

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 13, 2018

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, February 13 at 6:00 p.m. in the Village Hall.

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

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

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

It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter, to appoint Janet Mulh Interim Clerk.

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

Mayor Schneider administrated the Oath of Office to Councilmembers Frankel and Whitney.

The following Mayoral Appointments were presented:

- David Bercheck to the Local Board of Tax Review for the term ending December 31, 2019; and
- Scott Broome to the Gates Mills Land Conservancy for the term ending December 31, 2021.

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

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

The following Council Appointments were presented:

- David Burke and Tom Wagner to Local Board of Tax Review for terms ending December 31, 2019.

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that the appointments be approved.

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

The minutes of the January 9, 2018 Council meeting were presented by the Clerk. Councilmember Reynolds highlighted the need to correct the date appearing on the first page. She then advised that the Minutes should list Councilmember Whitney – not Councilmember Turner – as being excused from the meeting. Councilmember Whitney pointed to a typo on page four wherein the word *steading* should be *steady*. Councilmember Whitney then asked about the inquiry made by Councilmember Welsh regarding violations and if the Village could go pointless. After discussion among Council, it was agreed it was confusing and should be deleted from the Minutes. It was moved by Councilmember Reynolds, seconded by Councilmember Turner, that the minutes, as amended, be approved.

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

Pay Ordinance #1210 in the amount of \$874,963.64 was presented by the Clerk.

Councilmember Frankel asked if the CMI software support expense is a one time or an annual cost. Finance Administrator Mulh confirmed it is an annual expense. Councilmember AuWerter asked about the Chagrin River Road engineering expense. Village Engineer Courtney explained that it was to study Chagrin River Road and those areas determined to be unsafe with the intent to go to NOACA to request funding for roadway safety concerns. Councilmember AuWerter asked whether this cost was budgeted and if it is proper to have it on the income statement versus as a capital project. Finance Administrator Mulh said she identified it as a regular engineering expense and confirmed it was not budgeted. Village Engineer Courtney said the actual project may be 5 – 6 years out. Mayor Schneider hopes the study will lead to funding. Councilmember Sogg suggested leaving it as a regular engineering expense. Councilmember AuWerter agreed the survey was worth doing. Treasurer Reynolds agreed it should be on the income statement. He further remarked that any expenditures spent on the actual project should go into the Capital Fund but this expense was only for qualification purposes. Councilmember Sogg asked if the Village could be reimbursed for the study. Village Engineer Courtney said the Village may be able to use such amount toward any local contribution portion the Village may have.

It was moved by Councilmember Welsh, seconded by Councilmember Frankel, that Pay Ordinance #1210 be approved.

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

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Treasurer Reynolds provided the financial statement for the period ending January 31, 2018. He highlighted the following:

- As anticipated, year-end tax planning accelerated the tax receipts for the month of January.
- Expects that 2018 total real estate tax receipts to be higher than 2017 receipts.
- Municipal tax receipts were higher than last year likely due to tax planning and timing differences.
- 26% of the Village's Budgeted Revenues came in January.
- Expenditures were much higher in January compared to last January -- \$766,000 versus \$437,000. Increased expenses in benefits were noted. Increased Administrative costs were higher mostly because of insurance payments and County Auditor payments.
- Both Revenues and Expenses are ahead of the Budget but expects both to return to anticipated levels as the year continues.

Next, Treasurer Reynolds explained that the selected investment manager, AllianceBernstein, cannot accept the Village's account due to an unanticipated regulatory issue. Treasurer Reynolds recommended the Village approach the second choice candidate, Ancora, and begin the process to establish an account with them. Treasurer Reynolds' understanding is the regulatory issue stemmed from a donation made by an AllianceBernstein employee and that based on such donation, AllianceBernstein would be prevented to solicit business with the Village six months prior to and after such donation was made. AllianceBernstein confirmed that no contribution was made to any of the Village's elected officials. No other details were provided. According to AllianceBernstein's external counsel, it was recommended to revoke this arrangement and that the blackout period would end December 2019. AllianceBernstein told Treasurer Reynolds that there is legislative discussion at the State to allow the Star accounts to begin to invest in short term bonds in similar ways that AllianceBernstein is doing. AllianceBernstein is one of the candidates to manage those funds. Treasurer Reynolds reiterated his recommendation that the Village begin the process with Ancora to get an account established. Councilmember AuWerter expressed his agreement with working with Ancora but highlighted that AllianceBernstein had a more robust approach. He suggested that the Investment Committee reevaluate at the end of the year. Treasurer Reynolds confirmed that the Investment Committee would meet at the end of the year to reevaluate. Councilmember Welsh asked if the Village is still with Star right now. Finance Administrator Mulh confirmed and noted that the rates are supposed to go up slightly. Her understanding is that lower balances may earn a higher rate of interest. She shared that the Village received a \$1,000 check from AllianceBernstein as payment for interest and has offered to pay the Village's legal expenses incurred regarding the negotiations with AllianceBernstein. Finance Administrator Mulh will work to schedule a meeting with Ancora.

Mayor Schneider said the *State of the Village* will go out soon. She then advised that there will be another meeting regarding the playground and hopes to share information soon regarding that grant. Upon inquiry, the following Councilmembers confirmed their availability to attend the March Council meeting: Frankel, Sogg, Turner and Welsh.

Clerk's report. None.

Councilmember Whitney said there is a program she would like to have Councilmembers and possibly members of Planning & Zoning participate in and asked Village Engineer Courtney to address. He explained that Chagrin River Watershed Partners has a new presentation on Riparian Setback programs and ordinances. In response to Mayor Schneider's question, Village Engineer Courtney advised that if the Village adopts it, it may have more control over the language. Mayor Schneider opined it is possible that the Village may be mandated to do so. Village Engineer Courtney said these are protective ordinances, variances can be requested and there are exceptions for existing structures. Councilmember Whitney said the intent of the meeting is to educate Council and members of Planning & Zoning. Village Engineer Courtney said that a public meeting could then be scheduled with the same presentation. It was agreed to have the presentation immediately preceding the April 10 Council meeting with a 5:30 p.m. start time. Council agreed to invite members of Planning & Zoning to attend the presentation. In response to Councilmember Welsh's question, Mayor Schneider said that it is a public meeting and anyone may attend. Councilmember Reynolds suggested extending a personal invitation to those involved to the community presentation rather than the April 10 presentation.

Councilmember AuWerter asked about guidelines/ordinances regarding inspections when a house transfers ownership. Finance Administrator Mulh said the Village is not notified when there is a change. Service Director Biggert said in the past the Village used to inspect. Councilmember AuWerter asked if we could put some type of ordinance on the books that a transfer cannot happen without an inspection. Law Director Hunt advised that inspections can only be voluntary and cannot be enforced. Councilmember Whitney asked if realtors could encourage voluntary inspections. Service Director Biggert opined that even if it is voluntary, such recommendation could be misconstrued.

Police Chief Minichello provided a written report. Councilmember Reynolds mentioned the Westerville shooting. Police Chief Minichello said that the Department will send a cruiser to the funeral. In response to Councilmember AuWerter's question, he described some steps implemented when responding to a domestic violence situation. Police Chief Minichello then remarked of the number of accidents in January due to the weather. Councilmember Turner complimented Chief Minichello with regard to the recent article in the paper about the mayor's court.

Service Director Biggert provided a written report. Making reference to concerns previously shared by Councilmember Reynolds regarding the intersection of Mayfield and Chagrin River Road, he confirmed that he has reached out to ODOT as well as signal representatives regarding the same. He explained three possible options. The first option is to have a sign that flashes when the light is changing to red. The cost is \$18,000 to \$20,000. He remarked that the biggest issue with that option is that the State is no longer looking at that type of sign as a safety device and is eliminating those. He shared his reservation of spending money on something outdated that no longer falls under the traffic standards. Next, he explained that Signal Services installs monitors in the pavement and when the signal is going from green to yellow, it can determine a car's speed and distance. If it indicates that the car will not likely be able to stop per its speed and distance, it will hold the light yellow until the car goes through and then changes to red. That is a more costly option at \$25,000 not including pavement work. The

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third option is staggering and lengthening the timing between when Mayfield turns red and when River Road turns green. That process could be done by Signal Services. Councilmember AuWerter addressing the second option wondered if drivers that become aware of the process would use that to their advantage. Councilmember Welsh said he feels that the delay already in place has helped. Service Director Biggert noted that discussions have long taken place about updating the traffic signals. He added that if that should happen, it may be best at that time to switch to sensors and traffic monitoring. Police Chief Minichello shared that he has heard from the highway engineer and expects further communication regarding concerns previously discussed. Councilmember Reynolds expressed her unease, when going east on Mayfield, that there is only one sign and it indicates a light is ½ mile ahead but said it is actually misplaced and is located less than ½ mile from the light. It was noted that it is a State road and the State would have to move it. Councilmember AuWerter raised the traffic concerns at Old Mill and Mayfield roads as well. Police Chief committed to also look at that intersection. Councilmember Welsh asked if cameras could be an option. Police Chief Minichello said that is a very controversial topic.

Councilmember AuWerter asked about the Village's salt supply. Service Director Biggert advised that backup options are being considered. He said the Village is expecting a delivery of 300 tons. Councilmember AuWerter explained that for an average season 1,200-1,400 tons are used. He said the Village started with 800 tons and committed to buy up to 1,100 tons. He further noted that the Village has gone through 1,500 tons already which is above the seasonal average.

Councilmember Turner asked about repair requests including outcome and follow up regarding the same. Service Director Biggert shared that he had a conversation regarding one and confirmed that there are requests outstanding. He noted, however, that most of the issues are exterior which would not be addressed during the winter months. He added that the majority of the issues may be addressed due to certain properties that have recently been sold. Councilmember Turner asked if Council should discuss outstanding requests and potential follow up. Mayor Schneider advised that the letters include a notice by date and after such date, notices are resent. Councilmember Turner inquired if any progress is being made. Mayor Schneider reiterated that most of the issues are external/outside issues.

Councilmember AuWerter congratulated Service Director Biggert for his years of service with the Village.

Fire Chief Robinson provided a written report. Councilmember AuWerter requested that Chief Robinson include in his graph a fire run comparison with the current month/year to last year. Mayor Schneider requested the same for ambulance runs as well. Chief Robinson noted he reformatted the look of his report and would begin adding the comparison information with next month's report. He provided a brief description regarding three separate alarm events that occurred at a residence on Battles Road.

Third reading was held for Ordinance #2017-45 "An Ordinance Amending Section 518.125 Of The General Offenses Code To Revise A Provision With Respect To Deer Management Regulations." Councilmember Frankel explained this is reducing the required acreage to five continuous acres of property for deer culling. It was confirmed in response to

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Councilmember Reynolds' question that this is just for bow hunting. Councilmember Reynolds shared that she has been hearing shotgun noises. Police Chief Minichello said that he has not received any calls on shotgun noise. Councilmember Sogg said that she has heard noise from skeet shooting coming from area clubs.

It was moved by Councilmember Frankel, seconded by Councilmember Sogg, that Ordinance #2017-45 be approved.

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

Resolution #2018-03 "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" was introduced by Councilmember Sogg. Village Engineer Courtney said this is part of Phase 2 of the Storm Water program. Service Director Biggert confirmed that there are associated costs; however, the Village will be reimbursed by the Sewer District.

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 #2018-03 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that Resolution #2018-03 be approved.

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

Resolution #2018-04 "A Resolution Authorizing The Mayor And Clerk To Enter Into An Agreement With Chagrin River Watershed Partners Obligating The Village To Contribute Matching Funds For The Wildlife Conservation Society Climate Adaptation Fund Grant And Declaring An Emergency" was introduced by Councilmember Reynolds. It was confirmed that the terms of the Grant require matching funds of \$2,500 for two years contributed by the Village.

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2018-04 be placed upon its final passage.

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

Motion carried.

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Resolution #2018-04 be approved.

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

Ordinance #2018-05 "An Ordinance Enacting A New Section 155.15 Of The Administrative Code Establishing The 319 Grant Fund, And Declaring An Emergency" was introduced by Councilmember Turner. Councilmember Turner said this is for the Ohio EPA monies that the Village will get for the river bank stabilization project.

It was moved by Councilmember Turner, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2018-05 be placed upon its final passage.

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

It was moved by Councilmember Turner, seconded by Councilmember AuWerter, that Ordinance #2018-05 be approved.

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

Business from the audience: None.

Village Engineer Courtney referring to the Resolution regarding the Sewer District indicated that next year it will be in a different form than this year.

Finance Administrator Mulh announced that Mike Fine and his wife had a baby girl.

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

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

Respectfully submitted,



~~Beth DeCapite, Clerk~~

JANET M. MULH

CLERK, PRO TEM

Approved:



Karen Schneider, Mayor