

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
May 8, 2018

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 8, 2018 at 6:00 p.m. in the Village Hall.

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

It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter, that Councilmember Turner be excused from the meeting.

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

The minutes of the April 10, 2018 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that the minutes be approved.

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

Councilmember Reynolds asked Councilmember Whitney if she was happy with the article that appeared in the *Chagrin Valley Times* which described the presentation by Chagrin River Watershed Partners. Councilmember Whitney responded she felt the article described it well and captured the essence of the information that was shared. Councilmember Reynolds said the presentation was not part of the formal meeting and does not appear in the Minutes. Finance Administrator Mulh said she would attach the presentation to the Minutes. Mayor Schneider shared her opinion that the article was good but opined the presentation was terrific. She said it was different than in the past as it was easier to understand. Councilmember Reynolds said it was articulated well in the article but suggested the Minutes should reflect the same. Councilmember Frankel said the presentation started after the roll call so it was part of the meeting. Councilmember Reynolds said the purpose and positive reaction to the presentation may lead to a more successful attempt in getting our citizens to appreciate Riparian setbacks. Finance Administrator Mulh said the comments just stated regarding the presentation would appear in the Minutes for this meeting. Councilmember Reynolds said that would be beneficial. Mayor Schneider remarked that what has been said and attaching the presentation to the Minutes would be valuable. Mayor Schneider stated that if the Village does not initiate riparian setback guidelines on its own, the EPA would set the rules in the future. She added that the Village is better off setting up the Riparian Setback program its own way. Councilmember Reynolds agreed. Mayor Schneider stated that is something the residents need to also understand.

Pay Ordinance #1213 in the amount of \$345,030.02 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Pay Ordinance #1213 be approved.

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

Treasurer Reynolds provided the financial statement for the period ending April 30, 2018. He highlighted the following:

- Revenue has continued to run substantially above budget and above last year. Both Real Estate and Municipal tax revenues are above last year. Overall, Revenues are up approximately \$650,000 over last year.
- Expenses are also running higher than last year by \$334,000. If they continued running at the current pace, it would put us \$212,000 over the annual budget. Treasurer Reynolds does not expect all of these things to continue at the current pace.
- Notable expense variances include the entire annual Engineering budget being spent. The budget was \$38,400 and YTD is \$44,600. As noted during the last meeting, the overage is largely due to a safety study and one time Village mapping cost which likely will be reimbursed. Councilmember Reynolds asked how much the mapping cost was. Councilmember Frankel responded \$5,880.
- Treasurer Reynolds said the hard winter took a toll on the Service Department's budget. The budget for Overtime of \$20,000 was spent with YTD being \$22,539. Salt and aggregate costs are more than double this time last year at \$49,000 compared to \$24,000. Equipment maintenance spending is \$31,000 versus a budget of \$35,000. Equipment maintenance YTD for last year was \$13,000. Treasurer Reynolds said that reflects heavy use. It was noted that Service Director Biggert was not in attendance as he was currently at the scene of an accident.
- Treasurer Reynolds also reported that the budget for the Mills Building was spent -- \$25,000 vs. \$23,000. He explained the following two things. First, real estate taxes were paid in whole. Second, the Village will recoup some of that expense as it bills the tenants' common area fees and applies the same as a credit; therefore, the number is expected to decline.
- Fire Department is well under budget largely because ambulance and EMS cost are running under budget although at a similar pace to last year.
- Police Department is largely within budget.

Councilmember AuWerter inquired about ambulance income. Finance Administrator Mulh mentioned Mayfield Village kept some of the income due to the fourth quarter overrun and then highlighted the recent change in the EMS agreement. Councilmember AuWerter referenced a bill for work done in late 2017 that hit in January and requested, in the future, that Village Engineer Courtney advise of any expected bills for the benefit of budget preparation. Councilmember AuWerter then inquired as to the amount of the benefits line item for the Fire Department. Finance Administrator Mulh said the same was discussed at the last meeting regarding the workers compensation issue. Finance Administrator Mulh and Treasurer Reynolds

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confirmed the workers' compensation rate for the Fire Department is higher than other departments. Councilmember AuWerter then asked about capital expenditures. He noted the Brigham Road project and expressed his concerns that the same may result in being well over budget. He suggested addressing road expenses at the next meeting. Discussion took place regarding engineering costs for Brigham Road. Finance Administrator Mulh confirmed the cost is \$9,159. Councilmember Sogg asked about the \$54,962 listed in the report. Finance Administrator Mulh said that figure is for last year's road program which was billed this year. Treasurer Reynolds said a breakout of Brigham Road could be done. Mayor Schneider said it is all in the report. Finance Administrator Mulh said it is included in the report but was not in the Budget. She further stated the option to increase appropriations for Capital and for an additional transfer. Village Engineer Courtney said the cause for the project is due to a sinkhole. Treasurer Reynolds said it was not budgeted but the project is necessary to do. He added that is why the Village has Reserves, because these things happen. Council then discussed costs, timing of projects and billing noting that Sudbury and lower Berkshire were done at the end of last year. Village Engineer Courtney advised that a portion of the \$54,000 will come back from the County. Now that the contractor has been paid, the Village can submit to the County and anticipates getting approximately \$25,000 back.

Mayor Schneider announced that Community Day is June 2 and encouraged attendance at the same. Next, she reported that the archived architectural drawing returns are going well. She hopes to have the groundbreaking sometime this week for the Natureworks Park area. An e-mail advising of the same will be sent out. Mayor Schneider welcomed Councilmembers to attend and would like to give a picture to *Chagrin Valley Times*. Councilmember Reynolds said she has two shovels that can be used for the groundbreaking. The shovels were also used by former Mayor Connie White at the groundbreaking for the Library.

Clerk's report. None.

Police Chief Minichello provided a written report. Police Chief Minichello advised of an accident in the Village today. He explained that a cement truck was attempting to make a local delivery, missed a turn and the driver lost control of the truck. He noted towing companies are being utilized to move the truck and said the roadway should be open soon. Councilmember Sogg asked who pays for that. Chief Minichello said the Village will bill the insurance company for that. He added that the driver has non-life threatening injuries. He opined that he was glad there were no other vehicles involved.

Next, Police Chief Minichello said that Councilmember Frankel will be participating in the upcoming firearms and driving simulator training and welcomed others to attend as well. Mayor Schneider expressed her interest. Councilmember Sogg asked for additional details. Police Chief Minichello said it is a training simulator of experiences that officers could experience such as shooting and driving situations. Councilmember Frankel said the dates are May 23 at 12:45 p.m. and May 30 at 3:45 p.m. Chief Minichello said training is scheduled for an hour and will be at the Hunting Valley Range. Police Chief Minichello added that Councilmembers are welcome to observe if they do not wish to participate.

Councilmember Welsh raised the topic of the water main break on Mayfield. Councilmember Frankel asked if the accidents on Mayfield were related to the water main break.

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Police Chief Minichello said they were not. Councilmember Sogg said that traffic was diverted due to the water main break and created a difficult situation. She opined it would have been helpful to have someone at the circle. Police Chief Minichello said signage was put up and noted staffing issues.

Service Director Biggert previously provided a written report. [Service Director Biggert was not in attendance; he was at the scene of an accident]

Fire Chief Robinson provided a written report. Chief Robinson indicated it was an average month for the Department.

Councilmember Frankel asked if there is anything that can be done to prevent some of the accidents that are occurring on Mayfield Road. Police Chief Minichello explained that the April 16 crash involved a driver who blatantly ran through a red light. The driver was on her phone not paying attention. Councilmember Frankel shared that people continue to go through the red light at Mayfield and River Roads. Police Chief Minichello said that they are continuing to look at that. Village Engineer Courtney advised that some adjustments have been made to signal timing. It was confirmed that other alternatives are continuing to be pursued with ODOT. Councilmember Welsh raised the possibility of cameras and warning letters. Police Chief Minichello said there is a tremendous amount of traffic in that area.

Chief Robinson shared that the Department participated with Mayfield Heights, Highland Heights and Mayfield Village for Prom Promise.

Village Engineer Courtney reported that the water main break caused the need for a very large pavement repair. He explained that usually the local community is responsible for such repair. He provided a description of the large scale damage. He said that Service Director Biggert was able to get ODOT out there on a timely basis. Village Engineer Courtney has been in touch with the Water Department and the Department has tentatively authorized that they will pay for any costs above normal customary repair. Village Engineer Courtney said it is going to be an expensive repair but that the Water Department should provide a substantial reimbursement.

Resolution #2018-10 "A Resolution Authorizing Participation In The ODOT Winter Contract (018-19) For Road Salt, And Declaring An Emergency" was introduced by Councilmember AuWerter. Councilmember AuWerter presented a graph and overview regarding the Village's historic salt usage and purchases including pricing. He recommends contracting for the purchase of 1700 tons. He noted the risks of either running out of salt or overcommitting and having storage issues. He provided a reminder that the contract will allow plus or minus 10% of the contract. Councilmember AuWerter said there is currently a very low amount in the storage bin. He expressed his opinion that the Village will be very well protected with ordering 1700 tons. He further said that if there is another bad winter and the Village were to use 1700, it could order another 10% plus what the Village currently has. Councilmember AuWerter said the price of salt is based 100% on supply and demand and opined the Village should expect that the price per ton will likely go higher. Councilmember Sogg requested including information on the averages and highlighted that the average is much lower. She remarked that Councilmember AuWerter did a great job with the data but expressed that it is not

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typical to have two bad winters in a row. Councilmember AuWerter noted that there is a very low amount currently in the storage bin and shared his concern about falling short and believes the demand will go up. Councilmember Sogg referenced a lawsuit in the past regarding the price of salt which resulted in the Village receiving a rebate. Councilmember Sogg said she supports what the group thinks is best. Councilmember Reynolds asked about the budget this year for salt and when it would be purchased. Councilmember AuWerter responded the budget is low and the purchase would likely be made in October. He said there is about \$8,000 to \$10,000 available and will likely go over budget. Councilmember Frankel raised the issue of the mixture of salt with aggregate. Councilmember AuWerter said the mixture has been about 50/50. However, he said the cost of aggregate has gone up. Councilmember AuWerter said such fact supports buying more salt and using a mix of more salt and less aggregate. Mayor Schneider voiced her support for the purchase of 1700 tons.

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 #2018-10 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution #2018-10 be approved.

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

Resolution #2018-11 "A Resolution Authorizing The Mayor To Purchase A 2018 Ford Explorer Interceptor From Lebanon Ford And Declaring An Emergency" was introduced by Councilmember Frankel. Councilmember Frankel said this is to purchase a 2018 Ford Explorer Interceptor from Lebanon Ford. The vehicle will replace the 2015 Ford Explorer that has 95,000 miles. Councilmember Frankel said the new vehicle purchase was budgeted for \$37,000 and the cost of the vehicle falls under budget. He further commented that two bids were received and this is the lower of the bids. Councilmember Sogg asked about the cost to outfit the vehicle. Police Chief Minichello said that, all in, it will come in around \$35,000. Councilmember AuWerter noted that last year the Village purchased a vehicle from Nick Mayer Marshall Ford. Police Chief Minichello said the price was not able to be matched by Nick Mayer Marshall Ford. It was confirmed that Lebanon Ford will deliver the vehicle.

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 #2018-11 be placed upon its final passage.

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

It was moved by Councilmember Frankel, seconded by Councilmember Welsh, that Resolution #2018-11 be approved.

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

Resolution #2018-12 "A Resolution Awarding The Contract For The Brigham Road Culvert #6 Replacement Project No. 80139 To Northeast Ohio Trenching Service, Inc. And Declaring An Emergency" was introduced by Councilmember AuWerter.

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 #2018-12 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution #2018-12 be approved.

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

Resolution #2018-13 "A Resolution Approving A Lot Split Plat At Or About 650 County Line Road And Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Frankel said he has received concerns from residents about the water flow. Councilmember Frankel thought an engineering drawing would accompany this Resolution. Village Engineer Courtney said there is a stipulation with recording the lot split that no building permits would be issued for anything until we have a storm water management plan. He understands that there will be a number of ponds and lakes internally on the property -- a number of which that will operate as a storm water control measure that will hopefully mitigate water issues. Village Engineer Courtney said he met with various homeowners regarding the same. Councilmember Frankel said he received a photo after heavy rains that showed how piping had gotten off course. He questioned if something should be in the Resolution that talks about engineering plans that will mitigate that flow. Councilmember Sogg said this is just a lot split and added that approval will not be given without a management plan. Mayor Schneider said that the lot split needs to be done first followed by engineering. She understands that ponds/lakes will be broken up on the lots, which becomes part of engineering and emphasized needing to know the location of the ponds and lakes. Councilmember AuWerter asked if this will have to go back to Planning & Zoning. Village Engineer Courtney said it does not but that he would provide an update to Planning & Zoning. Mayor Schneider advised that Architectural and Historical permits will be needed. Councilmember Welsh asked about Riparian setbacks. Since it is not on the river, it was confirmed that is not applicable. Councilmember AuWerter

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asked if Council has any basis not to approve this. Councilmember Sogg responded that this is strictly a formality. Mayor Schneider said this is a big project and represents healthy growth. She opined it is a good thing. Councilmember Frankel agrees it is good for growth but is sensitive to the concerns of residents. Councilmember Sogg said the ponds should retain a lot of the water that was draining off before. Despite Councilmember Frankel's request, it was confirmed that nothing would be put into the Resolution regarding engineering guarantees. Village Engineer Courtney said it is on record that it is a condition of getting a building permit. It was confirmed, pursuant to Councilmember Welsh's inquiry, that neighbors have been notified. Mayor Schneider believes this will be helpful to those residents. She further stated that Village Engineer Courtney will have to approve the drawings and that no permits will be issued until it is all straightened out. Village Engineer Courtney added this is an opportunity to improve the current flow of water.

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 #2018-13 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember AuWerter, that Resolution #2018-13 be approved.

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

Ordinance #2018-14 "An Ordinance Amending Section 1377.04 ("Appeals") of the Codified Ordinances Of The Village Of Gates Mills To Have The Board Of Zoning Appeals Serve As The Appeals Board Under The International Property Maintenance Code" was introduced by Councilmember Sogg. Councilmember Sogg explained that when we redid the code, appeals would go to the Architectural Board of Review. It has been determined that it would be more appropriate for appeals to go to the Board of Zoning Appeals. Therefore, this section is being amended to reflect such change.

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 Ordinance #2018-14 be placed upon its final passage.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance #2018-14 be approved.

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

Councilmember AuWerter asked about the OML Training handout. Mayor Schneider said she has participated before and welcomed any Councilmember to attend. Councilmember Sogg questioned if copies of the materials could be obtained. Mayor Schneider said she would ask if anyone is going. Councilmember Sogg expressed her interest in the public nuisance topic that is being presented.

Business from the audience: None.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, to adjourn to Executive Session to Discuss Compensation of a Public Employee.

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

Mayor Schneider reconvened the Council meeting at 7:52 p.m. from Executive Session.

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

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

Respectfully submitted,

  
Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor