

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 13, 2016

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, September 13 at 6:00 p.m. in the Village Hall.

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

A presentation on behalf of Mayfield City Schools was provided by Superintendent Dr. Keith Kelly and Treasurer Scott Snyder. Dr. Kelly expressed his gratitude to the Mayor and Council for the opportunity to share information regarding the need for the 6.9 mill tax levy. A visual presentation accompanied. Dr. Kelly shared that a phone survey with 400 respondents was performed. He highlighted that respondents were from all of the voting precincts within the entire district. He said that of the 400 respondents, 68% did not have school-aged children. Dr. Kelly said the results of the survey are consistent with the 2015 survey results. Councilmember AuWerter asked what the intent of the survey was. Dr. Kelly answered to ascertain how residents feel about the different issues and what is happening at Mayfield City Schools. Treasurer Snyder added to also confirm that the direction of the District is what the community wants. Councilmember Reynolds asked what the total number of homes is in the Mayfield School District and the percentage as it relates to the 400 responses. Treasurer Snyder advised that there are 28,000 homes in the entire population and the survey is a random sample of the overall demographic and population of registered voters. Councilmember Whitney asked if this was the only survey done. Dr. Kelly advised that there was a survey in 2016, 2015 and every two years prior going back several years. In response to Councilmember Whitney's question, it was confirmed that the levy was known at the time of the recent survey. Councilmember Whitney advised that when she participated in the survey, she asked about the range and was told it was not known. Dr. Kelly emphasized successes of the District including that it has been recognized by many organizations; had the highest ACT scores in the history of the school district – the second highest was two years ago; more students are taking AP classes; and has been named one of the most challenging schools in the nation. He highlighted the variety of educational programs emphasizing the need to provide programs for diverse needs. Examples were provided including vocation, college prep, special education, etc. Dr. Kelly explained that the foundation for the levy is to continue to provide such educational diversity. He provided the reminder that 5 mills is for operating and 1.9 mills is for permanent improvements. Continuing with the presentation, Dr. Kelly advised of a three-year plan which has students from fifth to twelfth grade receiving Chromebooks. He described the Wildcat Health and Wellness Clinic which is a partnership with the Cleveland Clinic and Hillcrest Hospital that provides for a clinic being located inside the high school. He noted priorities include the need for air conditioning in the middle school, growing the STEM2M program to include arts, improvements to the theater, blended learning (use of technology in the classroom blended with traditional teaching practices), renovations to the middle school and pointed out that safety is always a top priority. Dr. Kelly advised of identifying ways to leverage technology so the schools can better communicate with first responders and to allow first responders to tap into the surveillance systems. In response to Councilmember AuWerter's question about the number of and condition of school buildings, Dr. Kelly provided the answer of one high school,

one middle school and four elementary schools and that the condition of the schools is very good but the focus is on the middle school.

Treasurer Scott Snyder reviewed additional survey results and provided a detailed explanation of loss of funding and revenue. He described efforts to reduce costs including pay freezes with regard to wages as well as a cap on health insurance. He pointed out that the Wildcat facility serves as a way to aid in controlling health insurance costs. Dr. Kelly stated that the survey indicated that 59% would likely vote for the levy and opined that is a very strong number. He expressed his belief that the community values the class sizes as well as the staff. Dr. Kelly also expressed the need to keep a healthy cash balance. Councilmember AuWerter asked if the projections assume no tax levy. Treasurer Snyder confirmed. He then stated that if the levy passes he believes it would last a minimum of three years – likely four. Treasurer Snyder said the levy, based on \$100,000 value, would cost \$240 per year. He added that if the levy does not pass, there is not currently a contingency plan in place. Dr. Kelly said they are taking a positive approach to this issue. If it fails, decisions will have to be made but those decisions are not specific nor would he be able to publically comment on the same. Councilmember Turner asked if having students from other districts creates a financial loss. Treasurer Snyder explained the different programs and that other districts pay their way. Councilmember Frankel inquired about legislative initiatives to reverse some of the state-level cuts. Treasurer Snyder confirmed that the District is part of an alliance that attempts to lobby the state. Dr. Kelly clarified it is the Alliance for High Quality Education which includes 60 school districts across the state. Treasurer Snyder added they are trying to partner with Mentor Schools in trying to get resources back that were cut by the state. Councilmember Sogg asked for clarification regarding non-operating allocations. She remarked that real estate agents suggest moving to Chagrin Falls for better schools. Further opinion was expressed that marketing by the schools is not effective. Treasurer Snyder provided a breakdown of expenses including that 80 cents per dollar goes toward staff (teachers, aides, custodians, administration, etc.), 20 cents toward utilities, 10 cents for out of district students and noted auditor costs as well; and 2% is discretionary for textbooks, software, etc. In addition, he stated that the only revenue growth is new construction. He further commented that the largest tracks of land left are in Gates Mills and the Village has 5-10 acre requirements. Dr. Kelly added that operationally the District has its own bus fleet, food service program, maintenance and mechanics. He also highlighted that there are 700 employees. Dr. Kelly specified that the 5 mills is for operations as described and the remaining 1.9 mills is limited and can only be used for capital improvements. Dr. Kelly disagreed with the earlier opinion regarding marketing and shared that the District uses multiple ways of communicating what it is doing. He further remarked that people are returning from charter and private schools and believes such reflects that the word is getting out. He expressed his view that he is unsure what the disconnect is with regard to selling homes but believes houses are selling. In response to Councilmember AuWerter's inquiry regarding comparisons with other school districts, Dr. Kelly confirmed they have direct comparisons and there are also non-similarities including that the mean income is lower, the poverty levels are higher and the District has more students yet it is excelling. He added that the District has more AP programs than both Chagrin and Orange. Councilmember Turner remarked that there has been a shift recently in what she is hearing from realtors. She expressed her understanding that a lot of elderly residents are selling their houses and the houses are not being staged properly. Dr. Kelly said they have realtor lunches but need people to be willing to come and tour the schools. He welcomed encouragement of the same. Councilmember AuWerter asked if Chagrin and Orange

were going on the ballot. After confirmation that they were not, Councilmember Welsh said that the tax rate for the schools is less than Pepper Pike, Hunting Valley and Chagrin. Councilmember AuWerter responded that would have been true but now we would be the highest compared to surrounding communities with this level. Treasurer Snyder stated the tax rate would be higher but believes the same would be short lived. Councilmember Welsh questioned if Progressive is getting a free ride. Treasurer Snyder said there is a tax abatement and then explained that Mayfield Village has been sharing a portion of income taxes with the District. He advised that the original building just came on the tax roll and Campus 2 is about to come on. Dr. Kelly voiced his appreciation for the questions as well as the opportunity to speak. Mayor Schneider thanked Dr. Kelly and Treasurer Snyder for coming.

The minutes of the August 9, 2016 Council meeting were presented by the Clerk. Councilmember Frankel referred to language on page 3 regarding the tax percentages. He advised the percent is 56% of taxes not 47% as stated at the last Council meeting. Councilmember Frankel opined that Resident Collister's comments that followed Chief Minichello's remarks regarding bicycle regulations was confusing and seemed out of order. It was agreed that "Business from the Audience" would be noted between the two paragraphs. It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that the minutes, as amended, be approved.

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

The minutes of the special August 23, 2016 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Turner, that the minutes be approved.

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

Pay Ordinance #1193 in the amount of \$365,538.91 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that Pay Ordinance #1193 be approved.

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

The financial statement for the period ending August 31, 2016 was presented by Treasurer Reynolds. Treasurer Reynolds highlighted the following:

- Municipal Income Taxes are about \$177,000 under what they were this time last year;
- Real estate taxes are up slightly by \$22,000;

- Overall Operating Revenue is down \$138,000;
- Excluding the impact of transfers from the General Fund to Other Funds, the overall Operating Expenses are down by approximately \$98,000;
- General Fund Balance is down versus this time last year by \$250,000;
- Departments are Operating within and some better then budgeted; and
- Total Cash Balance is down \$153,000.

Councilmember AuWerter asked about real estate payments. Finance Administrator Mulh explained that payments come in for advances, settlements and then roll back from the state. She added that payments are received about six times a year. Councilmember AuWerter asked if real estate taxes could exceed the Budget. Treasurer Reynolds confirmed and added that they could also come in under Budget as well. Councilmember Sogg raised the issue that there are a lot of homes under construction that are not yet completed and not on the tax rolls yet.

Mayor Schneider advised that Finance Administrator Mulh is coordinating the Village's e-mail program. With regard to the last Council meeting and the discussion concerning the Connector Study, she reported that she attended a meeting including the Metroparks and the Mayors from Hunting Valley and Moreland Hills. She did not provide a 30-day notice at the meeting. However, she relayed that the company performing the study was put on hold. She reiterated that nothing is being done at the moment. Mayor Schneider felt it was a good meeting and shared that all three mayors gave a presentation. Brian Zimmerman, head of the Metroparks, apologized for miscommunication and is committed to coming out and speaking with Council and/or the community. Mayor Schneider also had a meeting with Brian Zimmerman and Hunting Valley's Mayor where they came to the Village and toured River Road looking at all of the alternatives. She opined that good input was received. Mayor Schneider plans to attend a September 29 meeting at NOACA including planned attendance by Brian Zimmerman, Grace Gallucci (NOACA), Service Director Biggert, Village Engineer Courtney and others. Mayor Schneider expressed her hope that the remainder of the study will get transferred to Moreland Hills and the Village will look only at safety as it pertains to River Road. Councilmember Welsh offered to print out responses he has received. Councilmember Sogg asked about work that had been done along River Road where a lot of growth was eliminated behind the barrier and if it had any connection to the study. Service Director Biggert suggested it may have been road side mowing. Mayor Schneider confirmed to take a look at that area.

Mayor Schneider introduced Marcia Anselmo and Sally Burke of the Historical Society as well as Gus Frangos of the Cuyahoga County Land Bank. Mayor Schneider explained that the Land Bank received a tax foreclosed property. The Land Bank agreed to give certain items found on the property to the Village. Among such items was the old Red Fox Inn sign which was then presented to the Historical Society. Mayor Schneider advised that she, Service Director Biggert and Finance Administrator Mulh went through the building and identified items for the Historical Society to display as well as to use for a silent auction. Mr. Frangos explained the history and description of the property whose owner was kin to the family that owned the Red Fox Inn.

Mayor Schneider informed Council that Shirley Morgan moved out of the Village. She then expressed her desire to appoint Councilmember Reynolds to the Cemetery Committee based on Ms. Morgan's vacancy.

It was moved by Councilmember Whitney, seconded by Councilmember AuWerter, that Mary Reynolds be appointed to the Cemetery Committee.

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

Clerk's report: none.

Councilmember Turner announced that the Healthy Mayfield event is tomorrow from 6:00 – 8:00 p.m.

Councilmember Welsh advised that the Glynos property sold. Mayor Schneider commented that it was sold to a company that resells the land and she has reached out regarding the same.

Councilmember Sogg raised the issue of a Violations Bureau (Mayor's Court) and asked Police Chief Minichello to speak on the same. He said he had an opportunity to view a demonstration in Middleburg Heights of the required software. Police Chief Minichello advised it would be a matter of set up time for the Village. Councilmember AuWerter inquired as to cost and an estimate of time to implement. Chief Minichello answered the cost would be approximately \$3,000 and estimated it would take four to six months. He explained the process would include meeting with Law Director Hunt and, if the Village were to move forward, legislation would need to be drafted, registrations with various entities including the Ohio Supreme Court would be required as well as training of staff, etc. Councilmember Welsh commented that the Village use to have a Mayor's Court but, due to legalities, it went away. Finance Administrator Mulh confirmed this would only address violations for waivable tickets. Mayor Schneider added that payments would be made online only. Councilmember Sogg expressed the hope that legislation would be ready by the October or November Council meeting and then proceed with three readings. Chief Minichello confirmed he plans to speak with Law Director Hunt. He also shared that he has received feedback from different communities regarding the same.

On behalf of the Long Range Planning Committee, Councilmember Whitney informed Council that the Investment Committee has been formed. She shared that everyone asked, agreed to serve and opined it is a strong group. She said that Finance Administrator Mulh helped with pulling materials and background together.

Councilmember AuWerter advised that the Village is interested in a cell phone tower and he and Councilmember Turner met with an individual that seems to be very knowledgeable on cell towers. Additionally, a few different people have been lined up to speak with. He highlighted that the cell companies may or may not have a need but believes it would not be hard to find a cell tower developer. He and Councilmember Turner are working to understand everything involved and then identify the best course of action. It is likely that an engineering group will be needed as well as identifying one or two cell companies. Councilmember Welsh said the tower currently in place is located in a dump and was formerly used by the police

department and is now rented out. Councilmember Welsh then suggested that a good spot for a tower would be where WVIZ put in a tower. He was not sure if that tower still exists.

Councilmember Turner reported on a meeting of the Chagrin River Watershed Partners. She opined it is a powerful group in terms of what they accomplish for the watershed district. Councilmember Turner said the Regional Commission presented at the meeting and asked if they would want to engage with the Commission on some of the ordinances and legislation that is related to water preservation. Councilmember Turner said that Al Cowger plans to follow up with the group regarding working with the Commission.

Police Chief Minichello provided a written report. He reported on a burglary that occurred and stated that the suspect is in custody. In response to Councilmember AuWerter's question, Chief Minichello confirmed the incident happened on Hillcreek and the suspect is an ex-family member.

Service Director Biggert provided a written report. Service Director Biggert explained that he, Mayor Schneider and Finance Administrator Mulh had a meeting last month with a recycling company. He said it will take 30-45 days to implement. He then described the process includes residents being able to put out recyclables such as used clothing and small appliances the same day as trash pick up and that a separate truck will pick up those items. Finance Administrator Mulh added that items must be something that one person can manage. Mayor Schneider commented that it is a free way for individuals that cannot otherwise take items to recycling. Service Director Biggert noted the same company is used in Fairview Park and he and his wife have been pleased with the service. Finance Administrator Mulh said materials regarding the same will be distributed to residents.

Fire Chief Robinson provided a written report.

Second reading was held for Ordinance No. 2016-22 "An Ordinance Amending Chapter 1367 Of The Building And Housing Code To Change The Title Of The Chapter To "Unsafe Structures And Outdoor Maintenance Of Grounds" And To Amend Sections 1367.01 And 1367.02 To Include Provisions For The Outdoor Maintenance Of Property Grounds; And Declaring An Emergency."

Second reading was held for Ordinance No. 2016-23 "An Ordinance Amending The Planning And Zoning Code To Add New Chapter 1165, "Exterior Lighting," To Regulate Outdoor Lighting In The Village." Councilmember Frankel raised his concerns regarding landscape lighting which is typically on from dusk until midnight, the effect of the Ordinance with regard to lights such as porch lights, driveways lights and pole lights. Councilmember Sogg responded that existing lighting would be grandfathered in. She further stated that new home/new lighting would have to comply. She recommended motion detectors be used. Mayor Schneider opined that a porch light is not defined as landscape lighting. Councilmember Frankel asked about pole lights and highlighted that some residents have gas lights which run continuously. He inquired if there should be further consideration of the language. Councilmember Sogg agreed to review further. Mayor Schneider suggested identifying the different types of lighting. Councilmember Frankel remarked that he understands the need for the Ordinance but expressed concern that certain residents may be disappointed with having to

turn certain lights off. Mayor Schneider agreed there should be a caveat. Councilmember Welsh referred to other laws regarding lights that the Village was not able to enforce. Councilmember Sogg responded that this Ordinance is supposed to fix that problem. Councilmember Turner raised the issue of residents not being aware of the Ordinance. Councilmember Sogg said it was published in the *Pink Sheet* and it is residents' responsibility to comply with ordinances.

Resolution No. 2016-24 "A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Fiscal Officer" was introduced by Councilmember Whitney. Councilmember Whitney noted the need to ask the County to collect taxes on levies that are in place which is the reason why she is requesting a suspension of the rules.

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 No. 2016-24 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 No. 2016-24 be approved.

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

Ordinance No. 2016-25 "An Ordinance Amending Sections 792.051 And 792.091 Of The Taxation Code Of The Codified Ordinances Of The Village Of Gates Mills To Correspond With Recently Amended Chapter 718 Of The Ohio Revised Code, And Declaring an Emergency" was introduced by Councilmember Whitney. She referred to the same reason for the need to suspend the rules.

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 No. 2016-25 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 Welsh, that Ordinance No. 2016-25 be approved.

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

Business from the audience:

Marcia Anselmo explained that new lamp posts have been ordered for the Historical Society and asked if they would fall under the new lighting ordinance. She also asked if the new lights should be on a timer. Service Director Biggert explained that if the lamp posts are installed prior to the Ordinance taking effect, they would be grandfathered in. He added that should they need to be replaced in the future, they would be subject to the Ordinance. Councilmember Sogg recommended not delaying in the installment of the lamp posts. Councilmember Reynolds, citing surrounding neighbors, recommended the use of a timer.

Charles Belson referred to the July Council meeting wherein he said that Mayor Schneider advised that land with an existing mineral lease was purchased by the Village and that the Village renegotiated such lease to limit the same to only allow shallow wells. The lease previously allowed for the potential of deep well drilling. Mr. Belson pointed out that a number of properties purchased by the Land Conservancy have leases in place that allow for deep horizontal wells in the future. In terms of consistency, Mr. Belson requested a Resolution from Council regarding renegotiation language. He stated that the lease on the former Bob Feller property which is now owned by the Land Conservancy should be renegotiated. Mayor Schneider stated that it was not until the renegotiation was done that we became aware of the ability to renegotiate a lease. She expressed her belief that going forward, it is likely the Village, the Land Conservancy and possibly even owners would look to renegotiate leases. She opined that the Village and Land Conservancy feel renegotiation is a good idea. Councilmember Whitney clarified with regard to the former Bob Feller property that the Land Conservancy owns the parcel of land adjacent to the property that has the well on it. Councilmember AuWerter raised the issue that renegotiations may not always be possible. Mr. Belson reemphasized his opinion that consistency is needed with regard to renegotiating leases.


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, Frankel, Reynolds, Sogg, Turner, Welsh, Whitney.
 Nays: None.
 Motion carried.

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Karen Schneider, Mayor