

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
April 8, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, April 8, 2014 at 6:30 p.m. in the Village Hall.

Councilmembers present: Frankel, Schneider, Sogg, Welsh.

Councilmembers absent: Barnes, Reynolds, Turner.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Councilmembers Barnes, Reynolds, and Turner be excused from the meeting.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Mayor Riley presided.

The minutes of the March 8, 2014 Special Council meeting were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the minutes be approved.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Pay Ordinance #1164 in the amount of \$237,086.88 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1164 be approved.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Mayor Riley advised that several items that were going to be covered by emergency measure at this meeting will be considered as first readings as there are only four Council members in attendance. Next, he stated that later in the meeting he will request to have a special meeting to address the possible renovation of the tennis courts. Regarding a public records request that was sent to all councilmembers and him, Mayor Riley commented that all responses should be in by the end of the week. Lastly, Mayor Riley announced that an outline regarding the Land Trust Proposal found on the Village's website has been updated with new dates.

The Clerk, upon request of Residents David and Frances Dickenson, II, read a letter they submitted in support of repairing the tennis courts.

Councilmember Schneider announced that the Positively Gates Mills Committee is meeting tomorrow (April 9th) and again toward the end of the month to plan for the Community Awareness Day that is being held on May 31st from 10:00 a.m. to 3:00 p.m.

Councilmember Welsh advised of a recent meeting regarding the Band Concert wherein many good ideas were discussed and he welcomed suggestions with regard to the Band Concert.

Police Chief Whitmer provided a written report. He stated that the Police Department is partnering with Gilmour Academy for this year's Safety Town taking place June 16 through 30. Additionally, Police Chief Whitmer expressed gratitude for Councilmember Schneider's assistance in making accident reports accessible on the Village's website.

Finance Administrator Lechman acknowledged Dorothy Slunski's assistance in getting the Council packets together.

A written report was provided by Service Director Biggert. Mayor Riley requested he provide a report on two upcoming projects on Chagrin River Road. Service Director Biggert stated that grinding work will start on Monday (April 14th), followed by applying the intermediate course. Prior to finalizing the paving project, work will be suspended to allow for the repair of culverts. After the culvert repairs, the contractor will finish paving and striping. Road closures will be minimal and he noted that detour and related information will be posted on the Village's website. Councilmember Welsh asked about the Village's supply of salt. It was confirmed that the bin is filled. Councilmember Sogg inquired as to the increase in the recycling numbers. Service Director Biggert opined that people are trying to be more conscious and the Village is trying to add more opportunities to promote recycling. Councilmember Welsh asked what the timeline is regarding the Force Main Project. Service Director Biggert replied four weeks. Mayor Riley suggested he report on the status of the bids received for the possible renovation of the tennis courts. Service Director Biggert stated that bids are due Friday (April 11th). After a review of the bids, a recommendation will be given to Council. Service Director Biggert affirmed Councilmember Welsh's question whether he was happy with the specs. Councilmember Frankel asked if the courts would be multi-purpose. Service Director Biggert stated the courts would accommodate both tennis and pickle ball. He shared that he received recommendations not to combine basketball with tennis. A special meeting was scheduled for Tuesday, April 15th at 7:00 p.m.

Comments from residents:

Resident Clark Langmack hopes a survey he provided will be helpful to Council in making its decision.

Resident Sue Thorpe shared her concern with regard to the Jr. Strawhat program specifically addressing its need for the use of the stage. In response to Mayor Riley's request to postpone comments not related to the possible renovation of the tennis courts, Ms. Thorpe

expressed that very few residents utilize the courts and suggested fundraising be done and noted that Mayfield Heights has tennis courts available to Gates Mills' residents.

Resident Joe Svete stated that Gates Mills is a wonderful community with few recreational assets. He informed Council that Loren Davis, a former resident and a current tennis player, offered to contribute \$1,000 toward the repair of the tennis courts. Mr. Svete also stated that tennis courts can be used by both younger and older residents.

Prior Mayor Connie White stated that she has noticed quite a few residents using the courts even in the current poor condition.

Resident Susan Thorpe stated that the Camp does not use the courts.

Resident Mary Ann Kish asked where the Village would come up with the necessary funds should there not be enough money available to cover the total cost. Mayor Riley responded that Council would need to review further and decide whether it is prepared to spend the funds. He also provided the reminder that the Village has a commitment from the Improvement Society for some funds. When Resident Mary Ann Kish asked whether there was money in the budget for the renovations, Mayor Riley responded tennis courts were not included in the budget although the Village has accumulated funds for capital improvement. Resident Mary Ann Kish said her neighbors are against the new tennis courts. She further stated that the renovations would benefit only a few people and should be put on the ballot for a vote.

Resident Clark Langmack commented that he and a few others have spoken with about 120 people, an overwhelming amount of residents are for renovating the courts and added the decrease in use can be attributed to the poor condition of the courts.

Resident Loretta Peterson stated that she is in favor of resurfacing the tennis courts and suggested having a pay-to-play option implemented until the balance of any deficient is paid off.

Resident Clark Langmack provided the example of how swing sets in the Village may not be used by everyone but families with children are not assessed as they are a Village asset and the responsibility of the Village to maintain.

Mayor Riley stated further consideration will be given at the Special Council meeting scheduled for April 15th at 7:00 p.m.

Fire Chief Robinson distributed a written report. Mayor Riley suggested Chief Robinson provide an overview of what is available to residents in terms of smoke detectors for the benefit of those in attendance. Fire Chief Robinson stated that the Department currently has 85 smoke detectors and the Department is available to provide installation assistance. Councilmember Welsh asked how residents request service. Fire Chief Robinson responded that Residents should call or e-mail him. In response to Resident Paul Booyens' question, Chief Robinson stated that the smoke detectors are standalone units. Councilmember Welsh inquired if the detectors also monitor carbon dioxide. Fire Chief Robinson confirmed they do not and added that he does not recommend dual units.

Fire Chief Robinson provided an overview of the Code Red mass notification system that he and Police Chief Whitmer have been considering and presented at a recent Staff Meeting. He explained that the Code Red system allows for more specific notifications for emergencies. Residents can sign up and select their preferences including being notified of non-emergency information (*i.e.*, traffic) or emergencies only. Notifications can be made by home phone, cell, text, e-mail or all of the above. He explained the current system is limited in sending communications and can only be divided between two zones of the community. The current system also presents possible delays in getting messages out. Code Red allows for more area specific notifications such as a single street or defined area. Fire Chief Robinson noted that other communities currently using the system have provided very favorable feedback.

Ordinance #2014-03 entitled “An Ordinance Amending Several Provisions Of The Building And Housing Code” was presented by Councilmember Schneider and given its third reading by the Clerk. Councilmember Schneider said corrections were made at the public hearing as noted and advised that there are no additional corrections.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that Ordinance #2014-03 as amended be approved.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Ordinance #2014-04 entitled “An Ordinance Adding Chapter 1377 Of The Village Of Gates Mills Building Code”, was presented by Councilmember Schneider and given its second reading by the Clerk. Law Director Cannon explained that as the State does not mandate the installation of photo-electronic detectors, it will not allow local communities to enforce or mandate the same. As Law Director Cannon indicated that next steps are unclear at this time, Council concluded after a brief discussion to move this to a third reading at the next Council meeting and determine at that time if the same should be tabled. Councilmember Schneider suggested incorporating the installation of photo-electronic detectors as a recommendation.

Ordinance #2014-06 entitled “An Ordinance Authorizing The Mayor And Clerk To Enter Into An Agreement To Join The “Valley Enforcement Regional Council Of Governments,” For The Purpose Of Jointly Establishing And Operating The “Valley Enforcement Group” With Other Political Subdivisions, Appointing A Representative And Alternate Represented To The Council And Declaring An Emergency”, was presented by Councilmember Schneider and given its second reading by the clerk.

Ordinance #2014-05 entitled “An Ordinance Giving Notice Of Termination By The Village Of Gates Mills Of Its Participation In The Suburban Police Anti-Crime Network (Span) And Declaring An Emergency”, was presented by Councilmember Schneider and given its second reading by the Clerk.

Councilmember Schneider explained the foregoing Ordinances, respectively, were to join Valley Enforcement Group (“VEG”) which is a group under Chagrin Valley Dispatch and sever the Village’s membership with the SPAN communities.

Councilmember Sogg made a request to advertise for bids for the Chagrin River Road Culvert Replacement project. Service Director Biggert indicated this project is included in the Budget. Village Engineer Courtney reported that a survey was performed and five culverts were determined to be in distress. Village Engineer Courtney advised it would be prudent to repair the culverts prior to the State finalizing the road resurfacing project. Mayor Riley summarized that grinding of the surface would be done, followed by a subsurface and then suspension of that project to allow for the repair of the culverts, followed by the final surface and striping. Service Director Biggert advised of controlled traffic and localized lane closures.

Resident Jennifer Decker questioned how long the road would be torn up.

Village Engineer Courtney advised that it would be two weeks for grinding to be done followed by detours and closures for culvert work – being performed in small areas – of two months.

Resident Bob Andreano expressed traffic concerns with regard to getting to the middle school and questioned what hours the work would be performed. Village Engineer Courtney stated that there is limited control with the time of work and advised that the schedule is between 7:00 a.m. and 7:00 p.m. Councilmember Frankel question if the detour and related information could be posted. Village Engineer Courtney confirmed that it will be posted on the website.

It was moved by Councilmember Sogg, seconded by Councilmember Welch, that an advertisement be placed for bids.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
Nays: None.
Motion carried.

Councilmember Sogg made a request to advertise for bids for the Town Hall Sanitary Sewer Separation. Service Director Biggert explained that to comply with EPA and related requirements, the current drains of the Service Department area that tie into the storm sewer need to be tied into the sanitary sewer. He added that this project is in the Budget.

It was moved by Councilmember Sogg, seconded by Councilmember Schneider, that an advertisement be placed for bids.

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
Nays: None.
Motion carried.

Mayor Riley suggested that the Resolutions that require suspension of the normal rules – Resolution to accept the bid for slag and the Resolution for the 2014 Road Program – be added to the Agenda for the Special Meeting scheduled for April 15th.

Business from the audience:

Resident Sue Thorpe urged accommodation be made for the Jr. Strawhat program to have the use of the stage. Mayor Riley commented this issue arose in January wherein he tried to broker an understanding. He thought the matter was resolved and that Jr. Strawhat was not going forward with its production until an e-mail he recently received. Mayor Riley indicated he would try to assist in resolving the stage issue.

Resident Paul Booyens thanked Council for its time and explained that he has 70 signatures of residents and is representing the group with regard to their concerns with the proposed land trust and fracking. The group identified five specific issues of concern and submitted a document outlining the same. Additionally, Mr. Booyens relayed three requests: (1) any decisions be postponed until at least the end of the year; (2) residents be involved in decision-making; and (3) the document submitted become part of the formal minutes. Mr. Booyens emphasized the foregoing requests and efforts are made with positive intent to work for the benefit of Gates Mills. Mayor Riley acknowledged that many of the group's suggestions and questions were positive and, referencing Councilmember Frankel's earlier suggestion, agreed that no trust would be formed until a series of public meetings which are likely to be scheduled in June and August. Mr. Booyens inquired whether those public meetings would be totally about forming a public land trust. Mayor Riley confirmed that the meetings would not be limited to that issue and stated that Council is open to better ideas with the goal of finding the best plan for the Village should it be faced with deep well drilling.

Councilmember Schneider highlighted the need for education of Council and the Villagers. In response to Resident Loretta Peterson's question, Councilmember Schneider clarified that more education is needed with regard to deep well drilling. Mayor Riley provided the reminder that with regard to the vertical or shallow wells, the Village and residents were not prepared and were in a reactionary position. This is an alternate plan.

Resident Jennifer Decker asked who selects the speakers and if residents can make recommendations. Mayor Riley welcomed recommendations and stated that Council is committed to having a representative from Western Reserve Land Conservancy make a presentation. Councilmember Schneider also noted that a presentation may be made by a CWRU professor. Ms. Decker asked how to submit recommendations. Mayor Riley answered that e-mails should be sent to him with any suggestions. Councilmember Schneider reminded the audience that all of the contact information for members of Council can be found on the Village's website.

Resident Bob Andreano addressing financing and refinancing issues suggested having bank and/or insurance representatives speak.

Resident Paul Booyens shared concern of the original timeline which proposed formation of the trust by May 1. Mayor Riley indicated that the Village was approached by individuals ready to transfer their interests and the initial idea was to make the trust available for them.

Mayor Riley indicated, in response to Resident Jenni McMaster's question, that third party speaker information would be posted in advance of public meetings.

Resident Bob Andreano asked if there are funds available for mailers. Mayor Riley stated information has been distributed in both the *Pink Sheet* as well as in a separate mailing.

Resident Judith Scheman asked if in addition to meetings whether consideration would be given of having a vote. Mayor Riley responded that a vote by residents to ban drilling is most likely ineffective and would be sensitive to incurring such costs until confirmation that it would be effective. Ms. Scheman clarified she meant a vote on the development of a trust. Councilmember Sogg clarified that participation in the proposed land trust would be voluntary.

Resident Bob Andreano questioned how trustees would be appointed. Mayor Riley indicated there are many possibilities and options regarding the formation of a board.

Resident Paul Booyens asked where funding would come from and indicated if levy money is used, then it would be valid to put it up for vote. Mayor Riley replied that Council would have to decide where money comes from and there has been no commitment regarding the same.

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

Roll call: Ayes: Frankel, Schneider, Sogg, Welsh.
 Nays: None.
 Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor