

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 10, 2016

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Monday, October 10 at 6:00 p.m. in the Village Hall.

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

The minutes of the September 13, 2016 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the minutes be approved. Councilmember Turner addressed the discussion with Charles Belson at the end of the last meeting wherein he referred to the former Bob Feller property and asked if he was actually referring to the Hayes property. Mayor Schneider clarified that the property Mr. Belson was referring to was an entirely different property than the Hayes property. In her response to Mr. Belson's question as to why that mineral lease was not renegotiated, Mayor Schneider explained that the option to renegotiate a lease was not known at that time and clarified that the property related to his concern was actually located next to the property where a well is located.

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

Pay Ordinance #1194 in the amount of \$298,224.07 was presented by the Clerk.

It was moved by Councilmember Whitney, seconded by Councilmember Sogg, that Pay Ordinance #1194 be approved.

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

In Treasurer Reynolds' absence, the financial statement for the period ending September 30, 2016 was presented by Finance Administrator Mulh. Mrs. Mulh highlighted the following:

- After transfers, the Village is maintaining a surplus in the General Fund of \$250,071;
- Operational expenses are well within budget;
- Total reserves are \$78,000 lower than this time last year;
- Expenditures in Other Funds include 47% for the water account; 23% related to the waste water plant; and 12% for capital improvements.

In response to Councilmember AuWerter's question regarding capital expenditures, Service Director Biggert relayed his expectation that costs will be as budgeted. Councilmember Sogg asked about work not being done on Berkshire. Service Director Biggert confirmed, due to lack of funds, that project will be put up for next year.

Mayor Schneider shared that the recent Healthy Mayfield event was good and well attended. She advised that the Village had a table there and she distributed flyers to promote various Village events.

Next, Mayor Schneider reported that she, along with Service Director Biggert and Village Engineer Courtney, attended a September 29 Connector Study meeting hosted by Grace Galluci, Director of NOACA. Attendees also included representatives from Hunting Valley as well as the Metroparks. Mayor Schneider expressed her satisfaction with how the meeting was handled. Although she is unsure how the study will end up, her idea would be to transfer the study to Moreland Hills. She was pleased to inform Council that everything as it relates to this study including the Minutes from the Council meetings, letters, etc. will become part of the study. Councilmember AuWerter asked if Hunting Valley has had any progress with not going forward with the study. Mayor Schneider repeated that she is unsure how it will end up and that everything that transpired in Gates Mills and Hunting Valley will be a part of the study. She said the Village still has money that is technically the Metroparks and legalities have to be worked out given the contracts involved. She referred to River Road and shared that Hunting Valley seems to have accepted – if it is only in the right away – that there may be places along River Road where they can do a pass which would allow for a car to continue and a biker to go to the right and continue in forward motion. She described the pass would not be an actual bike lane but rather an option to allow both to share the road and allow for greater safety. Mayor Schneider said that both Brian Zimmerman and Grace Galluci indicated that they would come to the Village to participate in a Community and/or Council meeting. Councilmember Turner mentioned a recent article in the paper where Grace Galluci spoke about expanding RTA. Councilmember AuWerter said that, in reality, it might not have been all that bad to have the study. Mayor Schneider said she was glad it got our attention. Councilmember Sogg commented that if the Village was not part of the contract, we may not have been aware of it. She further commented that it was unfortunate that so many residents believed that Council was supportive of the study rather than recognizing that Council was trying to understand and be aware of what was going on. Councilmember Sogg said it was positive for Council to be involved. Mayor Schneider believes the end result will be good and confirmed that everything is currently on hold. Councilmember Sogg suggested Council keep in mind how to publicize future information to residents regarding the same.

Clerk's report: none.

Councilmember AuWerter said that he and Councilmember Turner discussed a possible cell tower with various parties. He advised that the numbers regarding revenue may have been strong years ago; however, the probability of getting a tower and getting all four carriers is unlikely. He opined that it may be difficult to get two carriers unless a bigger and more expensive tower is built. Councilmember AuWerter noted that revenue per carrier is less than the numbers he was originally given. Although he is still checking numbers, even if a carrier had interest, he believes it would not be a favorable use of funds that Council would want to pursue. Councilmember AuWerter explained it costs around \$300,000 per tower and it may result in \$50,000 - \$75,000 in revenue. Councilmember AuWerter said he is still exploring it. On the other hand, he then mentioned that there might still be a demand wherein the Village would not have to put money up but rather participate in an agreement if it would be on Village property. Councilmember Sogg asked about getting a Letter of Intent from one of the carriers.

Councilmember AuWerter believes it would be possible with one carrier but expressed his concern that revenue would not be \$300,000. He advised that Gilmour has come to Planning & Zoning and its efforts may take away such opportunity for the Village. Responding to Councilmember Welsh's question, Finance Administrator Mulh confirmed the current contract results in \$72,000 yearly. Councilmember Sogg highlighted the potential annual revenue over the long term and requested Councilmember AuWerter continue to explore the opportunity. Councilmember Whitney raised the issue of length of technology. Councilmember AuWerter added that carriers are no longer signing long-term leases. Councilmember Turner raised her prior requests that she would like Law Director Hunt to review the existing contract.

Councilmember Whitney reported that the Investment Subcommittee will be meeting in a couple of weeks. She said that Law Director Hunt will attend that meeting to discuss rules and regulations as it pertains to the Village.

Councilmember Sogg said she was hoping to have legislation for the Violations Bureau tonight; however, issues are currently being addressed and believes it will be available at the next Council meeting. She anticipates the Violations Bureau could be underway in early spring.

Councilmember Welsh asked if there is any news with regard to the acquisition of land for the cemetery. Councilmember Reynolds shared that a meeting is scheduled to discuss certain rules and regulations and to clarify rules of governance. Councilmember Reynolds praised the work of Finance Administrator Mulh for her efforts to gather and verify data with regard to cemetery plots as well as assisting Councilmember Reynolds in obtaining data on what other private cemeteries and municipalities are charging for plots. She advised that there are no plots left in the South Cemetery and there may be a few in the North Cemetery after some trees are removed. Councilmember Reynolds also advised that Service Director Biggert is determining the cost to the Department in maintaining the same. She added that Hunting Valley shared a copy of a letter it used to send to residents that purchased numerous plots regarding the option to resell the plots back. She advised that a large amount of data has been gathered and that such data, along with governance and options to consider with regard to long range planning will be addressed. She further remarked that abandonment of gravesites will also be explored.

On behalf of the Positively Gates Mills Committee, Councilmember Turner shared a binder the Committee put together that includes information about the Village for realtors to use for their Gates Mills listings. The same has been delivered to different realtors. She advised that information is also available electronically on the Village's website under the New Resident tab. She further stated that Gail Palmer came up with the idea for the Seasons of Gates Mills pictorial calendar which has been made into a postcard that will be available. She reported that feedback has been positive. Councilmember Turner explained that many realtors do not live in area, therefore, may not be aware of everything about the Village.

Councilmember Turner reported that the School Liaison Committee set its agenda for the year and hopes to recruit someone to run for the School Board. The election would be in November 2017. She then advised that the School Liaison Committee decided to endorse the school levy and will have a related article in the *Pink Sheet*. Councilmember Reynolds clarified that it is the School Liaison Committee endorsing the levy and not in any way speaking on behalf

of Council or the Village. Councilmember Turner added that any member that does not wish to endorse the levy will not have their name included.

Councilmember AuWerter is considering ideas to make the Service Committee more meaningful. He requested Councilmembers' opinions on the idea of adding residents from different areas of the Village to serve on the Service Committee. Such residents could provide input to the Service Department on the state of the roads in their respective areas. Mayor Schneider expressed her support of Councilmember AuWerter's idea. Councilmember Sogg agreed. She then commented that the roads have only been paved for about 20 years and are starting to have issues. Councilmember Sogg believes there needs to be a better way to evaluate the needs and the ongoing planned maintenance of the roads. Councilmember AuWerter asked for recommendations of residents to ask to serve on the Committee. Mayor Schneider suggested using a map to then identify residents from different areas.

A presentation was given by Bill Wilk on behalf of Simple Recycling. He explained that Simple Recycling offers municipalities a curbside recycling program for textile items (clothing, towels, sheets, draperies, etc.) and household items (pots, tools, small appliances, etc.). He said that there is only one man per truck, so items must be able to be managed by one person. The main objective of the Company is to keep items out of landfills. He advised that Simple Recycling has contracts in both Cuyahoga County and Summit County for a total of 29 communities. He informed Council that Simple Recycling has its own fleet of trucks and drivers and items are picked up on the same day as trash removal. Councilmember Sogg raised the fact that in Gates Mills trash is not placed curbside. Mayor Schneider said that Simple Recycling could go either before or after the trash collection trucks. Mr. Wilk shared that prior to the first pick up; every resident would receive a postcard which explains the entire program including what can and cannot be accepted as well as the start date. Councilmember Sogg described the Village's trash pick-up and expressed her concern on how this program would work. She emphasized that it is a good program but is unsure how it could be implemented. Discussion among Council highlighted the need to identify the same. Mr. Wilk said that someone from the Company's dispatch would travel the entire route prior to the start of the program. Mayor Schneider suggested having someone go out to see how the trash is collected in the Village. Councilmember AuWerter offered the suggestion of placing recycling items in a different location. Finance Administrator Mulh raised the number of complaints the Village already receives from residents regarding the existing number of recycling containers. Mayor Schneider advised that before mailing postcards, the logistics need to be determined. Mr. Wilk continued his explanation noting that the week before the first pick up, residents would receive an envelope including another brochure regarding the program as well as two bags and two stickers. The stickers are used for items that are not able to fit inside the bag provided. Councilmember Reynolds asked what is done with the collected items. Mr. Wilk answered that the items are reused/recycled. Finance Administrator Mulh said that only 5% of what is collected is waste. Councilmember Frankel asked about small appliances. Mr. Wilk provided the example of toasters. He then said that when drivers pick up bags, they will leave bags so that residents always have a supply of bags. Extra bags would also be available at Village Hall. Councilmember AuWerter raised the possibility of residents calling to advise when a bag is placed out to avoid seeing bags on the street and to avoid having to go up and down every driveway. Councilmember Welsh asked if Rumpke would pick up and deliver the recyclables to Simple Recycling. Mr. Wilk confirmed that would be highly unlikely. He said that what makes

it simple for the residents is what the Company would do. In response to Councilmember Turner's inquiry regarding collected items, Mr. Wilk explained that Simple Recycling has a contract with the thrift store operation Value World. A truck is routed to a Value World location where bags are weighed explaining that cities receive a rebate for everything picked up. He said that material is then sorted and priced. Items not placed for sale goes to a warehouse in Warrensville. From that warehouse, items are then delivered to Ontario where they are again sorted from wearable clothes that will go to third world countries and the remaining items are recycled into rags, car seats, etc.

Police Chief Minichello provided a written report. He advised that Sergeant Pollutro arranged to have a distracted driving simulator at Gilmour for two days. It simulated distracted driving such as texting and eating. He said that the Ohio Department of Transportation owns the simulator and that the Department had reservations for it for quite some time. He then advised that on September 30, Officer Suchetka graduated from the DARE program. He explained that it is a very interactive program that is not strictly about drugs. Councilmember Welsh inquired about the Narcan program. Chief Minichello said that the Department has not had to use any kits but that every cruiser is equipped with one.

Service Director Biggert provided a written report. Per Mayor Schneider's request, Service Director Biggert provided an update on a significant accident that occurred last Wednesday. He explained that a Service Department member was mowing the roadside with posted signs in place and a driver ran into the back of the tractor. Service Director Biggert confirmed the employee is fine but that the driver of the car remains in the hospital. Police Chief Minichello provided further description of the multiple vehicle accident. He added that the driver will likely be cited. Service Director Biggert said it appears the tractor can be fixed. In response to Councilmember Turner's inquiry about the occupants of the second vehicle involved, Police Chief Minichello confirmed there were no injuries. Mayor Schneider asked if the car that hit the tractor was damaged. Police Chief Minichello answered that it was heavily damaged. Councilmember Turner asked what could be done in the future for safety. Service Director Biggert suggested the use of a police car if available and is looking into additional protection options. He confirmed the equipment had flashing lights. Councilmember Sogg suggested closing the lane when working.

Fire Chief Robinson provided a written report. Councilmember Reynolds asked if all of the fire alarms were false alarms. Fire Chief Robinson confirmed and noted some were due to system malfunctions and others are when the alarm is triggered by something other than a fire. Councilmember Reynolds asked what ALS stands for. Chief Robinson answered Advanced Life Support.

Third reading was held for Ordinance #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." Councilmember Sogg clarified that suspension of the rules is not required.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that Ordinance #2016-22 be approved.

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

Third reading was held for Ordinance #2016-23 "An Ordinance Amending The Planning And Zoning Code To Add New Chapter 1165, "Exterior Lighting," To Regulate Outdoor Lighting In The Village."

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that Ordinance #2016-23 be approved.

Councilmember Frankel asked Law Director Hunt how this Ordinance helps if lights are grandfathered in and noted that LED lights are long lasting. Law Director Hunt responded that he is not sure how to correct that problem. Law Director Hunt further commented that one neighbor could sue another as a private nuisance issue. He said he is not sure how the Village could step in unless it requires everyone to upgrade which would be difficult to do. Councilmember Frankel expressed his concern that there is nothing that could be done about it. Councilmember Welsh inquired if lights are still grandfathered in the case of new ownership. Law Director Hunt responded that it usually runs with the land. Mayor Schneider asked if the Ordinance regarding property maintenance could apply. Councilmember Frankel asked if it could be amended to address lighting at a certain level with regard to trespassing. Law Director Hunt said the Village could try that. Service Director Biggert expressed his belief that the majority of neighbors would be willing to make adjustments if they are contacted about an issue. He believes that people want to be good neighbors and would voluntarily comply. Councilmember AuWerter suggested in the future we could modify the ordinance to address disturbing lights. Mayor Schneider believes that having something where a call can be made advising of a light limit is beneficial and emphasized that the Village had nothing until now. Service Director Biggert remarked that it may not solve the problem but will try it. Law Director Hunt said there is a fine line between private and public nuisance. He explained that if it is between neighbors than it is a private nuisance. Councilmember Sogg said we should try it and if we start to see that people are digging in about not making changes then we can address those particular ones. Councilmember Reynolds raised the fact that the Village is a bird sanctuary. Law Director Hunt explained a change he made to a cross reference on page five. In response to Councilmember Turner's question, Law Director Hunt confirmed the change is for a fixture not a lightbulb with regard to the Ordinance taking effect.

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

Resolution #2016-26 "A Resolution Authorizing The Mayor And The Clerk To Enter Into An Amended Indenture Of Lease With Robert Anderson Barclay, FAIA Architect, LLC, And Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Sogg, citing help from former Mayor Riley who is the head of the Real Estate Committee, advised of the successful renegotiation of rent based on fair market value. She indicated that the rent increased from \$432 a month to \$500.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-26 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 Sogg, seconded by Councilmember Reynolds, that Resolution #2016-26 be approved.

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

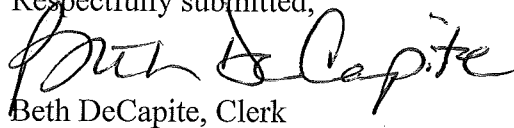
First reading was held for Resolution #2016-27 "A Resolution Authorizing The Mayor To Enter Into An Agreement With Great Lakes Recycling, Inc., DBA Simple Recycling Of Cuyahoga County, For The Curbside Collection Of Soft Recycling Materials In The Village of Gates Mills."

Business from the audience: None.

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, Turner, Welsh, Whitney.
Nays: None.
Motion carried.

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor