

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
August 8, 2017

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

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

Larry Bennett provided a presentation of the "Your 911" app. He described various features including that when dialing 911, the call is routed to the nearest dispatch center as well as advanced location accuracy. Mr. Bennett said he plans to meet with the Village's department heads to identify the specific features to be made available. A program will be offered to residents in September at the Community House and information regarding the same will also be shared in the *Pink Sheet*. Mr. Bennett explained the app was originally created specifically for colleges and remarked on the benefit to local schools. Finance Administrator Mulh added that the app would eventually replace the Code Red system.

The minutes of the July 11, 2017 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, Turner, Welsh, Whitney.  
Abstain: Reynolds.  
Nays: None.  
Motion carried.

Pay Ordinance #1204 in the amount of \$661,889.82 was presented by the Clerk. Councilmember Turner asked about the payment to Doug Horner. Finance Administrator Mulh explained that the Village refunded Mr. Horner as he paid for an ambulance run prior to the payment made by his insurance company. Councilmember Turner then asked about the payment to the City of Shaker Heights. Finance Administrator Mulh said that was for the annual Heights Hillcrest Technical Rescue Team fee.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1204 be approved.

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

Treasurer Reynolds presented the financial statement for the period ending July 31, 2017. He highlighted the following:

- Revenues YTD are approximately \$287,000 behind this time last year with the shortfall being mostly related to real estate taxes and municipal income taxes which

may be a result of timing differences. He added that Revenues are fairly normal month-to-month.

- Operating Expenses are well within and below budget levels.

Councilmember AuWerter inquired as to pay periods for the year versus last year. Finance Administrator Mulh responded that it will not even out until the end of the year.

Treasurer Reynolds then noted that:

- Total Fund Balances are approximately \$325,000 below this time last year.

He then announced that Council will consider three items this evening: establishing a special fund for the Mayor's Court; amendments to the new Investment Policy suggested by the Village's Investment Advisor; and continuing negotiations with the agreement with the Investment Advisor to ensure that the agreement is in sync with the Village's Investment Policy. Treasurer Reynolds advised that the Mayor's Court as well as the Investment Policy are expected to generate meaningful revenues for the Village. Councilmember AuWerter asked Service Director Biggert about the Capital Improvement Budget. Service Director Biggert said that two significant projects are expected to be on target. Village Engineer Courtney said the road program will likely be about \$5,000 under budget. Councilmember Sogg commented on the massive stream bank project. Village Engineer Courtney advised that the project is taking longer than expected as it was originally estimated to take three weeks and it is now week eight. He anticipates it should be completed within the next 10 days. Councilmember Turner remarked on the lower workers compensation and Medicare costs as compared to last year. Finance Administrator Mulh noted a significant premium refund that was received by the Village. She advised that due to investment earnings for the BWC, refunds have been received periodically.

Mayor Schneider positively reported on the recent band concert and shared feedback she received from a resident regarding the encouragement of younger family attendance. The resident also shared her belief that after the camp ends, many families go on vacation. Council raised some possibilities including adjusting the time of the season for the concert as well as considering a band that would incorporate more modern music. Finance Administrator Mulh noted that about 60 to 70 people were in attendance.

Next, Mayor Schneider requested the appointment of Doug Horner to the Safety Committee. It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that the appointment of Doug Horner to the Safety Committee be approved.

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

Clerk's report. None.

Councilmember Turner commented on a grant that was approved for work on the stream bank near the church. She said the next step is to get together with the relevant property owners. She added that the Village may receive payment for an administrative fee regarding the same.

Councilmember Sogg raised the possibility of foregoing the fee if the same would help reduce the property owners' contributions. Councilmember Turner said she would look into it further. Mayor Schneider commented that it will also help protect the bridge.

Police Chief Minichello provided a written report. He advised that the Mayor's Court kicked off on July 17. He reported some minor issues such as software issues and data entry but otherwise expressed his pleasure with the program. He advised that about 75% of eligible waivers were paid online. He then commented on recent reports regarding carbon monoxide problems with some police cars. He shared that although there have not been any complaints from Village officers, as a precaution, portable detectors have been installed in the police cars and the cars will be inspected. Councilmember Sogg highlighted a recent article in the *New York Times* about it. Police Chief Minichello added that a new police vehicle is on order and is expected by the middle of the month. Councilmember Welsh asked if Chief Robinson installed the detectors. Chief Minichello confirmed. Councilmember AuWerter then asked about the theft on Brigham Road. Police Chief Minichello said the theft was reported late so the timing of the theft is unknown. However, the stolen item was located at a pawn shop. As it was similar to other events in surrounding communities, a suspect was identified and arrested. Next, Chief Minichello discussed the Meet-Up Spot program and noted that designated areas must be under surveillance. Mayor Schneider said a uniform sign is used for all participating communities.

Service Director Biggert provided a written report. In response to Councilmember AuWerter's question regarding point-of-sale inspections, Law Director Hunt advised that a citizen has a right of privacy of their home and unless there is probable cause, you cannot force your way to inspect. Discussion among Council took place regarding point-of-sale inspections. Service Director Biggert said that you must have a viable health or safety reason to come onto a property. Law Director Hunt advised you must have the consent of the person that owns or occupies the property or you must have a warrant. It was noted that Village ordinances drive the septic inspections and that there is not a mandate by the County for the same. Service Director Biggert said he has reached out to certain real estate agents informing them that the Village is no longer requiring point-of-sale inspections but recommended contacting the County Board of Health for septic inspections. Councilmember Sogg suggested including information on this issue in the *Pink Sheet*. Service Director Biggert then stated that private inspections are different from point-of-sale inspections. Mayor Schneider said that buyers should be encouraged to have inspections done. It was also noted that banks may dictate the issue by requiring an inspection. Councilmember Frankel raised the issue of other Village ordinances that may be in violation. Law Director Hunt said the same needs to be looked at more closely. Councilmember Reynolds expressed her concern that the septic issue is a real vulnerability to the Village. Mayor Schneider questioned if the Village could still keep track of people whose septic system needs to get pumped out every three years. Village Engineer said it is up to the County to require more inspections. Councilmember Sogg opined the Village seems to have a lot of first time buyers. It was reiterated to encourage buyers to get inspections of septic systems. It was suggested that the Positively Gates Mills Committee include such information in their brochure. Councilmember Turner said the Committee is considering having an open house event coordinated with real estate agents wherein Town Hall and various Community Organizations would be set up and where additional information can be made available to potential buyers. Service Director Biggert commented that this was a result of a lawsuit filed against Bedford that went to federal court. Treasurer Reynolds commented that the point for the inspections was to correct

violations. Service Director Biggert said the Village never tried to hold up a sale but encouraged violations to be addressed. He said according to the lawsuit Bedford would hold up sales. Councilmember AuWerter asked if an appeal is expected. Law Director Hunt said he is not sure if Bedford will appeal but doubts the City would be successful if it did.

A letter received from Resident Eric Bell was reviewed regarding Cedar Road. Councilmember AuWerter remarked on updates provided to Council regarding the prioritizing of Village roads and highlighted that Cedar Road is the worst. Councilmember AuWerter shared his opinion that it would not be prudent to cover the full cost without investigating whether any aid is available but noted that the Village cannot wait forever for the same. Village Engineer Courtney said an application will be submitted for Cedar Road. He added that there is new criteria this year that may be helpful. Finance Administrator Mulh asked if the application would be a joint application with Hunting Valley. Village Engineer Courtney said he is coordinating with Hunting Valley and will also consider a potential joint application to NOACA as well. Councilmember Sogg asked if the repairs could be completed in sections. Village Engineer Courtney confirmed it could be done in two phases. Councilmember Reynolds suggested including a possible endorsement from Gilmour and/or highlighting safety issues in the application. She then noted that school bus transportation causes a lot of wear on Cedar Road. Village Engineer Courtney said that there is little traffic data to support a safety issue but will add additional language regarding schools and children safety to the application. Mayor Schneider inquired about deadlines for applications. Village Engineer Courtney responded that the application to the County is due at the end of January; the application for Issue 1 Ohio Public Works Commission is due the first week of October; and he is unsure of the deadline for NOACA.

Fire Chief Robinson provided a written report. Councilmember AuWerter shared that Chief Robinson recently installed six smoke detectors at his house and opined on the impressive service and hopes that residents take advantage of such opportunity. Chief Robinson said he recommends a system that monitors throughout the entire home.

Resolution #2017-23 "A Resolution Authorizing And Directing The Interfund Transfer Of A Certain Sum From The Land Conservancy Fund To The General Fund" was introduced by Councilmember Whitney. Councilmember Whitney said this was discussed at Council's last meeting and it was recommended to move the funds. She noted the reason to suspend the rules was in order to proceed with the transfer.

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-23 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 Whitney, seconded by Councilmember AuWerter, that Resolution #2017-23 be approved.

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

Resolution #2017-24 "A Resolution Authorizing And Directing The Transfer Of A Certain Sum From The General Fund To The Wastewater Fund" was introduced by Councilmember Whitney. Finance Administrator Mulh advised that the waste water bill came in from the County and was approximately \$25,000 more than budgeted. Councilmember AuWerter asked if there was an explanation as to why it was higher. Finance Administrator Mulh said that a list of the inspections was provided and it equates to approximately \$150 per inspection. Councilmember Whitney said the reason to suspend the rules is for bookkeeping purposes.

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-24 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 Whitney, seconded by Councilmember Frankel, that Resolution #2017-24 be approved.

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

Ordinance #2017-25 "An Ordinance To Amend The Annual Appropriation Ordinance No. 2017-04 To Increase Certain Appropriations And Other Expenditures Of The Village Of Gates Mills, Ohio For The Fiscal Year Ending December 31, 2017" was introduced by Councilmember Whitney. Finance Administrator Mulh noted this is to increase what the Village spends out of the Waste Water Fund due to the increased cost of the County inspections.

It was moved by Councilmember Whitney, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-25 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 Whitney, seconded by Councilmember Sogg, that Ordinance #2017-25 be approved.

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

Motion carried.

Ordinance #2017-26 “An Ordinance Establishing A Special Fund To Be Designated As The “Mayor’s Court”; And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember AuWerter asked about the separate fund. Finance Administrator Mulh answered that the Village will be collecting monies that belong to the County, the State and Lyndhurst Municipal Court. Per the Auditor, deposits will be divided between the Mayor’s Court Fund for specific fees and the General Fund for fines and court costs. Treasurer Reynolds confirmed that the Village’s funds will go into the General Fund.

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-26 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 Whitney, seconded by Councilmember Welsh, that Ordinance #2017-26 be approved.

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

Ordinance #2017-27 “An Ordinance To Amend The Annual Appropriation Ordinance No. 2017-04 To Increase Certain Appropriations And Other Expenditures Of The Village Of Gates Mills, Ohio For The Fiscal Year Ending December 31, 2017” was introduced by Councilmember Whitney. Finance Administrator Mulh advised this will allow the spending of the money going into the Mayor’s Court Fund. Councilmember Whitney said the need to suspend the rules is to allow for the same.

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-27 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 Whitney, seconded by Councilmember Welsh, that Ordinance #2017-27 be approved.

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

Ordinance #2017-28 "An Ordinance Amending Section 155.04, "Investment Policy" In The Codified Ordinances Of The Village Of Gates Mills, And Declaring An Emergency" was introduced by Councilmember Whitney. Councilmember AuWerter asked about going up to an 8-year maturity for corporate securities. Treasurer Reynolds said the Investment Committee was polled and members felt comfortable with the change. Councilmember Sogg inquired as to certain inconsistent references regarding ratings and referred to page 5, #12. Treasurer Reynolds said he did not have a specific answer but believed that certain agencies may specialize in municipal bonds. Councilmember Welsh asked if everything was bonded and covered. Finance Administrator Mulh said not against investment losses. Treasurer Reynolds then stated the material change to the policy approved previously is that it only allowed specifically for Ohio bonds and this change allows for municipalities within the United States. Councilmember Sogg said her question goes along with Councilmember Welsh's. Treasurer Reynolds said the same will be discussed tomorrow with the Investment Advisor. He then noted another change is due to the Investment Advisor requesting that the restrictions in the Investment Policy be applicable upon purchase.

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-28 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 Whitney, seconded by Councilmember Sogg, that Ordinance #2017-28 be approved.

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

Resolution #2017-29 "A Resolution Authorizing The Village Mayor and Law Director To Negotiate An Agreement With AllianceBernstein L.P. and Sanford C. Bernstein & Co., LLC For Investment Advice And Services Which Shall Be Consistent With The Village's Investment Policy, Authorizing The Mayor Enter Into Such An Agreement, And Declaring An Emergency" was introduced by Councilmember Whitney. Law Director Hunt shared his concerns regarding the initial agreement which had items not consistent with the Village's Investment Policy including an indemnification clause not appropriate to a political subdivision as well as a mandatory arbitration provision which he did not like. Councilmember Reynolds confirmed this will authorize the Mayor to negotiate and sign a new agreement. Councilmember Frankel remarked on the Ordinance and its stipulations with regard to whether they would agree or not. Law Director Hunt said it would be built into the contract. Councilmember Whitney said the need to suspend the rules is to allow the Mayor to begin negotiations.

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-29 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 Whitney, seconded by Councilmember Sogg, that Resolution #2017-29 be approved.

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

Business from the audience: none.

There being no further business, it was moved by Councilmember Reynolds, seconded by Councilmember Turner, 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

Approved:



Karen Schneider, Mayor