor Schneider administrated the Oath of Office to President of Council Pro Tem Reynolds.

The following list represents the Mayoral appointments to administrative offices:

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

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

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

The following list represents the Mayoral appointments to various Boards, Commissions and Committees.

- Planning & Zoning Commission for term ending 12/31/2021: Sally Burke
- Architectural Board of Review for term ending 12/31/2021: Jann Holzman and Ann Whitney;
- Historical Review Committee for term ending 12/31/2019: Mary Reynolds, Ray Burke, Laurie Deacon, Sara Welsh, and architects Dave Ellison and Joseph Giglio;
- Volunteer Fire Fighters' Dependents Fund Board: Larry Frankel and Ed Welsh; and
- Gates Mills Land Conservancy: Joe Joseph (2022).

It was moved by Councilmember Welsh, seconded by Councilmember AuWerter, that the appointments to various Boards, Commissions and Committees be approved.

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

The minutes of the December 11, 2018 Council meeting were presented by the Clerk. Councilmember Turner requested clarification to language on page 2 regarding the ambulance cost savings compared to the prior year. Councilmember Sogg requested clarifying language on page 4 regarding Opticom to indicate the same is for signal control. It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the December 11, 2018 minutes, as amended, be approved.

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

Pay Ordinance #1221 in the amount of \$715,350.21 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that Pay Ordinance #1221 be approved.

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

Treasurer Reynolds read the financial statement for the period ending December 31, 2018.

- Treasurer Reynolds opined that last year was a good financial year. The Village had a surplus of approximately \$125,000 which was better than the deficit the Budget had forecasted.
- He asked Council to keep in mind certain issues for the upcoming year. He said that real estate taxes came in about the same as the previous year noting approximately \$12,000 reflecting mostly new construction. He expects to see more of that in this year but does not expect much more of an increase. Councilmember Sogg requested further clarification. Treasurer Reynolds said that there was \$11,780 above what the Budget was for the whole year. Councilmember Sogg questioned new housing coming online and resulting revenue. Treasurer Reynolds said the Village only keeps 16% of one's real estate taxes. Mayor Schneider highlighted that the County runs one year behind with a new house coming online.
- Municipal income taxes were almost 24% higher than the Budget. It is uncertain if this amount will be subject to any tax refund claims and whether the Village will continue to receive tax receipts at the same level in 2019. Councilmember Sogg shared that she had the impression that there was a specific tax refund the Village is aware of and asked if that one is responsible for the entire amount. Finance Administrator Mulh confirmed that one is responsible for about \$250,000 of that amount. She added that we do not know how that will turn out.
- Regarding Administration, Treasurer Reynolds advised that personnel costs were slightly under Budget. Engineering expenses were about \$32,000 above Budget. He said that at some point the Village might get some of that reimbursed. Village Engineer Courtney said it is still being worked on. Treasurer Reynolds then asked if the Village does receive a reimbursement, how it will be accounted for. Finance Administrator Mulh said it has to be 2019 income and would probably be considered Other Income.
- Insurance costs were under budget by 37%. He expects that is a timing issue. Finance Administrator Mulh confirmed it will be back up in 2019. She explained that flood insurance will be paid in January.

- Office expenses were twice the budgeted amount. Discussion regarding the same took place. Treasurer Reynolds and Finance Administrator Mulh agreed to meet and look into that further and advise Council after their meeting.
- Police Department was under budget due to lower than anticipated personnel costs.
- Fire Department personnel cost were 10% higher over budget and overall the Fire Department was under budget by \$186,000. However, Treasurer Reynolds pointed out that only the first payment for the new fire truck has been made.
- Service Department was 10% above budget. The harsh 2017/18 winter resulted in higher personnel costs, salt costs and equipment maintenance expenses.
- Building, Operations and Maintenance was over budget by \$28,000 primarily due to overruns on Village Hall and the Post Office.
- Streets and road expenditures all were within budget.

Councilmember Reynolds referred to the revenue component on page 1 indicating that she was struck by the difference in the Budget's projected and actual numbers for the first three items under Other Resources. She said that miscalculation in the Budget came to almost \$72,000. She then asked if the projections for the 2019 Budget reflect less income in those three areas. Treasurer Reynolds responded that there is a better handle on what interest income will likely be. Finance Administrator Mulh explained that the Village was supposed to start in January with Alliance Bernstein and then it was pushed back into May with Ancora. Councilmember Sogg indicated that due to being down an officer, fines and costs were down. Finance Administrator Mulh added that she believes there are things that will again drive up income from building permits.

Treasurer Reynolds said that although the report indicates that the Budget Committee would evaluate variances, he confirmed that the Budget Committee has met, reviewed variances and created a Budget which is included in Council's packet.

Councilmember Turner referred to a recent article regarding Ancora Advisors and some fines that were levied for political contributions. Treasurer Reynolds said that he and Finance Administrator Mulh received calls from Ancora explaining the situation and that Ancora was very transparent about it. Treasurer Reynolds opined there is no reason to be concerned.

Councilmember Welsh extended a compliment to Treasurer Reynolds for doing a nice job.

Mayor Schneider said she is still looking for ideas for the State of the Village. She also requested revisions to the lists of Committees which will be done in February. Next, Mayor Schneider reported that Christmas in the Village was terrific with a great turnout and thanked the Service Department for its assistance with the same.

Working with Councilmember AuWerter, Mayor Schneider advised that an announcement regarding fund raising for the park was made at the Improvement Society dinner in January. She mentioned selling naming rights and that the park will be named "Marston Park". She said \$100,000 is going into an endowment for future use to keep up the park with

\$75,000 as a matching funds program. She also noted that the Kalberer's purchased the naming rights for the pavilion.

Mayor Schneider then noted a collaboration project with Mayfield Schools wherein student interns will assist the Village with regard to designing two signs for the park.

Next, Mayor Schneider informed Council of a meeting earlier that day with a representative from ODNR to discuss forestry programs and the Village's legislation that was passed in December. Councilmembers were invited to attend an upcoming fieldtrip to 3 or 4 locations evidencing the tree maintenance/forestry program. Councilmember Sogg anticipates the trip to take ½ a day. Councilmember AuWerter asked why we need to know about that aspect. Mayor Schneider responded that the legislation was overdone. Councilmember Sogg added that initial interpretations were not clear. Law Director Hunt discussed the same and said that good controls can still be put into place. He added that ODNR has agreed to help administer the program at no cost. Mayor Schneider said that ODNR will oversee the program, review plans and the execution to make sure it is being done correctly. Mayor Schneider added that we need to understand more and believes a visual tour will help. She said that our forests are not being taken care of. She further stated that the MetroParks are also getting involved. The Chagrin River Watershed Partners are on board as well. Councilmember Sogg said they are also working with the Western Reserve Land Conservancy. Councilmember AuWerter asked if it is understood on how to correct the language. Law Director Hunt confirmed and said that the representative for ODNR has agreed to assist as well. In response to Councilmember AuWerter's question, Mayor Schneider said that once it is in place, the Village is forbidding any additional people from joining the program. Mayor Schneider plans to invite representatives from the Land Conservancy to also go on the upcoming fieldtrip. Councilmember Sogg said ODNR is also working with Holden Arboretum. She shared that the ODNR representative provided a memo of his goals and after much discussion believes we are closer to being on the same page. Councilmember Turner asked if they are amenable to the Village not allowing any more residents into the program. Mayor Schneider answered yes and also noted that there are not a lot of other large property owners.

Clerk's report. None.

On behalf of the School Liaison Committee, Councilmember Turner distributed information regarding the February 9 Gala as well as data of the number of Gates Mills residents in each of the schools in the district. Councilmember Turner said she was surprised and happy with the numbers as they were higher than anticipated. Councilmember Sogg commented on a recent handout from Mayfield Schools and opined it is a great handout. Mayor Schneider said copies of the handout should be made available at Village Hall and also provided to Howard Hanna.

Councilmember Turner said that the School Liaison Committee and Positively Gates Mills are closely related with promoting the Village. She said that the School Liaison Committee will meet tomorrow and that a meeting of Positively Gates Mills is scheduled for February 5 at 3:00 p.m. to discuss plans for the spring including highlighting the new park and the 319 restoration.

Mayor Schneider advised Council to meet at 8:30 a.m. on February 5 for the ODNR tour.

Councilmember Sogg referred to and positively commented on a study from the LAND Studio about what builds community.

On behalf of the Recreation Committee, Councilmember Reynolds said that decisions need to be made with regard to the Band Concert. She opined she was happy with the band from last year and that the band would like to play again this year. She said that she is happy to help organize the event again but stressed that it needs to be promoted. She would like to have posters at the intersections, playground and library. She extended a personal challenge to the Councilmembers to organize tables for the event. Mayor Schneider recommended considering how to incorporate the new park with the event. Mayor Schneider advised of a change to the layout of the Village's committees: Community Events and then a Recreation Committee. It was confirmed that Council is in favor of having the Band Concert. Suggestions were shared including changing the name of the event, food options and having contests with prizes. Councilmember Reynolds advised that it will take place on July 21 and confirmed that she will hire the band.

Discussion then took place regarding not having a March Council meeting. Mayor Schneider requested that Councilmembers provide their availability in March should a special meeting need to be scheduled.

Police Chief Minichello provided a written report. Police Chief Minichello mentioned the good news regarding Officer Hustosky that he shared earlier. He also highlighted positive feedback with regard to the School Resource Officer and the SRO's aid to the Department when school is not in session. Police Chief Minichello referring to Councilmember Reynolds' request at last month's meeting provided Council with information regarding the Mayor's Court. He then gave a detailed explanation of the data regarding the same.

Councilmember Reynolds asked who to make checks payable to with regard to the naming rights campaign and requested confirmation that it is a charitable donation.

Treasurer Reynolds referenced the office expenses discussed earlier and advised that it was a mistake and the figures actually relate to the County Auditor's expenses and not to office expenses.

Service Director Biggert provided a written report. Councilmember Welsh asked about the Village's supply of salt. Service Director Biggert confirmed that the Village has a good supply of salt with the plan to buy more.

Fire Chief Robinson provided a written report. It was confirmed that the year-end numbers were down from the prior year.

Resolution #2019-01 "A Resolution Authorizing And Directing The Transfer Of Certain Sums From The General Fund To The Capital Improvement Fund, Mayor's Fund, Wastewater

Fund And Police Pension Fund, And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Whitney said the need to suspend the rules is to continue to do business.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2019-01 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Resolution #2019-01 be approved.

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

Ordinance #2019-02 “An Ordinance Providing Appropriations For Expenditures For The Village Of Gates Mills, Ohio, For Fiscal Year Ending December 31, 2019, Repealing Certain Ordinances And Declaring An Emergency” was introduced by Councilmember Whitney.

Finance Administrator Mulh addressed the Budget. Due to there being 27 pays this year, an increase was made to the Budget for costs related to salaries and wages. Additionally, she explained an increase with regard to the Mills Building. The Mills Building did not have a water meter and then after a meter was installed, there were account issues which resulted in the Village receiving an invoice for approximately \$46,000. As it was a mistake by Cleveland Water, they agreed to a 50% discount. The water bill is now approximately \$22,000. Finance Administrator Mulh said those were the only changes made to the Budget since Council looked at it in December.

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2019-02 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance #2019-02 be approved.

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

Resolution #2019-03 “A Resolution Authorizing The Mayor To Execute A Memorandum Of Understanding With The Northeast Ohio Regional Sewer District And The Cuyahoga Soil And Water Conservation District For A Conservation Program Involving Education, Stewardship And Public Participation, And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg stated the reason to suspend the rules is this is a requirement.

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2019-03 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that Resolution #2019-03 be approved.

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

Ordinance #2019-04 “An Ordinance Amending Section 153.03, “Credit Card Policy;, of Chapter 153, “Clerk”, Of The Codified Ordinances Of The Village Of Gates Mills To Adopt A New Policy And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Whitney said the reason to suspend is this is a housekeeping matter and a matter of State law.

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2019-04 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Ordinance #2019-04 be approved.

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

Councilmember Turner exited the meeting at 7:06 p.m.

Resolution #2019-05 “A Resolution Authorizing The “Phase II Stormwater Services Agreement” With The Cuyahoga County Board Of Health And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember Sogg said the need to suspend is to be in compliance.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2019-05 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Resolution #2019-05 be approved.

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

First reading was held for Ordinance #2019-06 “An Ordinance Amending Subdivision (d), “Prohibited Uses”, Of Section 1157.01, “Classification Of Uses”, Of Chapter 1157, “Zoning Uses”, Of The Planning And Zoning Code Of The Village Of Gates Mills To Remove Prohibition On Oil And Gas Activities” was introduced by Councilmember Sogg. Mayor Schneider said this matter is being referred to Planning and Zoning.

Resolution #2019-07 “A Resolution Authorizing The Purchase Of Equipment For The Service Department And Declaring An Emergency” was introduced by Councilmember AuWerter. Councilmember AuWerter confirmed this purchase was included in the Budget and the need to suspend is to avoid delay in the purchase.

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2019-07 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution #2019-07 be approved.

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

Resolution #2019-08 "A Resolution Authorizing The Purchase Of A Truck Chassis For The Service Department; And Declaring An Emergency" was introduced by Councilmember AuWerter. Councilmember AuWerter confirmed this purchase was included in the Budget and the need to suspend is to avoid delay in the purchase.

It was moved by Councilmember AuWerter, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2019-08 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution #2019-08 be approved.

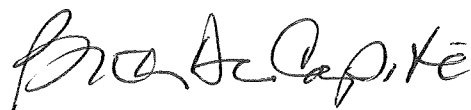
Roll call: Ayes: AuWerter, Reynolds, Sogg, Welsh, Whitney.
Nays: None.
Motion carried.

Business from the audience: None.

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

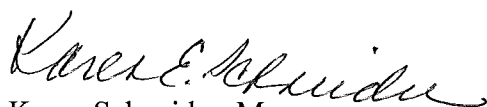
Roll call: Ayes: AuWerter, Reynolds, Sogg, Welsh, Whitney.
Nays: None.
Motion carried.

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor