

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

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

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

It was moved by Councilmember Turner, seconded by Councilmember Whitney, that Councilmember Welsh be excused from the meeting.

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

The minutes of the November 8, 2016 Council meeting were presented by the Clerk. Councilmember Frankel noted a correction needed on page four to change "decrease" to "increase" with regard to 911 calls placed from a cell phone. It was moved by Councilmember Frankel, seconded by Councilmember AuWerter, that the minutes, as corrected, be approved.

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

Pay Ordinance #1196 in the amount of \$608,596.77 was presented by the Clerk.

It was moved by Councilmember Sogg, seconded by Councilmember Whitney, that Pay Ordinance #1196 be approved. Responding to Councilmember Turner's question, Chief Minichello confirmed that American Security payments are quarterly.

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

Councilmember Whitney, in Treasurer Reynolds' absence, presented the financial statement for the period ending November 30, 2016. She highlighted the following:

- YTD Revenues are approximately \$120,000 below 2015 and approximately \$175,000 above what was budgeted. Both variances are largely the result of municipal income tax receipts which were below last year YTD and above the budget projection.
- The Village outperformed a conservative budget.
- YTD Expenses in General Fund, before transfers, are approximately \$134,000 below YTD 2015 and approximately \$509,000 below what was budgeted.
- All Departments achieved significant cost reductions.

- Total current balance of all funds is approximately \$5.2M which is down approximately \$408,000 from this time last year.

Councilmember AuWerter inquired about ambulance income. It was explained that Life Force collects unpaid ambulance fees – usually costs remaining after insurance. Next, Councilmember AuWerter raised the issue of higher prosecutor fees. Service Director Biggert mentioned a building/tree issue that may have contributed to the increase. Councilmember Frankel noted that Salary and Wages were approximately \$90,000 more than in 2015. Addressing Councilmember Frankel's concern, Councilmember AuWerter explained that vacation, holiday and sick leave was broken down differently and he recommended looking at the total personnel cost. Councilmember AuWerter referred to Capital Expenditures and Other Funds and inquired about significant unspent funds. Service Director Biggert advised that final bills have not yet been received but will likely still be under budget. Additionally, Finance Administrator Mulh provided an overview of the breakdown of funds on the financial statement.

Mayor Schneider was pleased to report that after a recent meeting with Grace Gallucci, letters were sent to ODOT and Gates Mills has been moved to a lesser role in the Connector Study with Moreland Hills taking the lead. Mayor Schneider shared that all paperwork, two unpaid bills and what remained from the original check from the MetroParks have been provided to Moreland Hills. Moreland Hills is responsible for payment of the two unpaid bills as well as the final bill. Gates Mills will gather information including letters from residents, Council meeting minutes related to the same and other pertinent information to be included in the final report. Additionally, Village Engineer Courtney created a rendering of River Road as it relates to Gates Mills and Hunting Valley which shows possible solutions for bike safety including a couple of passes and a new sign but no designated bike paths. Mayor Schneider intends to invite representatives from the MetroParks and NOACA to present at a community-wide meeting in the Spring. Mayor Schneider believes this will improve safety on River Road. Councilmember AuWerter asked if any Village funds were spent. Mayor Schneider responded not at the present time. She then shared her belief that aid may come from NOACA with regard to bike safety improvement and assistance from the County will be sought as it is a county road. Village Engineer Courtney confirmed an application to the County will be made. Finance Administrator Mulh advised that legal fees have been incurred. Councilmember AuWerter said it was not a terrible thing that the Village was involved as it allowed Council to be aware of what was happening. He then inquired about communication to residents. Mayor Schneider indicated she would like to wait until the final report has been issued. Mayor Schneider said it is still not done but it is moving in the right direction.

Mayor Schneider advised that Law Director Hunt was one of the presenters addressing Senate Bill 331 at a recent Mayors and City Managers meeting. Law Director Hunt explained that SB331 addresses small cell towers and was recently passed at the last minute. Law Director Hunt noted heavy influence by AT&T. He explained that the Bill allows for State legislation to preempt local regulation. Mayor Schneider shared that Law Director Hunt has been actively working with various communities to put into place regulations regarding the use of right-of-ways for wireless facilities which generally means poles and towers with significant equipment on those poles and towers as well as some ground equipment. Law Director Hunt informed that municipalities own the right-of-away even if a state route or county road passes through the community. He added that there are some State statutes that permit utilities to use them under

certain circumstances. He further explained that AT&T currently has private property leases across the country, such as the one with the Village, and its business plan now includes working to abandon those leases and to add small cell technology in right-of-ways where it would be free. He advised that many communities were putting in a six month moratorium to study the issue. AT&T wants to roll out the new system as soon as possible and proceeded to draft legislation which was formally introduced to the House in Columbus the Friday before Thanksgiving. They made it known that they were going to push this through before the holiday. Law Director Hunt said that both the Ohio Municipal League and the Municipal Electric Association and their lobbyists jumped on the issue right away. He advised that the lobbyists were able to remove the requirement that municipalities had to allow wireless facilities on municipal poles, etc. He informed that the House passed it last week. He highlighted that it was tacked onto a Bill involving the regulation of pet shops and puppy mills and the issue followed wage control. The Senate passed SB133 the next day. Law Director Hunt said there is virtually no regulation – it does not matter if it is in a residentially zoned area. Municipalities can require that rent be paid for each attachment or the cost to the municipality, whichever is less. He noted that there are health and safety regulations. Further, he stated that the Governor has time to sign it – he is not sure if he has yet - and it goes into effect in 90 days. Councilmember AuWerter said there is a small cell tower in front of the Goodwill on Mayfield. Councilmember AuWerter shared his belief this allows for new poles. Councilmember Sogg asked about Gilmour’s plan for a new cell tower. Councilmember AuWerter said he does not believe it will have any affect on that project. Mayor Schneider said small cell technology allows for the bigger gigabytes. Councilmember Turner asked if the municipality has any say on the pole. Law Director Hunt responded no. He said there is about a 500 foot separation between poles. He and his firm are looking to pull communities together to challenge the law. As an example of distance, Chief Robinson said fire hydrants are 300 feet apart. Mayor Schneider said this is a big deal that will likely affect the Village. Councilmember Whitney asked about brown boxes installed in the Village by AT&T. Service Director Biggert said those came in a few years ago.

Mayor Schneider announced the Service Department luncheon will be on Friday at noon and the Improvement Society will hand out bonuses at 3:00 p.m. On Christmas Eve, Santa will arrive at 4:30 p.m. and the annual menorah lighting will take place across from Village Hall at 5:30 p.m.

Mayor Schneider requested Council members provide her with names and/or any changes for their committees by the end of the month in order to address the same at the January Council meeting.

Mayor Schneider requested the confirmation of the following appointments:

*Planning & Zoning: Craig Steinbrink;
Mayfield School Liaison Committee: Sean O’Hagan; and
Service Committee: Charlie Baker, Bob Bruml, John Mueller and Mark Saltzman.*

Councilmember Welsh joined the meeting at 6:20 p.m.

It was moved by Councilmember Reynolds, seconded by Councilmember Whitney, that the appointments be approved.

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

Clerk's report: none.

On behalf of the Positively Gates Mills Committee, Councilmember Turner summarized the recent event it held for home sellers. She said 19 people attended which comprised of 12 residents, realtors, Councilmembers and the Mayor. Topics addressed included septic system replacement and how that is a real inspection issue. Responding to Councilmember AuWerter, Councilmember Turner confirmed that an article will be submitted to the *Pink Sheet*. The Committee hopes to hold another event in the Spring. She advised that two representatives from the Board of Health were present who actually do the inspections. Discussion among Council highlighted the potential significant cost to replace systems. Councilmember Sogg stated it is the seller's responsibility to have the upgrade done before the sale closes. Mayor Schneider opined that good information was handed out. Councilmember Frankel asked if packets could be provided to residents that are trying to sell their homes. Councilmember Turner said she has some packets and will request more. She remarked it would be best to deliver directly to the homeowner rather than the realtor.

Councilmember AuWerter reported on the first Service Committee meeting. He acknowledged help from Service Director Biggert and said the Committee went through a lot of background, information regarding equipment and the role of the service organization. He, along with Service Director Biggert, identified five separate areas of the Village and assigned an area to each of the 5 members of the Committee. He advised that twice a year the members will provide their own rating of the status of the roads within their assigned area although such will not be on the same level as Service Director Biggert and Village Engineer Courtney. He shared that all of the Committee members seemed very intrigued. The Committee plans to have two meetings during the year and hopes at this time next year to have a five-year plan in place in advance of the preparation of the budget. He said it will allow Council to have a sense of the highest road priorities. Additionally, members are asked to be mindful of their areas not as watchdogs for the Service Department but rather eyes and ears. He opined this gets people involved. Councilmember Sogg, referring to the handout he provided, mentioned the timing of when the roads were put in compared to the useful life of asphalt which is about the same. Councilmember Reynolds opined that there are nationwide infrastructure problems. Village Engineer Courtney said there is a D-rating, nationally.

On behalf of the Investment Subcommittee, Councilmember Whitney said it is working on a new investment policy and working on options for investments for the Village.

Councilmember Turner reported that the Regional Commission met at the beginning of December. It is completing its report along with attachments, referral resources, copies and samples of ordinances and contracts which it will make available to the communities in area as well as those involved with the first Commission. The Commission will then wrap up its work.

Police Chief Minichello provided a written report. He announced that the Department was 1 of 7 area police departments to receive the AAA award for traffic safety initiatives. It is the highest award given by AAA. He then reported that the first annual Toys for Tots' Cram-A-Cruiser event which generated three police cars being filled as well as \$600 in cash donations. Next, he advised that 35 residents attended a recent seminar about current local and nationwide scams. Representatives from Cuyahoga County Consumer Affairs presented and handouts were distributed and are available.

Service Director Biggert provided a written report. Councilmember AuWerter mentioned the first winter storm. Chief Minichello discussed the same and highlighted the department assisted 35 disabled motor vehicles, 5 crashes and noted that Mayfield Road was closed. He voiced his opinion that the Service Department did a great job. Councilmember Sogg mentioned the incident on Thanksgiving regarding someone texting. Police Chief Minichello explained that a driver was texting and hit a utility pole on Thanksgiving Day that knocked power out for four hours.

Fire Chief Robinson provided a written report. Chief Robinson, referring to the first winter storm, shared that the Fire Department assisted with closing roads that night. He was glad that no wires came down during that storm. He then reported that November was a busy month with 19 calls. He highlighted that the first six calls required additional time for follow-up. Chief Robinson said that sometimes calls may entail a lot of work after the call to resolve a problem. Councilmember Reynolds congratulated Chief Robinson for his 20 years of service to Gates Mills. Chief Robinson said that it is his 11th anniversary as Fire Chief.

Second 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." Councilmember Welsh said that there really has been no written documentation regarding the cemetery other than that there is a committee. Addressing the time frame to reclaim a plot, Councilmember Reynolds suggested 75 years rather than 60 years. Responding to Councilmember Turner's inquiry, Councilmember Reynolds said that the proposed change to 75 years still provides a lot of available possibilities. Councilmember Welsh expressed sensitivity to the language of repossessing and suggested reacquisition or reclaiming. Councilmember Frankel raised the suggestion of adding language with regard to headstone requirements. Service Director Biggert responded that doing so may be a slippery slope with residents. Councilmember Frankel clarified his suggestion related to possible height restrictions. Councilmember Sogg remarked that there are some pretty tall pieces already. She further commented cost may aid in prohibiting height issues. Councilmember Welsh announced that resident Jack Wallace recently passed. Finance Administrator Mulh inquired as to the number of gravesites allowed per person. It was confirmed that a plot is five gravesites but that there are no plots available. Consensus among Council is to restrict purchases to a total of four gravesites but that a variance may be sought. Councilmember Frankel suggested changing the language of the requirement to be "direct family to a resident or interred of the Village" rather than just interred.

Resolution #2016-29 “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.

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 Resolution #2016-29 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 Resolution #2016-29 be approved. Councilmember AuWerter confirmed this is just a formality. Councilmember Whitney said all of the legislation she is introducing tonight is a formality.

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

Resolution #2016-30 “A Resolution Authorizing The Mayor And The 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 Years 2017-2021 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 Frankel. Councilmember Frankel highlighted that in the past it was a 5% yearly increase and Chief Robinson and Finance Administrator Mulh were successful in reducing it to a 3% yearly increase over the next five years. Councilmember AuWerter suggested adding the word “to” in front of “the Village of Gates Mills” in the language in Section 1.

It was moved by Councilmember Frankel, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-30 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 Frankel, seconded by Councilmember AuWerter, that Resolution #2016-30 be approved.

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

Ordinance #2016-31 “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 Frankel stated for the record that sealed bids were not received; however, Finance Administrator Mulh did research with other companies and this was the lowest rate. Councilmember Whitney noted the reason to suspend the rules was to continue health care coverage.

It was moved by Councilmember Whitney, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-31 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 Reynolds, that Resolution #2016-31 be approved.

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

Ordinance #2016-32 “An Ordinance Authorizing A Contract With Delta Dental Insurance Coverage For The Village Employees And Declaring An Emergency” was introduced by Councilmember Whitney. She noted the reason to suspend the rules was to continue dental coverage.

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 #2016-32 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 #2016-32 be approved.

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

Resolution #2016-33 “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 Frankel asked if the language referring to the 2015 fiscal year was correct. Finance Administrator Mulh confirmed she would correct the language to reflect 2017.

It was moved by Councilmember Whitney, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-33 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 Turner, that Resolution #2016-33, as amended, be approved.

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

Ordinance #2016-34 "An Ordinance Authorizing A Contract With Wichert Insurance Services, Inc. To Furnish and Provide Insurance Coverages For The Village Of Gates Mills, Its Officials And Employees And Declaring An Emergency" was introduced by Councilmember Whitney. Councilmember AuWerter made the suggestion of periodically using three different brokers so that the Village can get five or six quotes. Councilmember Whitney highlighted that the insurance costs for the year will be less than last year. Mayor Schneider indicated the cost has gone down each year. She indicated the issue last year was due to the mandatory flood insurance. Finance Administrator Mulh said that doing away with the jail and dispatch also contributed to decreased costs.

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-34 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 Sogg, that Ordinance #2016-34 be approved.

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

Ordinance #2016-35 "An Ordinance To Increase The Compensation Of Certain Village Employees" was introduced by Councilmember Whitney. She noted the need to suspend the rules was to continue paying employees.

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 #2016-35 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 AuWerter, that Ordinance #2016-35 be approved.

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

Councilmember Welsh asked what the rate increase is. Councilmember Whitney answered approximately 1.5%.

Ordinance #2016-36 "An Ordinance To Provide For Temporary Appropriations For The First Quarter 2017" was introduced by Councilmember Whitney. She noted the reason to suspend the rules was to pay bills.

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 #2016-36 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 Turner, that Ordinance #2016-36 be approved.

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

Ordinance #2016-37 "An Ordinance To Amend The Annual Appropriation Ordinance No. 2016-05 To Increase Certain Appropriations And Other Expenditures Of The Village Of Gates Mills, Ohio For The Fiscal Year Ending December 31, 2016" was introduced by Councilmember Whitney. For the same reason, she requests suspension of the rules. Councilmember AuWerter asked about the need for additional funds. Finance Administrator Mulh said it is to tell the County how much is appropriated and highlighted that she has time pay outs coming and that this does not change the budget.

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-37 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 Sogg, that Ordinance #2016-37 be approved.

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

Resolution #2016-38 "A Resolution Authorizing The Mayor To Execute The "Regional Stormwater Management Program Service Agreement" With The Northeast Ohio Regional Sewer District, And Declaring An Emergency" was introduced by Councilmember Sogg. She noted the need to suspend the rules is so that the Mayor can sign the agreement before the end of the year. Discussion took place regarding the agreement including a brief background and how money is collected and spent. Law Director Hunt confirmed the agreement was reviewed very closely.

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 Resolution #2016-38 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 Frankel, that Resolution #2016-38 be approved.

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

Resolution #2016-39 "A Resolution Authorizing The Mayor To Execute A Memorandum Of Understanding With The Northeast Ohio Regional Sewer District And The Cuyahoga Soil And Water Conservation District For A Conservation Program Involving Education, Stewardship and Public Participation" was introduced by Councilmember Sogg. This relates to the foregoing Resolution. It was confirmed that this focuses on public involvement and education and that Chagrin Watershed Partners is in support of the same.

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 #2016-39 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 Ordinance #2016-39 be approved.

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

Ordinance #2016-40 "An Ordinance To Approve Current Replacement Pages To The Gates Mills Codified Ordinances" was introduced by Councilmember Reynolds. She explained this is necessary in order to comply with state laws. Before asking to suspend the rules, Councilmember Reynolds requested the spelling of "marihuana" be corrected to "marijuana." Finance Administrator Mulh said this also allows for any updates passed by the Village.

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 Ordinance #2016-40 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 Reynolds, seconded by Councilmember AuWerter, that Ordinance #2016-40 be approved.

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

Ordinance #2016-41 "An Ordinance Adopting A Moratorium On Applications For, And The Granting Of, Building Permits, Zoning Approvals, And Certificates Of Occupancy That Would Enable The Cultivation, Processing, Distribution Or Sale Of Medical Marijuana For A Period Not To Exceed Six Months In Order To Allow The Village To Review Applicable State And Local Laws, To Plan For Regulations Relating To Such Uses, And Declaring An Emergency" was introduced by Councilmember Sogg. Councilmember Sogg informed that the State has approved medical marijuana and that many municipalities are taking some time to see how the implementation will unfold. She indicated that an inquiry has already been received regarding the cultivation of marijuana in the Village. She hopes this Ordinance will pass to allow the Village more time to consider the implications. She clarified this is not about selling marijuana for recreational use. Councilmember Sogg committed to provide further information

as it unfolds. Law Director Hunt confirmed it is legalized and highlighted that many communities are embracing it as a source of revenue. He added that initially cultivation sites will be limited to only eight in the state. He suggested that a dispensary facility may be a possibility in the Village. He expressed concerns and expressed his recommendation of making an application in order to be grandfathered.

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2016-41 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 AuWerter, that Ordinance #2016-41 be approved.

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

Ordinance #2016-42 “An Ordinance Establishing A Mayor’s Court And Violations Bureau, Amending Chapter 191 Of The Codified Ordinances For The Village Of Gates Mills, And Declaring An Emergency” was introduced by Councilmember Sogg. Councilmember AuWerter asked Law Director Hunt if there are any particular concerns with passing this Ordinance. Law Director Hunt said that sometimes there are unintended consequences such as taking revenue away from the municipal court. He further commented that the municipal court provides certain services to the Village at no cost and may now put costs onto the Village. Law Director Hunt said he discussed this with the prosecutor as well as other communities. Councilmember Sogg referring to the municipal court said that the Village only represents 5% of its budget. Mayor Schneider advised that she had a meeting with Judge Bozza. Councilmember AuWerter opined the court cannot charge just the Village and not other communities. Chief Minichello said that Ohio and Louisiana are the only states that have mayors’ courts. Law Director Hunt stated that there are some technicalities and a lot of paperwork to address. Councilmember AuWerter inquired about next steps. Councilmember Sogg indicated the need for training and software. Councilmember Welsh asked when this would take effect. Law Director Hunt said it would take effect immediately. Police Chief Minichello said it may take a few months to get systems in place. Addressing Councilmember AuWerter’s question, Councilmember Sogg clarified the process is being established but not yet implemented. Councilmember Turner inquired about the cost of the software. Police Chief Minichello answered approximately \$5,000.

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 Ordinance #2016-42 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 Welsh, that Ordinance #2016-42 be approved.

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

Resolution #2016-43 “A Resolution Authorizing The Mayor To Enter Into An Agreement With The Heights-Hillcrest Technical Rescue Team For Special Rescue Services” was introduced by Councilmember Welsh. Chief Robinson explained this is the merger of the two eastside technical rescue teams. The teams were merged to more effectively provide services, save money and offer greater safety. By entering into this agreement, Chief Robinson said this allows the Village to be part of a 14-community technical rescue team.

It was moved by Councilmember Welsh, seconded by Councilmember Frankel, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2016-43 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 Welsh, seconded by Councilmember AuWerter, that Resolution #2016-43 be approved.

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

Ordinance #2016-44 “An Ordinance Declaring The Village’s Intention To Enter Into A Health Reimbursement Account For 2017; And Declaring An Emergency” was introduced by Councilmember Whitney. She noted this is in place already but is renamed.

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 #2016-44 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 #2016-44 be approved.

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

Ordinance #2016-45 “An Ordinance Amending Chapter 1171, “Erosion And Sediment Control,” In Its Entirety, And Repealing Existing Chapter 1171” was introduced by Councilmember Sogg. Service Director Biggert referenced the Village’s stormwater permit and these are the newest generation of Ordinances that the Village is required to have under that permit. It was noted that an executive summary is available to review regarding the same.

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 Ordinance #2016-45 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 Welsh, that Ordinance #2016-45 be approved.

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

Ordinance #2016-46 “An Ordinance Amending Chapter 1174, “Comprehensive Storm Water Management,” Of The Codified Ordinances Of The Village Of Gates Mills In Its Entirety, And Repealing Existing Chapter 1174” was introduced by Councilmember Sogg.

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 Ordinance #2016-46 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 Ordinance #2016-46 be approved.

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


Business from the audience:

Councilmember AuWerter referred to the latest presidential election and the possibility of stormwater changes by the new administration. He then asked if Council approved anything tonight that was not truly required. Village Engineer Courtney answered that all of the changes were a result of a permit received two years ago and the actions taken tonight were to comply with that permit which will be in place for the next three years.

There being no further business, it was moved by Councilmember Sogg, 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