

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
November 8, 2016

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

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

The minutes of the October 10, 2016 Council meeting were presented by the Clerk. Councilmember Whitney highlighted that the date appearing in the minutes of the Council meeting should have been recorded as Monday – not Tuesday. It was moved by Councilmember Turner, seconded by Councilmember AuWerter, that the minutes, as corrected, be approved.

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

Pay Ordinance #1195 in the amount of \$326,565.91 was presented by the Clerk.

Councilmember Frankel asked if bids are sought for things such as painting and decorating. Service Director Biggert confirmed. In response to Councilmember Turner's question, Service Director Biggert responded that the air conditioning repair at the Community House was not planned. Councilmember Turner then asked how that would affect the budget. Service Director Biggert explained it would likely be over in the Community Building category but should balance out as a whole. Mayor Schneider confirmed that when it comes to costs, Departments always seek more than one price. Councilmember Turner inquired about the line item for Chagrin Valley Dispatch. Finance Administrator Mulh said that amount represents the last two months of the year. Councilmember Turner asked if that number is going down at all. Chief Minichello responded that it went down last year and will remain the same in 2017. It was moved by Councilmember Welsh, seconded by Councilmember Whitney, that Pay Ordinance #1195 be approved.

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

The financial statement for the period ending October 31, 2016 was presented by Treasurer Reynolds. Treasurer Reynolds shared that the Village received the final audit report which included a clean opinion on the financial statements. He noted the only minor exception was in connection with the purchase order system. He explained that 25 purchase orders were selected, all were identified on the computer; however, four purchase orders were not able to be physically located. With respect to the financial statement, Treasurer Reynolds then highlighted the following:

- Mostly due to fewer municipal income tax receipts, the Total Operating Revenues are approximately \$90,000 less than last year.
- Real estate taxes are about \$25,000 higher than last year. He then asked Finance Administrator Mulh if additional real estate taxes are expected. Finance Administrator Mulh responded no then advised that additional municipal income tax receipts should be received.
- Operating Expenses are lower than last year and generally within budget.
- Before transfers to Other Funds, General and Administrative expenses are less than last year.
- As certain bills have not yet been received and certain projects have not yet been started, the Capital Improvement budget includes unspent funds.

Councilmember Turner asked about the Fire Department being well under budget. Chief Robinson said that it is typical of the Department's spending pattern. He explained that with a limited budget, and being conservative of potential unplanned expenses, he holds off until closer to the end of the year before moving forward on planned expenditures.

Councilmember AuWerter said that he reviewed the months of November and December for the past five years and raised his concern regarding the Ambulance EMS bill. Finance Administrator Mulh confirmed that it is billed quarterly and that the Village is billed again if it goes over a certain number. Councilmember AuWerter then stated that he noticed in the months of November and December the average receipt of \$250,000 in municipal income taxes. He said if that should happen again this year, the Village would receive more than what was budgeted. Next, Councilmember AuWerter asked about rental income with regard to the Mills Building. Finance Administrator Mulh explained that last December she received payment for the entire year from one renter. That resulted in last year appearing to be over and this year appearing to be under. She explained that she has to deposit payment at the time it is received. Councilmember AuWerter then inquired as to the engineering fees that are included under Administration. It was explained that the retainer is fixed and that retainer amount as well as any services not related to capital projects comes out of the Administration budget. Discussion conveyed that expenses are well under budget.

Mayor Schneider read a thank you note from Fieldstone Farm. Addressing the e-mail sent by Charles Belson to Village residents, Mayor Schneider expressed her gratitude to Councilmember Welsh for sending the response e-mail. Mayor Schneider advised that permission will be sought to add e-mail addresses to Gates Mills Connect. Councilmember Frankel voiced his opinion that it is disturbing that someone would represent the Village and send an e-mail to the community. Councilmember Whitney added that it was the same e-mail used previously for other items on the ballot. Mayor Schneider said that residents thought the e-mail Mr. Belson sent actually came from the Village. Councilmember Turner asked if there should be some sort of response. Councilmember Frankel voiced that misrepresenting the Village is not right. Councilmember Welsh said the e-mail accused Council of mispending money. Councilmember Reynolds would like to pursue possible recourse but then expressed her opinion to be cautious and suggested not communicating with him. Councilmember Turner asked about possible communication from the Law Director to Charles Belson. Law Director Hunt advised if there is an election violation then the Village could file a complaint. Mayor Schneider confirmed that Law Director Hunt has been provided with everything related to the

same. Councilmember Sogg suggested pursuing action against Mr. Belson. Councilmember Reynolds recommended waiting to see if it passes and voiced her agreement with Councilmember Sogg should it fail.

Mayor Schneider stated she would like Councilmembers Welsh and Frankel to serve on the Volunteer Fire Department Dependent Fund Board. Councilmember Welsh said he would be honored. Councilmember Frankel confirmed his willingness to serve. It was moved by Councilmember Reynolds, seconded by Councilmember AuWerter, that Councilmembers Welsh and Frankel be appointed to the Volunteer Fire Department Dependent Fund Board.

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

Clerk's report: none.

On behalf of the Positively Gates Mills Committee, Councilmember Turner distributed information regarding an event the Committee is hosting on November 18. She noted that information about the event was advertised in the *Pink Sheet*, mailed to residents selling their homes and sent by e-mail to realtors that have listings in Gates Mills. She advised that the presentation will include staging advice, an inspector as well as a septic system inspector.

Councilmember Welsh reported that the Cemetery Committee met and drafted proposed legislation. Mayor Schneider stated the legislation will be considered later in the Council meeting.

Councilmember Sogg advised that First Energy is terminating its contract with NOPEC effective January 1. Based on such termination, NOPEC has identified a new provider: NextEra (NESO). Finance Administrator Mulh said opt out notices will be sent out. She remarked that if residents wish to stay with NOPEC, they will not have to do anything. Councilmember Sogg shared that this program is slightly different explaining it is a variable program. In response to Councilmember Frankel's inquiry, Councilmember Sogg indicated that if residents did not previously opt out, then they are included in NOPEC. Mayor Schneider said two separate opt out cards would be mailed regarding electricity and natural gas, respectively. Councilmember Welsh expressed his disappointment with NOPEC's prices. Councilmember Sogg addressed Councilmember Welsh's comment explaining that a fixed program may not always be the lowest and noted that variable programs have been lower over the past few years. Councilmember AuWerter suggested including relevant information in the *Pink Sheet*. Discussion among Council included the use of a summary sheet as well as addressing possible frequently asked questions. Councilmember Sogg confirmed information will be included in the *Pink Sheet*. Finance Administrator Mulh stated she would add the same to the Village's website.

Councilmember Sogg shared that she is still waiting for legislation regarding the Violations Bureau and hopes it will be available for the next Council meeting.

On behalf of the Investment Subcommittee, Councilmember Whitney expressed gratitude for Finance Administrator Mulh's assistance. Councilmember AuWerter inquired as to interest

income noting it has been minimal. Treasurer Reynolds responded that a policy has been drafted that draws on investment policies from a number of communities. Councilmember AuWerter then inquired as to when someone would be selected to manage the funds. Treasurer Reynolds responded that the Committee feels strongly about moving forward slowly. A policy should be available for Council to vote on at its next meeting and then the process of looking for an advisor would begin. Councilmember Whitney said the next meeting is scheduled for tomorrow night.

Police Chief Minichello provided a written report. Councilmember Frankel inquired about the article in the *Pink Sheet* about making emergency calls. Fire Chief Robinson clarified that was an article he submitted. Chief Robinson then explained that when dialing the emergency telephone number with a cell phone, the call goes directly to the dispatch center which may increase delay. When dialing 911 from a cell phone, the call goes to the nearest cell tower. Fire Chief Robinson highlighted that the number he provided in the article was incorrect. The correct number to call is 440.423.4456. Councilmember Frankel suggested having stickers made. Chief Robinson responded that stickers are available. He remarked that people believe that information is automatically routed when dialing 911 from a cell phone. He said the technology applies only to landlines. Finance Administrator Mulh recommended programing the emergency number into your cell phone. Councilmember Welsh shared that he recently called 911 and was asked which police department he wanted.

Councilmember AuWerter referring to monthly reports, questioned safety with regard to the number of motor vehicle incidents on Mayfield and West Hill. Police Chief Minichello advised that staggering the arrow has helped significantly. In response to Councilmember Frankel's comments including speeding vehicles, Police Chief Minichello agreed that it is a challenging intersection with a high volume of traffic but that there has been improvement compared to the past. Councilmember Frankel recommended traffic enforcement. Police Chief Minichello explained that with the high volume of traffic it is hard to run radar. Councilmember Frankel then suggested having flashing lights to slow traffic. Councilmember Welsh said there used to be an accident in that area every week and opined the delay in the light has solved a lot. The suggestion of further delay of the light was posed. Service Director Biggert confirmed it was staggered and then slowed. He said it can be reevaluated. Service Director Biggert expressed his belief that people turn when they should not. Police Chief Minichello said that most accidents are due to failure to yield. Police Chief Minichello said he would look into what else can be done.

Police Chief Minichello announced that the first ever Toys for Tots drive in the Village is planned for December 10 from 10:00 a.m. - 2:00 p.m. Notice of the same will be distributed in various ways including an announcement in the *Pink Sheet*. Councilmember Turner asked about the beneficiaries from the drive. Chief Minichello answered that church groups help with the distribution of donated items. Next, Police Chief Minichello announced that a Cuyahoga County Consumer Affairs presentation about the most current scams will be held on Monday, December 12 from 6:00 p.m. - 7:00 p.m. at the Community House. He indicated that event will also be promoted through a variety of ways including in the *Pink Sheet*.

Service Director Biggert provided a written report. He confirmed in response to Councilmember AuWerter's question that Epping will be striped.

Fire Chief Robinson provided a written report. Councilmember Reynolds provided a reminder to change batteries in smoke alarms. Chief Robinson explained an initiative to merge two area tactical teams. He explained that area fire chiefs have been working on this idea for several years and the decision was finally made last week. He highlighted the anticipated monetary savings as well as elimination of redundancies. He said the Law Director from Shaker Heights is drafting the contract which will be distributed to the participating communities' mayors and law directors to review. The desire is to have the tactical teams merge in 2017. He advised it will be called HHRT (Hillcrest/Heights Rescue Team).

First reading was held for Ordinance #2016-28 "An Ordinance Amending Chapter 179, "Board Of Cemetery Trustees" And Enacting Chapter 959, "Village Cemeteries" In The Codified Ordinances Of The Village Of Gates Mills, And Declaring An Emergency" was introduced by Councilmember Welsh. Law Director Hunt, responding to inquiries regarding the 60-year number for being able to reclaim plots, said the issue is unique to the area and believes 60 years provides a safe amount of time. Councilmember Welsh confirmed the cemeteries are for a single person per burial only. Councilmembers Welsh and Reynolds requested Council to review. Councilmember Reynolds pointed out that this Ordinance was put together where there was nothing. She raised the need for Council to determine how many gravesites the Village would sell to any one person. She noted Law Director Hunt's recommendation of four. It was confirmed that only one casket and up to three 3 urns may be placed in a grave and stacking of caskets would not be allowed. Councilmember Reynolds noted that if gravesites can be reclaimed, there may be a demand for purchase. Councilmember AuWerter said that in the past the Village charged \$100 per gravesite. Discussion among Council included consideration of the option of allowing people to donate gravesites back to the Village or the option of buying back gravesites, determining price and exploring tax issues and legalities. Councilmember Welsh indicated that the South Cemetery is sold out but only 45% used. Councilmember Reynolds voiced that this is a good opportunity to think this through and would like to consider passing this in December so that it takes effect in January. Mayor Schneider said it should be consistent referring to charitable donation versus cash back. Councilmember Sogg expressed her view that people may not have a need for a deduction and therefore would not be motivated to donate back gravesites. She recommended providing an alternative for people that may want to sell them back. Councilmember AuWerter asked how many gravesites fall within the 60-year number. Councilmember Sogg asked if the Village could go back. Law Director Hunt said he was not sure who would challenge going back. Mayor Schneider suggested taking the oldest first. Councilmember Welsh asked about the language reclaiming versus repossessing. Councilmember Reynolds advised that there may be some cost involved with respect to surveying. Responding to Councilmember Frankel's inquiry of selling only to residents, Finance Administrator Mulh suggested a case by case basis and raised the issue if a non-resident has an immediate family member buried there. It was noted that the opportunity exists where someone may appeal to the Cemetery Committee. Councilmember Sogg asked about related information being included in the *Pink Sheet*. Mayor Schneider advised that would be done once the Ordinance has been passed. Councilmember Sogg expressed concern for the need to receive input. Councilmember Reynolds said the Committee's objective is to make plots available for residents. Councilmember Turner noted the potential savings to the Village in not having to purchase additional property. Law Director Hunt requested suggestions in advance of the next Council meeting.

Mayor Schneider advised that the December Council meeting will have a long agenda as there will be a number of year-end items to consider.

Councilmember AuWerter remarked on the risk of short range towers. Law Director Hunt is drafting legislation for 24 different communities and will be speaking on the topic at an upcoming Mayor and City Managers Association Meeting.

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen Schneider, Mayor