

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 10, 2014

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, June 10, 2014 at 6:30 p.m. in the Village Hall.

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

Mayor Riley presided.

Mayor Riley advised that a presentation from the Superintendent and others from Mayfield Schools was scheduled, however, due to one of the presenters being ill the presentation will be rescheduled.

The minutes of the May 13, 2014 Council meeting were presented by the Clerk. Councilmember Reynolds requested that the order of three sentences found on page 6 in the Business from the Audience section be rearranged in a different order. Further, Councilmember Reynolds suggested as fracking is such an important issue, any information contained in the minutes regarding fracking, beginning with the minutes from today's meeting, be archived in a way so that if someone wanted to go back and review such information, it could be done in an expedient way. Councilmembers agreed with the suggestion of archiving. Councilmember Sogg noted two typos found on page 5. It was moved by Councilmember Welsh, seconded by Councilmember Turner, that the minutes, as amended, be approved.

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

Pay Ordinance #1166 in the amount of \$367,252.93 was presented by the Clerk. Councilmember Frankel questioned the amount of the charge by Dominion East Ohio Gas. Finance Administrator Lechman indicated that should the higher amount continue, she would follow up and inquire as to why. Councilmember Turner questioned a line item regarding engineering expenses regarding Lamb. Mayor Riley explained that Resident Meg Lamb made a request to the Planning & Zoning Committee for variances that required the services of Village Engineer Courtney. Upon Councilmember Turner's question concerning Design Collective, it was confirmed that no further expenses are anticipated.

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that Pay Ordinance #1166 be approved.

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

The financial statement for the period ending May 31, 2014 was presented by the Clerk. Councilmember Barnes reviewed certain YTD results, highlighting as follows:

- Revenues are approximately \$65,000 below last year due to municipal income tax. Finance Administrator Lechman explained the decrease in municipal income tax is due to one resident who paid \$70,000 less this year than the year prior.
- Expenses are approximately \$60,000 over last year mostly due to Service Department expenses attributed to the recent Winter.
- Operating Surplus is \$316,000 compared to \$443,000 last year.
- Cash and Investments just under \$6M.
- Unfunded Debt is \$642,000.

Mayor Riley extended his congratulations to Councilmember Schneider and everyone that worked on the Community Awareness Festival. He shared his opinion that the same was a huge success. Next, Mayor Riley reported that the Village has been approached by NOPEC (Northeast Ohio Public Energy Council). He explained that NOPEC provides a co-op for the purchase of power and natural gas to residents in a community and that they essentially guarantee the lowest price available from the power supplier and gas company. Mayor Riley advised that to join NOPEC, it would have to be put on the ballot. All residents, unless they opt out, would then become part of the co-op and receive power from those two sources. He added that Gates Mills is one of the few communities in Cuyahoga County not participating. Finance Administrator Lechman stated that Council would have until August 6 to get the issue on the ballot. Councilmember Schneider asked what pricing is for other communities. Mayor Riley said he would gather and provide that information. In response to Councilmember Turner's question, Mayor Riley stated the program is not just limited to Cuyahoga County. He also shared that NOPEC would pay the cost of putting it on the ballot. After discussion among Council, it was agreed to pursue getting the issue on the ballot. Law Director Cannon advised that Council must certify the issue 90 days before election. Mayor Riley stated he would cover the subject in the July issue of the *Pink Sheet*. Law Director Cannon said items can be removed from the ballot 75 days before election. Councilmember Schneider asked how difficult it would be for a resident to opt out. Mayor Riley explained that residents would receive a letter with a return envelope to check a box and return. Finance Administrator Lechman stated she would reach out to other communities to inquire on their satisfaction and costs. Law Director Cannon commented that in recent years as market options have become more significant and as NOPEC has grown, there is more response from utility companies. She believes rates for gas have been favorable in recent years. To conclude his report, Mayor Riley announced that the Police Chief provided his intent to retire in December of this year. Mayor Riley advised that he has spoken with Councilmember Reynolds regarding the process of selecting a successor. Councilmember Turner asked if any further information has become available regarding the post office. Mayor Riley responded that he has not received any concrete information.

Clerk DeCapite deferred her report to Finance Administrator Lechman. Pursuant to the Auditor's requirement that any funds received must be deposited within 1 business day and Councilmember Reynolds' query regarding transaction fees, Finance Administrator Lechman reported the Village is charged by each transaction and by entrance into the bank. She shared that the bank offered the option of purchasing a machine that allows for checks to be scanned

and deposited electronically. The cost of the machine is \$500. Such machine would allow for decreased visits to the bank with visits being for cash deposits only. She reported the potential savings would be \$36 a month and added that a charge of \$0.02 would be incurred for each scanned check. Finance Administrator Lechman indicated the largest amounts of checks received occurs at the time of the Art Show as well as at Christmas time. Councilmember Reynolds shared that cost savings would also exist via less time away for trips to the bank as well as gas to and from. Finance Administrator Lechman opined the check scanning machine would ease the constraint of the Auditor's timing requirement regarding deposits. After discussion, Council agreed the check scanning machine should be purchased.

Councilmember Schneider reported on the recent Community Awareness Day. She extended her gratitude to Councilmember Reynolds and the Safety Committee, the Police and Fire Departments for calling in all the different vehicles and the Service Department for their work with setting up. She said the event went well and recommended that next time more signage would be used. Councilmember Schneider shared that the clubs and organizations that participated were pleased and enjoyed the interaction between the groups. She thanked Finance Administrator Lechman for her help and ideas. She also added that the band was well received. Finally, Councilmember Schneider suggested the event take place every three years rather than yearly or every other year.

Councilmember Turner, on behalf of the Mayfield School System Liaison Committee, reported that the fifth grade had their graduation and was told it was a great event. She then reported that the Committee had a meeting with seven local realtors which included a tour of the school and all were very impressed. Councilmember Turner also shared that two families whose children had been in private schools are transferring into the Mayfield School system.

On behalf of the Real Estate Committee, Councilmember Sogg reported that they are working on the issues of the Polo Field lease as well as some requests for improvements across the street.

Councilmember Reynolds, with respect to the Community Awareness Day, extended her congratulations to Councilmember Schneider and was pleased that there was a lot of interest in downloading safety apps and reported that 20 people signed up for CPR classes.

Councilmember Welsh stated that the Fat City Summer Sausage Band and Swifty the Clown are confirmed for the Band Concert. In response to questions regarding signed contracts, he indicated that both the Band and the Clown communicated contracts were not necessary. Discussions took place regarding the budget for the Band Concert. Councilmember Welsh stated that the dance floor is being eliminated at this year's Band Concert. Mayor Riley recommended discussing the band concert further after the conclusion of the Council meeting.

Police Chief Whitmer provided a written report. He highlighted the burglary contained in the report was a case of misplaced property and not an actual burglary.

Fire Chief Robinson provided a written report. Councilmember Schneider inquired about the event listed in the report for Dorchester Road. Chief Robinson explained that a neighbor reported a potential fire that turned out to be the resident's use of the fireplace. Fire Chief Robinson provided a summary of a recent successful rescue of a fourth grade student who had twisted her ankle during a nature walk her class took at the end of the school year. He expressed his appreciation for all of the thank you letters received by the Department from the fourth grade class. Councilmember Schneider commented that the kids witnessing the rescue would never forget that.

A written report was provided by Service Director Biggert. Mayor Riley asked for an update on the Chagrin River Road projects. Service Director Biggert advised that the signs had been posted and that the closure of Chagrin River Road between Mayfield and Sherman Roads should begin June 16 through August 1. Councilmember Frankel inquired as to how the detour would be set up. Village Engineer Courtney noted that detour signs would be up by the end of the week. Councilmember Sogg opined that the Village looks amazing with the tree plantings and stump removals by the Service Department.

Resolution 2014-14 entitled "A Resolution Accepting The Sale Of An Excess Used Police Vehicle" was presented by Councilmember Reynolds and read by the Clerk. Councilmember Reynolds stated that three bids were received. The highest bid was a little over \$2,500.

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 #2014-14 be placed upon its final passage.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Frankel, to pass Resolution #2014-14.

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

Resolution #2014-13 entitled "A Resolution Accepting The Alternative 2015 Village Tax Budget" was introduced by Councilmember Barnes and read by the Clerk. He stated that a public session was held and the purpose of this Resolution to make sure the Village has a place holder with the County to ensure the Village gets the money it is entitled to receive.

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Resolution 2014-13 be placed upon its final passage.

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

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, to pass Resolution #2014-13.

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

Councilmember Barnes 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. Councilmember Turner questioned if there was a previous bid associated with this project. Explanation was provided that the earlier bid was for the portion of the project wherein an engineering firm was needed to provide necessary drawings. Councilmember Barnes added that this project is in the Budget.

It was moved by Councilmember Barnes, seconded by Councilmember Turner, that an advertisement be placed for bids.

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

Business from the audience:

Resident Liz Lentz expressed her appreciation for the Community Awareness Festival and stated the same provided the opportunity to talk with many residents who expressed their opinion that they do not want fracking in the Village. She announced and extended an invitation to Council to attend their group's educational seminars being held in the Community Building on Thursday, June 12 at 3:00 p.m. and 7:00 p.m.

Resident Paul Booyens referred to his question at the last Council meeting when he asked Councilmembers to share their views on fracking and stated such inquiry was met with the response that Council did not have sufficient information to answer such question. He advised that the group "Citizens for the Preservation of Gates Mills" (the "Group") have spent months trying to educate themselves. Mr. Booyens offered a proposal to Council that a group of Councilmembers work together with the Group to jointly present a solution to the community.

Mayor Riley responded that he believed they have been working together and shared that he enjoyed time speaking with members of the Group and acknowledged the Group were kind enough to leave information on their table at the Community Awareness event. Mayor Riley commented that he is expected to be out of town on Thursday but feels confident Thursday's

educational meetings will be well attended. Mayor Riley stated Council is in no hurry regarding this and agreed that time should be taken so everyone understands the issues and options.

Resident Paul Booyens indicated the Group is looking for something more formal with a number from each side to work together and start with a clean slate without any current solutions.

Mayor Riley expressed that he does not see it as taking sides but that he considers everyone being on the same side. Councilmember Schneider stated that Council does not have a solution.

Resident Paul Booyens stated that it has been communicated that the Mayor and Council have the Land Trust proposal as the only solution. Mayor Riley commented that he believes the Land Trust proposal is the only way to deal with the possibility of fracking unless a better solution is identified. He advised that Council is not looking to implement anything in 2014. He stated that such proposal is really an effort to put something on the table. He strongly encouraged that if people have better ideas to please share those ideas.

Councilmember Frankel included in the discussion that the Gas Well Committee may be a possibility for a working group as it is made up of Councilmembers and Villagers. Mayor Riley cautioned that the Gas Well Committee members volunteered based on the specific task of drafting safety rules vs. a new mission. He shared his concern of burdening that group with such a challenge. Mayor Riley suggested perhaps it would be better to have a separate group.

Resident Paul Booyens stated that it takes a committed effort from a group to identify issues as well as the need for legal guidance to help identify the best solution. Much more formal than what has been to date. Mayor Riley said Council would take the suggestion under advisement. Mayor Riley encouraged allowing the public information sessions to go forward and see what alternatives we should be thinking about.

Resident Paul Booyens inquired as to when Council would be able to provide the Group with the answer of formally working together.

Mayor Riley said he would be happy to poll Councilmembers.

Resident Paul Booyens asked if Council would agree to having no current solution and having a clean slate. He clarified not having the Land Trust proposal and to look at all of the options.

Councilmember Turner opined that she sees the Mayor and Council as a catalyst. She stated that to the extent to which we have been able to engage residents in thinking about and discussing it and planning educational meetings, she said that is exactly what she was hoping would occur. She remarked that when you talk of a formal arrangement between the Group and Council, Councilmember Turner commented she does not feel like she can represent the community with having a partnership with an organization that represents only some of the

community. She further stated that she has heard from Villagers that have wells and/or support wells. She added that it would be premature to lock into an organization.

Councilmember Reynolds agreed with Councilmember Turner and stated that the Group represents only one group of likeminded thinkers and forming a pack today excluded other people to form their own opinions such as pro-well drilling. She stated the need for Villagers to be equally represented. Councilmember Reynolds shared that Council needs to take every resident into heart and represent the whole Village.

Councilmember Schneider stated that there is not enough information from any side to make a decision on behalf of the whole Village.

Resident Liz Lentz referencing the handout distributed at the Community Awareness Festival, expressed her concern that it seems as the Village is really pursuing the Land Trust proposal.

In response, Mayor Riley advised that the Trust has not been formed and would not be unless there is a consensus of Council to do so.

Resident Bob Andreano requested that since there is not enough information, we stop talking about the Land Trust proposal and put that proposal off to the side. He suggested doing research and coming up with other alternatives, if there are any.

Mayor Riley said Council will take the matter under advisement. Mayor Riley opined that no one disputes that if we could stop fracking in the Village, we would do it. Right now, there is nothing we can do as a community to stop it – as voters or as elected officials. He added that every decision that has been handed down in court thus far is that the local community has no power. Law Director Cannon confirmed it is a state matter.

Bob Andreano said it is not a done deal.

Mayor Riley stated that until someone shares a better idea, we need to consider the Land Trust proposal and not take it off the table.

Bob Andreano asked why not drop the Land Trust proposal.

Mayor Riley suggested continuing the discussion outside of the Council meeting venue. He added that there was a special meeting held, future public meetings planning to be held and does not want to tie up Council meetings with this issue. Mayor Riley said Council is not taking any action tonight or in the foreseeable future. Councilmember Sogg provided the reminder that this is Business from the Audience and not an agenda item.

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

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.

Nays: None.
Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor