

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL

December 9, 2015

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Wednesday, December 9 at 6:30 p.m. in the Village Hall.

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

Mayor Riley recognized Margaret Cannon and announced her retirement at the end of the year. He advised that Todd Hunt will be the new Law Director. Law Director Cannon thanked everyone and said that she is looking forward to traveling.

The minutes of the November 11, 2015 Council meeting were presented by the Clerk. Councilmember Frankel referred to language on page 3, paragraph 4, and clarified that his concern was about possible environmental contaminants and not with regard to the condition of the structure. Mayor Riley reported that there are no concerns. It was moved by Councilmember Reynolds, seconded by Councilmember Turner, that the minutes, as amended, be approved.

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

Councilmember Schneider read a proclamation for Mayor Riley recognizing his service to the Village and presented him with a gift from Council. Jo Ann Lechman also presented Mayor Riley with a special proclamation.

Councilmember Schneider thanked Councilmember Reynolds for her years of service and presented her with a gift. Councilmember Reynolds expressed her appreciation for the opportunity to serve.

Pay Ordinance #1184 in the amount of \$328,523.36 was presented by the Clerk. In response to Councilmember Turner's inquiry, Chief Minichello confirmed that American Security's billing frequency is quarterly.

It was moved by Councilmember Welsh, seconded by Councilmember Whitney, that Pay Ordinance #1184 be approved.

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

The financial statement for the period ending November 30, 2015 was presented by Treasurer Reynolds. Treasurer Reynolds highlighted the following:

- Municipal income taxes are approximately \$ 385,000 over last year;
- Real Estate taxes are about the same as last year;
- As of November 30, the Village's overall surplus is approximately \$ 321,000.
- Increased expenses are related to legal expenses as well as the cost of salt.
- Total of all funds is in excess of last year by approximately \$ 580,000.

Ordinance #2015-31 "An Ordinance Authorizing A Contract With Wichert Insurance Services, Inc. To Furnish And Provide Liability And Property Insurance Coverages For The Village Of Gates Mills, Its Officials And Employees And Declaring An Emergency" was introduced by Councilmember Schneider. She explained that the policy provides for the liability and property insurance for the Village. She noted the renewal has an insignificant increase of approximately \$200. She highlighted that the rates for flood insurance are up by 18%.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-31 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 Schneider, seconded by Councilmember Turner, that Ordinance #2015-31 be approved.

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

Ordinance #2015-32 "An Ordinance Declaring The Village's Intention To Enter Into A Tax-Qualified Medical Reimbursement Plan For 2016" was introduced by Councilmember Whitney. Councilmember Whitney explained this is for the continuation of the existing medical reimbursement plan for the year 2016. As the plan begins in January 2016 there is a need to suspend the rules. Councilmember Frankel asked about the deductibles. Finance Administrator Mulh said the in-network deductible for an individual is \$500 and \$1,000 for a family. The deductibles for out-of-network are \$2,000 and \$4,000, respectively.

It was moved by Councilmember Whitney, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-32 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 Whitney, seconded by Councilmember Schneider, that Ordinance #2015-32 be approved.

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

Resolution #2015-33 "A Resolution Authorizing The Mayor And Clerk To Enter Into An Agreement With The City Of Mayfield Heights For The Furnishing Of Emergency Medical Service Protection For The Village Of Gates Mills For The Year 2016 And Authorizing A Rate Of Payment For Rescue Squad/Ambulance Services From The City Of Mayfield Heights And Declaring An Emergency" was introduced by Councilmember Reynolds. Councilmember Reynolds explained this is for the secondary/backup EMS service. She further stated that the Village's primary service is with Mayfield Village and suggested that in the future coordinating both the primary and secondary contracts. She said the Village has a five-year contract with Mayfield Village. To avoid confusion and to be more time efficient, Councilmember Reynolds recommended having the agreement with Mayfield Heights renewed next year for a four-year period to coincide with the Mayfield Village contract term. Mayor Riley asked if Mayfield Heights would agree to a five year contract. Finance Administrator Mulh believed Mayfield Heights would consider doing so. Councilmember Welsh asked about the costs. Councilmember Reynolds replied that the Village is only charged on a per use basis.

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 #2015-33 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 #2015-33 be approved.

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

Ordinance #2015-34 "An Ordinance Authorizing A Contract With Aetna Health Care To Furnish And Provide Hospitalization And Health Care Coverage For Village Employees And Declaring An Emergency" was introduced by Councilmember Whitney. Councilmember Whitney confirmed that the Wage and Benefit Committee reviewed and recommended acceptance of the contract. She noted the renewal increase is 10%. Given it will go into effect January 1, 2016, she highlighted the need to suspend the rules. Councilmember Frankel inquired as to the number of hours that an individual has to work before eligibility. Finance Administrator Mulh remarked that she is still waiting for Aetna to make a final determination regarding the same. Treasurer Reynolds explained that Aetna has required the Village to offer coverage to a part-time employee with a normal work week of 25 hours. He added that the

premiums were still better than competitive plans and that the condition regarding the number of hours would not affect the recommendation.

It was moved by Councilmember Whitney, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-34 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 Whitney, seconded by Councilmember Reynolds, that Ordinance #2015-34 be approved.

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

Ordinance #2015-35 “An Ordinance Authorizing A Contract With Delta Dental To Provide Dental Insurance Coverage For Village Employees And Declaring An Emergency” was introduced by Councilmember Whitney. Councilmember Whitney advised that the recommendation is to renew the coverage. She advised of a 4.8% increase and the need to suspend the rules as it would go into effect January 2016.

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 #2015-35 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 Whitney, seconded by Councilmember Turner, that Ordinance #2015-35 be approved.

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

Resolution #2015-36 “A Resolution Requesting The County Auditor To Advance Taxes From The Proceeds Of Tax Levies Pursuant To Ohio Revised Code Section 321.34” was introduced by Councilmember Whitney. Councilmember Whitney explained this request asks the County Auditor to advance taxes to the Village prior to the final settlement.

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 #2015-36 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 Whitney, seconded by Councilmember Turner, that Resolution #2015-36 be approved.

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

Ordinance #2015-37 “An Ordinance To Increase The Compensation Of Certain Village Employees” was introduced by Councilmember Whitney. Councilmember Whitney stated the Wage and Benefit Committee recommended a 1.5% increase in compensation of Village Employees. She noted the need to suspend the rules as this would go into effect beginning December 20, 2015.

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 #2015-37 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 Whitney, seconded by Councilmember Welsh, that Ordinance #2015-37 be approved.

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

Ordinance #2015-38 “An Ordinance To Amend The Annual Appropriations Ordinance No. 2015-03 To Increase Certain Appropriations And Other Expenditures Of The Village Of Gates Mills, Ohio For The Fiscal Year Ending December 31, 2015” was introduced by Councilmember Whitney. She explained that additional appropriations were needed in some categories. Finance Administrator Mulh responded to Councilmember Frankel’s inquiry about the administration appropriation. She highlighted the concurrent employment of Ms. Lechman and herself. Mayor Riley asked about the \$38,000 from the Land Conservancy fund. Finance Administrator Mulh confirmed that increased appropriation was due to the purchase of the Hayes property.

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 #2015-38 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 Whitney, seconded by Councilmember Welsh, that Ordinance #2015-38 be approved.

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

Ordinance #2015-39 "An Ordinance Amending The Rate Provisions Of Ordinance No. 2012-38 Regarding Engineering Services For The Village" was introduced by Councilmember Schneider. Councilmember Schneider said that the Engineer's fees remain flat for 2016 and then in 2017 and 2018 increase by 3%. In response to Councilmember Frankel's questions, Village Engineer Courtney provided examples that fall outside of the contract including testing, construction staking, and special assessments. Councilmember Frankel asked if all companies are bound by the rates. Village Engineer Courtney responded no and then stated that when it is necessary, at least three different quotes would be obtained.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-39 be placed upon its final passage.

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

Councilmember Frankel inquired about the scope of services and Village Engineer Courtney provided an explanation.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that Ordinance #2015-39 be approved.

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

Ordinance #2015-40 "An Ordinance Amending Ordinance No. 2015-19, Authorizing The Mayor To Purchase A Portion Of Property Located On Mayfield Road, And Known As Permanent Parcel No. 842-11-004, And Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Sogg said this is to amend the purchase of the Hayes property. She stated the total cost is \$50,954. Mayor Riley explained that the agreed price per

acre was initially based on a rough calculation. In determining the necessary size of parcel for a potential future pump station, there was a subsequent change in the acreage which, along with some closing costs, resulted in an approximate \$9,000 cost increase. Mayor Riley advised that the Land Conservancy agreed to equally share the cost increase. Councilmember Frankel asked about wording in the ordinance as it does not highlight the possible development of a pump station. He opined the language is confusing and could be interpreted as though an original survey was incorrect. Mayor Riley replied that an actual survey was performed after an initial estimate. Village Engineer Courtney noted the area was widened from east to west to pick up the gas well and to include an access road. Councilmember Turner raised her concern of noting the use of the property is for the pump station. Councilmember Sogg stated it is being acquired for future use but that the pump station may never happen. She added that the language restricts it to either a pump station or conservation only. Councilmember Turner said the Ordinance language notes mineral rights but does not mention the renegotiated Bass Energy lease and its restrictions. Mayor Riley said the renegotiated lease with the driller was approved at the October Council meeting. Councilmember Turner said she would like it restated. Mayor Riley explained that Council signed off on the purchase at a certain price. Council then approved the lease that included restrictions. He further stated that the purchase price is being amended but the lease is not being amended. He reiterated that the lease is still in place and nothing has changed with regard to the lease.

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-40 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 Sogg, seconded by Councilmember Frankel, that Ordinance #2015-40 be approved.

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

Ordinance #2015-41 "An Ordinance Authorizing The Mayor And The Clerk To Enter Into Amended Leases With Cynthia W. Halle, Inc. And Howard Hanna Smythe Cramer For Portions Of The Village Property Located At 1501 Chagrin River Road, Gates Mills, Ohio, 44040, And Declaring An Emergency" was introduced by Councilmember Sogg. She explained that part of the redevelopment of the property across the street includes making changes to leases. She further stated that the change in the leases relates to the increase and decrease of square footage for Cindy Halle and Howard Hanna, respectively. Councilmember Reynolds asked if there was still 100% occupancy. Mayor Riley affirmatively confirmed. Councilmember Frankel asked if there was any other change other than the amount of space. Mayor Riley replied that the lease with Cynthia W. Halle, Inc. includes a change per square foot rent all year which results in a slight increase. He added that the new lease is a five-year lease which includes a personal guarantee.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-41 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 Sogg, seconded by Councilmember Frankel, that Ordinance #2015-41 be approved.

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

Ordinance #2015-42 “An Ordinance Authorizing A License Agreement For The Moxahela Farms Property Located At The Intersection Of Old Mill And Berkshire Roads, And Declaring An Emergency” was introduced by Councilmember Schneider. Councilmember Schneider noted the landscaping and fence for the mentioned property are in the right-of-way and this agreement provides that the property owner take responsibility of the right-of-way.

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2015-42 be placed upon its final passage.

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

It was moved by Councilmember Schneider, seconded by Councilmember Sogg, that Ordinance #2015-42 be approved.

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

Mayor Riley deferred his report.

The clerk had nothing to report.

Councilmember Frankel noted the successful Hanukkah Menorah Lighting and thanked everyone that attended.

Councilmember Turner advised that the Regional Commission is on time for completing its report by year-end. She said a meeting is scheduled for December 15 to hopefully approve the draft report. Councilmember Schneider commented that it has come a long way.

Councilmember Schneider asked for Council to consider starting its meetings in the new year at 6:00 p.m. instead of 6:30 p.m. She asked for everyone to respond to her. The request is to help accommodate the Law Director who has another commitment in Richmond Heights. She also recognized the passing of Jerry Tone, former councilman who was an integral part of the revitalization of the downtown area, and announced that his memorial is at the Kirtland Country Club.

Police Chief Minichello provided a written report. Chief Minichello shared with Council the 2015 AAA Platinum Traffic Safety Award that the Village Police Department received. He expressed his gratitude to Patrol Officer Suchetka for compiling the data and working on the submission. This is the Village's second time receiving the award.

Service Director Biggert provided a written report. Councilmember Reynolds thanked Service Director Biggert and members of the Service Department for making the Village's December beautiful. Service Director Biggert noted that Lake Erie Construction will be putting up the guardrail on Berkshire Road beginning the 21st or 22nd of December. On behalf of the Service Department, Service Director Biggert thanked Councilmember Reynolds and Mayor Riley for their leadership.

Fire Chief Robinson provided a written report. Chief Robinson noted it had been a busy month. In response to Councilmember Frankel's inquiry, Chief Robinson explained that a boiler malfunction at Gilmour Academy caused the sprinkler system to activate.

Councilmember Turner asked about the cell tower/Time Warner franchise agreement. Todd Hunt explained that in 2007 the Village passed legislation due to the State of Ohio passing a statute regarding Video Service Provider (VSP) fees. The Village continues to receive the fees and the franchise agreement was superseded by the 2007 legislation.

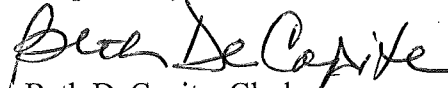
Business from the audience: Charles Belson thanked Mayor Riley for his direct and knowledgeable replies during his term of office. He then asked about the certification of the vote. Mayor Riley noted the certification process is complete. The effective date of the charter amendment is believed to be January 1, 2016.

Mayor Riley thanked everyone. He said that people are motivated by one of two reasons: love or money. He then implied that everyone should know which one motivated him to be Mayor.


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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Karen E. Schneider, Mayor