

Village of Gates Mills
MINUTES OF A SPECIAL MEETING OF COUNCIL
April 15, 2014

Pursuant to written notice, a Special Meeting of the Council of Gates Mills, Ohio was held on Tuesday, April 15, 2014 at 7:00 p.m. in the Village Hall.

Councilmembers present: Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.

Councilmembers absent: Barnes.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that Councilmember Barnes be excused from the meeting.

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

Mayor Riley presided.

The minutes of the March 11, 2014 Council meeting were presented by the Clerk. Councilmember Frankel noted that the word "unitization" should be changed to "utilization" on page 6, in the Business from the Audience section. It was moved by Councilmember Sogg, seconded by Councilmember Turner, that the minutes, as amended, be approved.

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

The financial statement for the period ending March 31, 2014 was presented by the Clerk. Finance Administrator Lechman pointed out that savings, as a result of the switch to Chagrin Valley Dispatch, is reflected in the Budget. She highlighted that expenses associated with salaries totaled \$338,000 compared to \$410,000. Finance Administrator Lechman then noted the foregoing reduction also included the recent pay increase. With regard to Inheritance Tax, she reported that \$145,500 has been received by the Village. She confirmed that no further payments are expected. Lastly, Finance Administrator Lechman stated that there had been no expenditures relating to Capital Improvement.

Resolution #2014-07 entitled "A Resolution Accepting The Bids Of Ontario Stone Corporation For Sale To The Village Of #8 Slag" was presented by Councilmember Frankel and read by the Clerk.

It was moved by Councilmember Frankel, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-07 be placed upon its final passage.

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

It was then moved by Councilmember Frankel, seconded by Councilmember Welsh, that Resolution #2014-07 be approved.

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

Resolution #2014-08 entitled "A Resolution Awarding The 2014 Repair And Resurfacing Program To Barbicas Construction And Declaring An Emergency", was presented by Councilmember Turner and read by the Clerk.

It was moved by Councilmember Turner, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-08 be placed upon its final passage.

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

Councilmember Turner stated that several bids were received. Service Director Biggert explained that the project includes repair of parking spaces, spots on Old Mill, Brigham, and Sherman Roads and possibly other areas as well. Councilmember Turner inquired how long the project would take. Service Director Biggert replied that, once started, it would take five days to complete. Councilmember Frankel expressed his sensitivity with regard to suspending the rules and referred to recent media coverage regarding the same. In response to his concern, Service Director Biggert explained that following the normal process of three readings could potentially hurt pricing as, in this case, the cost of oil is a factor. Village Engineer Courtney added that the bidding process requires the Village to advertise for two consecutive weeks, followed by a public bid for one full month along with the requirement of three readings could result in a timeframe of four months from placing an ad to receiving authorization to award the bid. He also commented on possible price increases based on the longer process. Law Director Cannon shared that no other governmental unit in the State of Ohio has the requirement of three readings. She further commented that this government works to avoid passing by emergency measure but recommended it should not hesitate to do so.

It was then moved by Councilmember Turner, seconded by Councilmember Frankel, that Resolution #2014-8 be approved.

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

Resolution #2014-09 entitled "A Resolution Awarding The Tennis Court Surfaces Replacement Program To Infinity Paving Company And Declaring An Emergency", was presented by Councilmember Schneider. Councilmember Schneider indicated several bids were received. Infinity Paving's bid was the lowest bid received at \$102,076. Councilmember Schneider expressed that she would like to go forward with repairing the tennis courts. She stated that the tennis courts were constructed in 1964 and have been a benefit to the Village for 50 years. She noted the Village's tennis programs have fallen behind because of the condition of the courts and emphasized it is time to rebuild the courts and the tennis programs. She added that the courts are an asset.

Councilmember Welsh questioned if the lowest bid received was from a company that would perform quality work to make sure that the courts would last for a long period of time.

Councilmember Schneider replied she has faith in relying on the Village Engineer and Service Director that they put together a package to cover the Village as it relates to the proper rebuilding of the tennis courts.

Councilmember Turner questioned the timing for passing the Resolution. Law Director Cannon explained if the same is not passed by emergency measure, it would not go into effect for 30 days. Therefore, it requires suspension of the rules and to be declared an emergency.

Councilmember Frankel thanked Clark Langmack and his group for their work and for making him aware of how many people enjoy and play tennis. Councilmember Frankel stated this issue is one of fiscal responsibility. He shared his concerns with regard to the future of the Capital Improvement fund and noted that estate taxes are no longer available. He stressed the importance of planning ahead for future expenses. Councilmember Frankel opined that he has difficulty justifying that the Village does not have the resources for services such as trash pick-up but that the Village has the resources for non-essential services for projects such as recreation. However, he stated should Council consider such a project, location should be considered as well as multi-functional courts and the possibility of including a playground. He added that such a project should be funded by the Village where the citizens can vote on it and fund it in that manner which, in his opinion, would be more fiscally responsible. Councilmember Frankel indicated that to not do so, did not seem like prudent government.

Councilmember Turner acknowledged that she is aware that the courts have fallen into disrepair. However, she is torn between the repair of the courts and budgetary restraints. She also expressed that she is troubled by what feels like pressure to make a decision right away. With regard to the courts' current location, she raised the issue of having gas wells located near the courts and noted the expansion of the Service Department. Councilmember Turner suggested exploring options such as partnering with the schools and/or including a playground to involve younger children which, although would not solve the financial aspect, would expand the population involved in this endeavor. Remarking that bids were just submitted to Council yesterday, she stated that she is not prepared to vote on who would be the best company for this project if this project is something Council wants to do and advised that she is committed to a solution but based on the proposal right now, could not vote in the affirmative.

Councilmember Reynolds agreed with Councilmember Turner regarding the timing of having to make decision. She stated that based solely on the sizeable financial cost to the Village, she does not feel comfortable supporting the same. Councilmember Reynolds opined that taxpayers' money should be used for the primary responsibilities of local government: the safety of its citizens, its infrastructure and schools. She added that she reached out to similar communities and advised that they do not have recreational facilities. Councilmember Reynolds highlighted that the Village has not had a tax increase that supports operating income since 2005. When considering money be spent on the tennis courts, she expressed sensitivity to the fact that the Village, along with its Department Heads, work to find ways to save money and is facing a possible future deficit. Councilmember Reynolds then shared suggestions that would allow her to feel comfortable in supporting the resurfacing project. Those suggestions included: (i) that only excess funds received from Inheritance Tax be used; (ii) not using funds from the Operating Expense budget (so that no tax funds are being used); and (iii) if using those funds, putting a cap on what the Village would spend. She further stated that the group organized as tennis advocates help raise the difference of approximately \$25,000-30,000. If the courts are redone, Councilmember Reynolds stressed the importance of adding a line item in the Budget for the continued maintenance of the courts. She proposed, similar to when Villagers use the Community House or Burton Court, they are charged a small fee to reserve routine court time. Such fees received would allow for funds to be available for the ongoing maintenance of the courts. In conclusion, Councilmember Reynolds said that if those three things were incorporated into the concept to save the tennis courts, she would support the rebuilding of the courts.

Councilmember Welsh recalled that when he ran for office, he wanted to work to maintain the Village's standards of previous generations and reestablish the downtown area. He expressed that he feels a sense of responsibility for the courts. Councilmember Welsh further stated that although little is offered to the Villagers, what is offered is beautiful and should be maintained. He asked for support, noted there is money available, and encouraged that the repair and resurfacing of the courts be done.

In response to the suggestions related to the location of the courts, Councilmember Schneider stated one of the positive benefits of the current location is access to a bathroom. She stated that she likes the idea of a park and advised that money is available for decorating, etc. She continued by stating the location of the gas wells is a non-issue and noted that Fire Chief Robinson is on top of gas well safety. Councilmember Schneider further commented that the location provides a safe feeling as it is located down in the community. She stated that part of the reason for the Positively Gates Mills Committee is to encourage people to move to the Village. Although not a lot is offered as far as recreation, various traditional events, the Community House and the tennis courts are all assets. She explained that some events result in a small cost each year whereas this would be a lump sum expense. She then provided the example that should the tennis courts last another 30 years, it would be equivalent to a yearly cost of \$3,000. In response to Councilmember Schneider's query of how long discussions regarding the courts have been ongoing, Resident Clark Langmack confirmed three years.

Cathy DiVincenzo stated, on behalf of the Community Club, it would help support fundraising for the tennis courts if there is a concrete plan to repair the courts.

Councilmember Schneider expressed the community has always been good when it comes to supporting projects, including noting the support from the Improvement Society. Resident Charlie Marston addressed Council that although he could not speak on behalf of the Improvement Society, he shared that they have had numerous meetings over the years and recognize that the tennis courts have deteriorated. He said that messages have been sent to Council requesting it address the problem. He added that the tennis courts have been well used until their condition declined. He commented that he is happy to go to the Improvement Society and see what can be done. He said that the Improvement Society gave \$25,000 toward the library project. Although he does not know what would be done, he is certain the Improvement Society would do something to support the rebuilding of the courts.

Mayor Connie White remarked that the tennis courts have been very well used and shared her opinion that the Community has historically come together to support Village activities.

Jane Mitchell stated that she has witnessed the courts receiving a lot of use and that her daughter, who is a recruited Division 1 tennis player, grew up using the courts. She believes the courts are a Village asset and should be maintained. She shared that her family, when purchasing a home in the Village, valued the tennis courts as part of their decision and did not want to move to other communities that did not offer such a recreational asset.

Cathy DiVincenzo provided the example of a prior bridge project wherein there was a large turn-out which resulted in a significant amount of money being raised and agreed with Mayor White's comments that people in the Village really come together and she believes there is a lot of means to raise money and support it.

Councilmember Schneider added there are a lot of organizations that could help and it is important to publicize what is being done and the need for help.

Mayor Riley clarified that should Council approve the bid tonight, it is the Village's money that is being spent. That any money received from the community would be reimbursement to the Village.

Councilmember Frankel stated that there has not been a lot of discussion regarding the gas wells in relation to the location of the courts. He stated the well is about 50 feet from the tennis courts. A brief discussion took place regarding various Village Ordinances. Councilmember Frankel advised that he supports the idea of the Village asset be funded by all of the Villagers but also in a location that may not be detrimental to the people using it. He expressed that health concerns should be a consideration. Councilmembers Sogg and Schneider replied that the courts offer an open air environment.

Councilmember Reynolds questioned, if the bid is approved, where the \$102,000 would come from. Mayor Riley responded that the Village has Capital Improvement funds including Inheritance Tax revenue and confirmed money would not come out of Operating funds.

Resident Scott Broome with respect to the possibility of moving the courts shared his concern that if they were moved the Village may lose control of the courts. He opined that the tennis courts and the amenities that come with it, provide a sense of community. He stated that the Community Club is working hard to keep a sense of community and he feels the courts should remain in the center of the Village. He also stated that the tennis courts allow for a meeting place for residents.

Resident Laurie Peterson asked when rebuilding the tennis courts, what would be removed. Service Director Biggert explained that most everything is removed with the exception of a sub base. He stated that everything you physically see would be replaced. Councilmember Sogg noted a main component in the rebuilding includes adding subsurface drainage.

Resident Jim Stafford said he spoke with approximately 30% of the 70 people he called in the Village. He shared some comments he received that the tennis courts are a great way to encourage healthy lifestyle and can help bring in young families. He also raised the aspect of tradition including residents wanting their children to learn tennis on the same courts they learned to play on.

Resident Clark Langmack said there is a lot of vision regarding the possible rebuilding project and expressed those in attendance represent a sampling of the community and evidence of their hearts being into saving the courts. In response to the comment of trash pick-up service, Mr. Langmack stated that expense would be an ongoing yearly expense whereas the rebuilding of the tennis courts would be a one-time expense. He stressed the need for leadership to take it forward. He stated there is a strong community spirit and believes this would be just the beginning of what could potentially lead into a whole revitalization including a park and better access to the river. He shared his belief that the Village will come together to support it.

Resident Hal LaPine shared various ideas he has to improve the area including addressing the entranceway, building new courts, adding a playground, a Bocce court and allowing for a picnic area.

Resident Clark Langmack in response to Mr. LaPine's suggestions said the same is an example of something that could be done and there is much more that can be done to take it forward. He stressed the courts should remain in their current location. Mr. Langmack expressed his hope to get this passed and start a project the Village can be proud of.

Councilmember Schneider clarified the project is to rebuild the tennis courts where they are currently located and other ideas, including possibly adding a playground, could be addressed in the future.

Councilmember Sogg advised that she has given a great deal of thought to this matter. Initially, she was against this project as the Village is hurting for money and in consideration of the possibility that the Village may have to ask for a tax increase. Referencing the recent installation of the public garden (which was not built with any Village funds), she was excited to see residents gathering at the garden. She referenced the downtown revitalization wherein there was a lot of vision and money raised for the library. Councilmember Sogg stated that there are a

lot of people that use the tennis courts. She added the Beautification Committee would be involved. She also explained that it is important for residents to understand it is a huge amount of money for the Village, therefore, the reluctance toward the same. If the courts are rebuilt, including working to make the area more attractive, perhaps adding a playground, she emphasized the need to count on Villagers to raise money to reimburse the budget for everything over what the Village received beyond the budgeted amount for estate tax.

Councilmember Schneider said the Village has always managed the Inheritance Tax very conservatively. Mayor Riley stated the Village received an unexpected amount of \$77,000 from Inheritance Tax and is being asking to spend \$102,000.

Resident Charlie Marston asked if the bid is approved, when the project would start. Mayor Riley stated that work would start within 20 days after receiving a signed contract and the project is estimated to be completed by the end of July.

Councilmember Reynolds stated that if residents are asking for Council to take a leap of faith, Council is counting on the residents to raise money.

Mayor Riley expressed his gratitude for members of Council as they considered this issue very hard. He thanked the Service Director and Village Engineer for their assistance in pushing the process along. Mayor Riley acknowledged that people have very strong opinions and hopes that everyone acts in the spirit of being respectful of other people's opinions.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2014-09 be placed upon its final passage.

Roll call: Ayes: Frankel, Reynolds, Schneider, Sogg, Welsh.
Nays: Turner.
Motion carried.

It was then moved by Councilmember Schneider, seconded by Councilmember Welsh, that Resolution #2014-09 be approved.

Roll call: Ayes: Reynolds, Schneider, Sogg, Welsh.
Nays: Frankel, Turner.
Motion carried.

Pledges made toward the rebuilding of the tennis courts received:

Hal LaPine, \$1,000;
David Dickenson, \$1,000; and
Lauren Davis, \$1,000.

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

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor