

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 12, 2017

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, September 12 at 6:00 p.m. in the Village Hall.

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

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

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

The minutes of the August 8, 2017 Council meeting were presented by the Clerk. It was moved by Councilmember Whitney, seconded by Councilmember Turner, that the minutes be approved.

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

Pay Ordinance #1205 in the amount of \$962,809.27 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1205 be approved. Councilmember Turner asked about fencing costs. Mayor Schneider responded it was related to both cemeteries. Councilmember Turner then inquired on the Fire Engine repair. Chief Robinson explained that last year mechanical work was performed on a 20-year old truck and this year a lot of cosmetic work was needed. When addressing the same, structural deficiencies were found. He added that the expense is included in the Budget. Finance Administrator Mulh indicated the expense is listed as a Capital Expense.

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

In light of Treasurer Reynolds' absence, Councilmember Whitney read the financial statement for the period ending August 31, 2017. She highlighted the following:

- Real estate tax receipts are similar to last year and well above YTD Budget levels;
- Income taxes are down 11% versus 2016 but are nearly even with the YTD Budget;
- Total Revenues are slightly under YTD 2016 but are well above the Budget;
- Operating Departments are running well within Budget;

- Total Operating Expenses before transfers to Other Funds are approximately \$85,000 below Budget and \$60,500 above YTD 2016;
- General Fund Operations generated YTD surplus of \$741,130 which is approximately \$500,000 higher than this time last year. The same is largely due to higher real estate tax receipts.
- Total Fund Balance has improved by \$646,991 since the beginning of the year. An explanation of how such figure was calculated was provided.

Councilmember Turner commented on the impressive YTD interest income. Councilmember AuWerter highlighted the positive result is due to Finance Administrator Mulh's efforts. Finance Administrator Mulh confirmed she moved the bulk of the balances to a better earning fund.

Mayor Schneider remarked that the Village looks great and noted some improvements being done by the Service Department. She then announced and encouraged attendance at Thursday's 911 meeting being held at the Community House. She then shared that a program on Robert's Rules is scheduled for September 21 in Mayfield Village. Mayor Schneider advised that she has received communications from Hunting Valley regarding a final meeting she plans to attend regarding the MetroParks' bike path on River Road. Finally, it was announced that the Community Club BBQ which serves as a fundraiser for the *Pink Sheet* is taking place on September 22. Councilmember Sogg said take out will also be available and encouraged support of the same.

Clerk's report. None.

Councilmember Turner said that the Positively Gates Mills Committee is going to host an open house event for prospective home buyers on November 5. The Committee is coordinating with realtors to invite people to come to the Village where representatives from different Village groups will be at Burton Court. The school is also coordinating with this event by having an open house. She said the event will be advertised in the *Pink Sheet*. Mayor Schneider suggested also advertising in *Chagrin Valley Times*. Councilmember Reynolds supported Mayor Schneider's suggestion. Councilmember Sogg also recommended placing an ad in the *Sun Times*. Councilmember Turner said that part of the grant for the Sherman Road Preserve includes planting. She said Chagrin Valley Watershed Partners has about 200 plants and is looking for volunteers to help plant on September 23 at 10:00 a.m. Councilmember Turner will circulate an e-mail with additional details. Mayor Schneider presented a plaque regarding the Village's status as a Certified Local Government.

Police Chief Minichello provided a written report. Chief Minichello said that Earl Owens has been ill but is returning on Monday. He then shared that Mr. Owens will be the recipient of the Citizen Hero Award by the FBI. The event will be held on October 20 downtown. Police Chief Minichello then reported on a recent accident involving a police car. He said although the officer was not seriously hurt there are some lingering medical issues. In response to Councilmember Turner's question regarding the police cars, Chief Minichello said they currently have two vehicles. However, he noted that a car had already been ordered for this year and will be in service starting tomorrow. The car that will replace the one totaled in the accident has been ordered but will not be ready for a few weeks. He advised that insurance money will go toward

the purchase of the replacement vehicle although that amount is not yet known. Addressing the Mayor's Court, Chief Minichello opined it was a good month and noted that fines compared to last year were up by \$4,000. He believes there will be continued improvement. Councilmember Welsh asked why a speed sign was installed going up Mayfield Road hill. Chief Minichello responded that Councilmember Frankel suggested the same to aid traffic control at that intersection. He added that the sign serves as a reminder. Councilmember Sogg asked about the Citizen Police Academy. Chief Minichello explained that he is hoping to join with Hunting Valley and Pepper Pike for what would likely be an 8-week program for interested residents to go over items such as DUI, gun safety, etc. The program is expected to take place in Spring 2018. Councilmember Sogg inquired if the person who stole an automobile was caught. Police Chief Minichello said no but said they have some leads. He advised that the car was recovered with damage and items from the car (computer and car seat) were missing. Discussion took place about package deliveries being done by unmarked cars. Councilmember Reynolds inquired about what could be done to have such cars identified and/or registered with the Police Department. Police Chief Minichello said they will look into it further.

Service Director Biggert provided a written report. Service Director Biggert shared pictures of two projects wrapping up and provided an overview.

Fire Chief Robinson provided a written report. In response to inquiries by Councilmembers AuWerter and Reynolds regarding a new engine, Fire Chief Robinson said the truck is 27 years old and believes it is worth investing in a new one due to how long the Village keeps them.

Resolution #2017-30 "A Resolution Accepting The Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditors" was introduced by Councilmember Whitney. Councilmember Whitney said this is a bookkeeping item and the need to suspend the rules is to continue doing business.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-30 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Resolution #2017-30 be approved.

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

Ordinance #2017-31 "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. Councilmember Whitney said this allows the Village to move money and the need to suspend the rules is to allow the same. Responding to Councilmember AuWerter, Finance Administrator Mulh clarified the Ordinance is for a transfer and an increase and highlighted uncertainty as to remaining expenses that may come in.

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 #2017-31 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance #2017-31 be approved.

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

Resolution #2017-32 “A Resolution Approving The Adoption Of The Countywide All-Hazards Mitigation Plan For Cuyahoga County, 2017-2022.” Chief Robinson explained this plan went into effect five years ago and it is mandated that it is updated every five years. This is the newest version. All fire departments are asked to participate in ranking the hazards that they feel could impact their respective communities. He then highlighted that the Village must have this plan so that it is eligible for post-disaster funding.

It was moved by Councilmember Welsh, seconded by Councilmember Whitney, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2017-32 be placed upon its final passage.

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

It was moved by Councilmember Welsh, seconded by Councilmember Reynolds, that Resolution #2017-32 be approved.

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

Ordinance #2017-33 “An Ordinance Amending Section 155.04(1) Of The “Investment Policy” In The Codified Ordinances Of The Village Of Gates Mills, And Declaring An Emergency” was introduced by Councilmember Whitney. Law Director Hunt explained that an investment policy was adopted, then adjustments were made for bringing in AllianceBernstein and Sanford Bernstein LLC, the affiliated entity to AllianceBernstein, then Council authorized an

agreement with them and following such agreement, it was determined that Sanford Bernstein LLC is not a qualified trustee or custodian in the state of Ohio. As such, adjustments are necessary so that Sanford Bernstein can be. He will work to obtain either a Trust Agreement or Custodial Agreement that clearly spells out Sanford Bernstein LLC as having a fiduciary duty to the Village. Councilmember Welsh asked if Law Director Hunt is satisfied that the Village is protected. Law Director Hunt confirmed.

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2017-33 be placed upon its final passage.

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

It was moved by Councilmember Whitney, seconded by Councilmember Welsh, that Ordinance #2017-33 be approved.

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

Resolution #2017-34 "A Resolution Authorizing The Mayor To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Improvement Program(s) And To Execute Agreements As Required" 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 #2017-34 be placed upon its final passage.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution #2017-34 be approved.

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

Business from the audience: None.

Councilmember Welsh left the meeting at 6:45 p.m.

In response to Councilmember Sogg's request for an update, Councilmember Turner addressed the 319 grant. She explained that with the help of Chagrin Valley Watershed Partners, an application was made to the Ohio EPA for federal EPA funds to help with the restoration of the Chagrin River bank. The Village was awarded the grant based on the proposal that it submitted. She further stated that the proposal was discussed with landowners in September of last year. She highlighted sensitivity to getting residents on board and making sure there is a good understanding of everything before seeking bids for design and construction. Mayor Schneider commented on the number of steps that need to be taken including getting agreements with the respective homeowners, easement description, tracking spending, etc. Law Director Hunt stated that the Village needs a clear written agreement with the respective residents. Councilmember Turner said the total value of this project is \$309,000 with the residents' obligations for significant sums of \$67,000, \$37,000 and \$37,000, respectively. She opined it is a lot of money to come up with in a short period of time. Councilmember AuWerter asked if the rest is being covered by the grant. Councilmember Turner confirmed. Mayor Schneider added that the Village is contributing as its employees will be doing a lot. The time frame with the EPA is being determined. Village Engineer Courtney stated this is to stabilize and prevent erosion. Mayor Schneider remarked that a lot is involved. Councilmember Turner is proposing a down payment and the remaining payment before bids go out. Councilmember Sogg asked if the Village could mitigate any of the residents' expenses. Mayor Schneider said the Village is helping with having its employees involved. Councilmember Sogg expressed her concern of the expense to property owners. Councilmember Sogg clarified she is not taking away anything that the Village has done but is highlighting that it is a lot of money for the homeowners.

Councilmember AuWerter commented on the railroad bridge being nearly 100 years old and asked when the last inspection of the bridge was. Service Director Biggert answered about five years ago. Councilmember AuWerter suggested starting to think about fundraising for the same as replacement cost could be \$1.5 million. Mayor Schneider said the bridge may qualify for a grant. Councilmember Sogg added that being a Certified Local Government may be helpful. In response to Mayor Schneider's question, Councilmember AuWerter said he would look into when the bridge will turn 100 years old. Service Director Biggert said another evaluation would be done in a couple of years.

Councilmember Turner asked Law Director Hunt about point of sale inspections. Law Director Hunt said it comes down to having a voluntary system. He said that if Service Director Biggert has known facts, a search warrant could likely be obtained. Most buyers should want an inspection. Councilmember Sogg asked about the difference between the Village's building inspector and a private inspector. Law Director Hunt does not believe the Village could incur any liability. It was suggested that material regarding inspections be prepared and distributed. Councilmember AuWerter suggested education on septic systems. Service Director Biggert said that the Village does not require a point of sale inspection; however, he strongly recommends the County Board of Health be contacted for septic system inspections. Councilmember Turner questioned if the County declares that it does not meet the standards if someone has to replace the system. A lengthy discussion took place regarding septic systems.

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

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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor