

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 21, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Wednesday, October 21 at 6:30 p.m. in the Village Hall.

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

Fire Chief Robinson introduced members being appointed to Second Lieutenant: Daniel C. Dickson, Michael S. Feig, and Richard W. Thompson. Chief Robinson advised of a reception at the fire station immediately following the swearing in portion of tonight's meeting. He shared that the new Second Lieutenants have each been with the department for over a decade and are excellent fire fighters with leadership characteristics. Chief Robinson was pleased that there were a number of great candidates.

Mayor Riley administered the Oath of Office.

It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that the appointments of Messrs. Dickson, Feig and Thompson to Second Lieutenants be approved.

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

The minutes of the September 9, 2015 Council meeting were presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that the minutes be approved.

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

Mayor Riley explained that the mayor appoints four members to serve on the board of the Gates Mills Lands Conservancy. Per John Kramer's suggestion, Mayor Riley shared his desire to appoint Ira Greenberg to an open board position. John Kramer explained that Mr. Greenberg is a CPA which will be helpful to the Land Conservancy's treasurer, is a long-term resident and is a conservationist at heart.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, to approve Ira Greenberg's appointment to the Board of the Gates Mills Land Conservancy.

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

Pay Ordinance #1182 in the amount of \$327,686.01 was presented by the Clerk.

It was moved by Councilmember Welsh, seconded by Councilmember Schneider, that Pay Ordinance #1182 be approved.

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

The financial statement for the period ending September 30, 2015 was presented by Treasurer Reynolds. He noted the following:

- Operating Revenues are up by \$488,000 primarily due to an increase in municipal income tax receipts as well as an increase in real estate taxes;
- Operating Expenses are also higher by \$222,000.
- Legal expenses from earlier in the year resulted in being well above budget.
- Police Department is doing well noting lower personnel costs.
- Capital Expenditures are within budget but are higher than last year.
- Service Department is doing a good job with the main budget overage being due to the cost of salt.
- Total balance all funds is up \$642,000 relative to last year. He opined that result is better than expected noting the increased taxed receipts.

Nancy Sogg questioned why the prosecutor's fees were higher. Law Director Cannon answered the same was due to the fatal accident. Councilmember Frankel, noting his review, agreed. Service Director Biggert added that there were also some property maintenance issues the prosecutor was handling. Treasurer Reynolds addressed Councilmember Sogg's query regarding higher income taxes stating that the economy has generally improved over last year. Councilmember Frankel inquired about the lower Building Permits/Fines line item. Service Director Biggert explained that the difference was due to the building of much larger homes in 2014. Councilmember Reynolds asked about the check from the Attorney General regarding salt. Finance Administrator Mulh advised that payment in the amount of \$7,600 was recently received and would be included in the October Financial Statement. A brief discussion took place regarding building bond money.

Mayor Riley raised the issue of new leases for the Cindy Halle space and the Howard Hanna space. He explained that Cindy Halle would take some space from Howard Hanna to expand her area and that Howard Hanna has agreed to the reduction of space with a corresponding reduction in rent. Mayor Riley committed to distribute drafts of the leases as soon as they are available. Mayor Riley opined that Howard Hanna remains committed to the community and expressed his pleasure that Cindy Halle's expansion represents a long-term

commitment as well. Mayor Riley stated that Council will be considering a motion to formally approve an arrangement with Jo Ann Lechman. He stated that Ms. Lechman had agreed to continue to perform some services for the Village after her retirement which she has been doing and that an approval of a formal arrangement is necessary.

The clerk had nothing to report.

Councilmember Welsh reported that the Cemetery Committee recently met and that Service Director Biggert is working on a budget to submit to the Finance and Budget Committee regarding possible expansion. Councilmember Welsh advised that the Glynos property, which was in foreclosure, was recently purchased by an outside buyer and expressed his disappointment that the Village did not attempt to purchase the property. He further commented on the need to try and negotiate with the new owner to purchase a portion of the property for expansion. Mayor Riley, supplementing Councilmember Welsh's report, added that Law Director Cannon is monitoring the transaction as the purchase may not yet be official. He agreed on the possibility of the Village approaching the new property owner. Mayor Riley also clarified that the acquisition of the entire property would have been financially prohibitive for the Village. Councilmember Welsh stated that the Committee discussed that spending the substantial money to acquire all of the property could have been offset by subdividing costs among cemetery lots at a fractional share. Councilmembers briefly discussed the costs of cemetery lots.

Councilmember Turner, on behalf of the Mayfield Schools Liaison Committee, invited members to join a private tour of the new Innovation Center at Mayfield High School. She also advised of an available tour for seniors being held tomorrow.

Councilmember Turner reported that the Regional Commission is working on its final report. She also described an upcoming tour of drilling operations in Southern Ohio scheduled for October 27th.

Finance Administrator Mulh requested volunteers for the upcoming Halloween Party.

Police Chief Minichello provided a written report. Chief Minichello stated that the Police Department held its first ever Fraud Seminar. He was pleased to report that thirty-five people attended and he had received positive feedback. The Department will look into doing more programs in the future. Councilmember Frankel questioned Chief Minichello as to what follow-up has been taken to Resident Swanson's traffic concerns of the Battles and Brigham Road intersection. Chief Minichello said the Department has increased its presence in that area and committed to meet with Mr. Swanson personally. Councilmember Frankel asked about the use of body cameras. Chief Minichello responded that consideration has been given but plans to take a wait and see approach on how things development with that program. He expressed some issues related to the same including public records and privacy concerns. Police Chief Minichello stated that the police vehicles are equipped with mobile dash cams which are helpful and does not feel a pressing need for body cameras. Chief Minichello listed some surrounding communities that do have body cameras.

Councilmember Welsh expressed his gratitude for the increased police presence. He then suggested the use of dash cams in issuing speeding violations for potential revenue.

Service Director Biggert provided a written report. Photos of the Berkshire Road stabilization project were included in the report. Mayor Riley asked if that project has been completed. Service Director Biggert responded that there was some work still to be finished. Village Engineer Courtney advised of some upcoming paving work in the downtown parking area. Service Director Biggert added that the same is the start of this year's road program. He cautioned that there may be some lane closures and delays throughout the Village related to the same.

Fire Chief Robinson provided a written report.

Mayor Riley welcomed Resident John Mueller to address Council regarding his proposed land swap with the Village. Copies of an illustration were distributed. Mr. Mueller explained in detail a plan to complete a land swap between the Village and his property. The swap would allow him to square-off his property and donate a portion of land to the Village. The purpose is to landscape the property so it is visually one piece. Councilmembers Turner and Schneider asked for clarification on the map. Councilmember Reynolds asked if an adjacent neighbor had been consulted regarding the same. Resident Mueller committed to discuss with the neighbor. Councilmember Reynolds asked about a sale versus a swap. Mayor Riley opined that the proposed swap would be beneficial to the Village. He added that possible deed restrictions need to be determined. Councilmember Frankel asked if there are restrictions if the land could be transferred over. Mayor Riley answered it would depend on the restrictions. Mr. Mueller emphasized that his intent is not to build but only to landscape the area. Councilmember Turner noted that the land sizes are not equal. The Village would receive a much larger portion of land. Mayor Riley suggested putting this on the Agenda for approval at the next meeting pending the determination that the transfer can be done. Mr. Mueller stated that he would pay for any surveying costs. Councilmember Reynolds requested that he discuss the proposed plan with his neighbor as a courtesy.

Mayor Riley raised the motion for the Village to pay Jo Ann Lechman. Mayor Riley explained that Ms. Lechman retired on August 31st and has since been assisting and will continue to do so through the end of the calendar year. She will serve as the Assistant Tax Administrator. Her rate of pay will be 1/6 of the annual amount of the salary that the Assistant Tax Administrator is entitled to under Village ordinances and the hourly rate of the Finance Administrator. She will continue to provide assistance to the Finance Administrator retroactive September 1, 2015 through December 31, 2015.

It was moved by Councilmember Turner, seconded by Councilmember Schneider, that Ms. Lechman be employed as Assistant Tax Administrator.

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

Mayor Riley reviewed and summarized the Bass Energy lease amendment. He provided the explanation that the Village and the Land Conservancy worked together to purchase the Hayes property. As that property has a well on it, the Village wanted to guarantee that the

property would not be used for a horizontal deep well. Bass Energy agreed to amend the lease to provide that it cannot drill beyond the Clinton formation. A copy of that lease amendment was distributed. Mayor Riley reviewed new language regarding the limited drilling. Such language mirrors language in other Village leases which limits drilling. If approved, the lease will be amended to limit the well to its current depth. Councilmember Frankel asked if another well could be put on the property. Mayor Riley opined he did not believe so but highlighted that others think a well could be added if the property was aggregated. Mayor Riley complimented John Kramer on his work and efforts to purchase the property. He expressed his gratitude to Councilmember Turner and Jay "Chip" AuWerter in negotiating the lease amendment with the President of Bass Energy. Mayor Riley highlighted the purpose of acquiring the land was for a location for a future pump station. He added that the amendment of the lease will cost the Village \$5,000. Councilmember Turner stated it was not likely there would be another well unless it was aggregated with another parcel. She said that the current well is in production and revenue from the same would go to the Village. Councilmember Turner added that the lease as it existed could have allowed for a deeper well. Councilmember Sogg shared that her review avoided incurring legal fees. Councilmember Turner highlighted that a future pump station would allow opportunity for significant savings to the Village.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the rules three readings be suspended and that the Bass Energy Lease Amendment be approved.

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

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that the motion be approved.

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

Councilmember Sogg, referring to the new lease with Sara's Place, noted that some of the renovations to the building are the Village's responsibility. In light of time and efficiency, Service Director Biggert requested that bids be sought for some of the Village's portion of the work. In response to Mayor Riley's question, Service Director Biggert replied that the work would be related to the building extension such as foundation work, plumbing and framing. Councilmember Frankel asked if the project would still be within the \$50,000 limit. Mayor Riley confirmed.

It was moved by Councilmember Sogg, seconded by Councilmember Welsh, that the advertisement for bids be placed.

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

Resolution No. 2015-27 "A Resolution Authorizing the Mayor to Enter into an Agreement with GOVDEALS.COM, INC. and/or to Make Other Arrangements for the Disposal of Unneeded, Obsolete or Unfit Property Without Advertising Further for Competitive Bids, and Declaring an Emergency" was introduced by Councilmember Reynolds. Councilmember Reynolds asked that the word "Ohio" be inserted before Revised Code in paragraph 1. She explained this Resolution will allow the Service and Police Departments to sell pieces of equipment that they are no longer using. Councilmember Reynolds expressed her concern regarding some items with regard to their original retail cost and their anticipated recovery costs. Police Chief Minichello noted the recovery costs are estimates. He added that research was done on what someone would be willing to pay. He stated that there is the option to use Govdeals.com or to send out information to all state agencies electronically. Councilmember Reynolds asked if the Resolution is approved, would selling efforts be limited to only Govdeals.com. Law Director Cannon said the Resolution provides flexibility in selling the equipment. Finance Administrator Mulh said a modification has been made to the Resolution to allow the Fire Department to sell equipment as well.

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2015-27 be placed upon its final passage.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that Resolution No. 2015-27 be approved.

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

Ordinance No. 2015-28 "An Ordinance Adopting New chapter 792 of the Codified Ordinances of the Village of Gates Mills Regarding Municipal Income Tax, and Declaring an Emergency" was introduced by Councilmember Whitney. Councilmember Whitney explained the Ordinance is to comply with the December 2014 passage of HB5. She also highlighted the summary of changes provided. Law Director Cannon asked that the Ordinance be placed on first reading as Ms. Lechman had some comments which we just received. She was not sure if Treasurer Reynolds or Bob Reitman had time to review those comments.

Resolution No. 2015-29 “A Resolution Authorizing the Mayor and the Clerk to Enter into an Agreement with the Village of Mayfield for the Provision of EMS and Ambulance Services and Declaring an Emergency” was introduced by Councilmember Reynolds. Councilmember Reynolds noted this is for the renewal of a contract with Mayfield Village for EMS coverage. She stated that contracts are usually for a term of 3 years, however, Mayor Riley and Chief Robinson were successful in extending the contract to a 5-year term with an aggregate 6% increase over the 5 years. She opined locking in the known price for 5 years is positive. She explained the need to suspend the rules is due to having a great contract which we know we need to renew. Councilmember Frankel thanked Councilmember Reynolds for her explanation and said it is important to know why we are suspending the rules.

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 No. 2015-29 be placed upon its final passage.

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

It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Resolution No. 2015-29 be approved. Councilmember Welsh expressed his concern regarding contract terms related to percentage of ownership if the Village is asked to contribute to the purchase of equipment. Mayor Riley responded that the Village represents a small portion of their runs and it would be difficult to ask. Fire Chief Robinson said the Village represents 18% of their call volume. He also highlighted that Mayfield Village did purchase one ambulance and did not ask the Village for any money. Councilmember Reynolds opined that it is cheaper than running our own service. Mayor Riley asked how often an ambulance would need to be replaced. Chief Robinson responded approximately five years. Finance Administrator Mulh inquired with Mayfield Village and was told it does not have any such capital expenditures planned within the next five years.

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

Mayor Riley provided a summary and explanation regarding the ODNR Tree Program and Chapter 1173 of the Village Codified Ordinances. Councilmember Schneider distributed related material provided at the last Planning & Zoning meeting. She detailed the program and highlighted issues. The program requirements conflicts with certain Village ordinances. Mayor Riley noted that participation in the program can provide tax benefits but could also require participants cut trees down. Law Director Cannon said that in addition to the ODNR program which requires some commercial use of the property, she stated that the discussion has revealed some issues in the ordinances that we may want to clarify regardless of the ODNR program. Councilmember Schneider added that zoning codes will be reviewed in the future as well.

Resident Clark Langmack presented the enhancement plans for the Gates Mills Recreation Area. He said there are two phases for the project and provided an overview of Phase I which includes plantings and an addition of a playground. Mr. Langmack said the playground would be repurposed from the Reitman property. The playground set is about 8-9 years old and Playground World will renovate it. A similar set would cost approximately \$5,000-\$6,000. In addition, the Reitmans are donating approximately 700 cubic yards of rubberized chips. Mr. Langmack advised that the Service Department can assist with the move from the Reitman property to the area by the tennis courts. Mr. Langmack discussed the Arborvitae plants that will be installed, which are deer resistant. He advised that the total anticipated cost for both phases would be \$4,123. He highlighted available funding from both the Community Club and the Garden Club. The Community Club would contribute \$2,000 and the Garden Club committed to a donation of \$500 now and a yearly donation of \$500 for four years. He further stated that the Village would have to make up the shortfall until the Garden Club fulfills their commitment. Phase 2 is not being addressed at this time. Mayor Riley summarized that the Village would front the \$1,600 and would then receive \$500 over the next four years. Councilmember Sogg noted there is support for the project. Councilmember Reynolds stated that Janer Belson had said that the Garden Club's contributions would only support plantings and not the playground. She then suggested asking the Garden Club to pay for the specific amount for the plantings. Councilmember Sogg responded that the Garden Club was clear about their commitment of \$500 a year. Mayor Riley requested that the Garden Club provide a letter to the Village regarding its commitment. Councilmember Welsh asked about a possible donation from the Improvement Society. Clark Langmack reminded Councilmember Welsh that the Improvement Society had donated \$10,000 for the tennis courts. Mayor Riley summarized that the Village would contribute \$1,623 initially provided it receives a letter from the Garden Club and the donation from the Community Club. Councilmember Frankel asked what the time table would be. Mayor Riley said nothing would start until the letter from the Garden Club and the money from the Community Club are received.

It was moved, pending the receipt of the Garden Club letter, by Councilmember Schneider, seconded by Councilmember Sogg, that the rules requiring three readings be suspended and that the planting and playground phase be approved.

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

It was moved by Councilmember Schneider, seconded by Councilmember Turner, that the motion be approved.

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

Business from the audience: None.

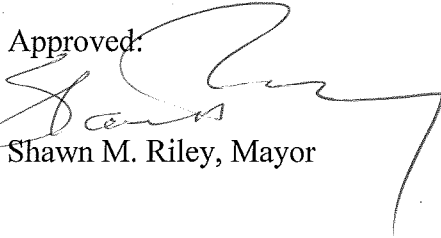
There being no further business, it was moved by Councilmember Reynolds, seconded by Councilmember Welsh, and unanimously carried, that the council meeting be adjourned.

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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Shawn M. Riley, Mayor