

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
April 14, 2020

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, April 14, 2020 at 6:00 p.m. with Mayor Schneider presiding in a remote, virtual meeting that was livestreamed to the internet.

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

Also present were Chief Minichello, Chief Robinson, Service Director Biggert, Finance Administrator Mulh, Clerk DeCapite, Treasurer Reynolds, and Law Director Hunt.

Councilmember Reynolds moved to excuse Councilmember Welsh from the meeting. The motion was seconded by Councilmember Frankel.

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

Mayor Schneider welcomed everyone to the Village's first virtual council meeting due to the shelter-at-home order for the COVID-19 pandemic. She asked Law Director Hunt to comment on the virtual meeting in regard to the open meeting laws. Law Director Hunt noted Substitute HB 197's temporary changes to the Open Meetings Act. The public must have access to the meeting and be able to hear the discussions of each member of the public body.

Mayor Schneider appointed Robert Reitman as Representative and Janet Mulh as Alternate to RITA's Council of Governments. Councilmember Turner moved, with Councilmember Sogg seconding, to approve the appointments.

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

The minutes of the February 11, 2020 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg that the February 11, 2020 minutes be approved. Councilmember Whitney seconded the motion.

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

Pay Ordinance #1235 in the amount of \$423,207.87 was presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Sogg, that Pay Ordinance #1235 be approved.

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

Motion carried.

Pay Ordinance #1236 in the amount of \$449,721.75 was presented by the Clerk. It was moved by Councilmember AuWerter, seconded by Councilmember Turner, that Pay Ordinance #1236 be approved.

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

Treasurer Reynolds read his report. The Village ended the first quarter of the year with a General Fund surplus of \$145,804. Other revenues are higher due to the receipt of the cell tower rent and interest income. Operations are mostly underspent relative to the budget, year-to-date; however, the Fire Department is over budget year-to-date due to unanticipated maintenance and repair expenditures. As we look forward, Village revenues will most certainly be impacted by the pandemic. Municipal income tax receipts are likely to be lower than budget as furloughs, unemployment, business closures and reduced executive compensation are all impacted by the stay at home orders. Rental income may also be lower as our tenants struggle with business closures and reduced volume. Real estate tax receipts may also suffer if homeowners delay payments. It is difficult to project the extent of these impacts currently. However, tight cash control and control of operations is in order, with less urgent expenditures considered for delay, consistent with our mission to protect the safety of our citizens. He stated that it is times like these that emphasize the importance of maintaining appropriate reserves for the Village. Councilmember Frankel inquired about the higher rental income for the month. It was noted the cell tower rental income was received.

Councilmember Reynolds made a motion asking the department heads to review their respective budgets and list any nonessential expenditures that can be delayed by May 1. Councilmember Sogg seconded the motion. Councilmember Frankel noted a possible two billion dollar shortfall for the State of Ohio. Councilmember Reynolds stated the Village should defer major expenses until more information is available as far as our revenue projections. Councilmember Whitney noted that while Council had approved the Master Plan project, it is prudent to wait to execute the contract for \$55,000. Councilmember Frankel asked about deferring the new dump truck that is on tonight's agenda. Councilmember Reynolds stated the Mayor has asked to table Resolution Nos. 2020-14 and 2020-15 for the new truck. Councilmember Turner said she supports the Master Plan and noted the process is being delayed naturally due to the inability to have in-person meetings. Councilmember Whitney agreed the Master Plan has value, but we are committing the monies when the contract is executed. Councilmember Sogg suggested adding clauses to the contract so that the cost does not go up during the pandemic. Mayor Schneider asked Councilmember AuWerter if a clause had been added due to the virus. Councilmember AuWerter noted this had been accomplished. Councilmember Sogg suggested asking CT Consultants for a 90 to 180 day hold on the contract. Councilmember AuWerter stated 40 – 50 people have responded with interest to serve on the Master Planning committee. The Mayor noted meetings would not start until the third quarter most likely. Councilmember AuWerter, in regard to the motion, asked about the implications of waiting until May 1st instead of deferring expenses starting tomorrow. Councilmember Reynolds

would like to give the department heads time to go through their budgets and submit their lists to the Mayor, Treasurer and Finance Committee Chair in order to determine what can be deferred. Councilmember Turner asked if the lists could be submitted sooner and Mayor Schneider stated the May 1st date is sufficient. Treasurer Reynolds noted the motion doesn't say items cannot be delayed right away and Councilmember AuWerter stated items can be deferred, but there is no need to wait as items can be scrutinized from now on.

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

Mayor Schneider gave her report. She stated there have been many changes since the February Council meeting. She noted the cancellation of the Gates Mills Art Show, the play and the Easter Egg Hunt. She asked for everyone to stay positive and help one another. She congratulated Chagrin Valley Times reporter, Julie Hullett, on recent awards she received for articles on recycling and the Blessing of The Hunt. With the recent flooding in the Village, she noted the bank and plants held up well from the 319 Grant work. Marston Park was underwater, but is back to perfect. She thanked the Service Department for their hard work. She also noted the placement of the bocce shed and thanked the Service Department for the time and craftsmanship dedicated to making it look so good. She noted the eggs for the Easter Egg Hunt were passed out during a drive through at the Community House. Easter bunnies, Janet Mulh and Mike Feig, distributed the eggs that were prepared by Jean Misch and Ben Pesuit. Councilmember Frankel noted the recycling seminar that was to be held on May 13 will be rescheduled. Mayor Schneider asked if there were any questions for the Police, Fire or Service Departments. Councilmember Sogg asked Chief Minichello if there has been an increase in crime due to the pandemic. Chief Minichello noted surrounding communities have had an increase in retail theft, but most things have slowed down. The departments in the valley have more people staying home and things are quieter and slower. Mayor Schneider concluded her report by noting the paper recycling bins at Village Hall are still operational and that the flyer for tonight's meeting also included information regarding voting by absentee ballot.

Ordinance No. 2020-09 "An Ordinance Adopting New Chapter 1176 "Riparian Setback", of the Codified Ordinances of the Village" was put on second reading by Councilmember Whitney. Community education will still be taking place along with an online feedback opportunity. Councilmember Frankel asked if the education would occur before the third reading. Mayor Schneider noted the ordinance can stay on third reading until Council is ready to vote. Law Director Hunt added that the Planning and Zoning Commission must still report on the ordinance and Council will have to hold a public hearing.

Resolution No. 2020-11 "Authorizing Participation in the ODOT Road Salt Contracts Awarded in 2020" was introduced by Councilmember AuWerter. He noted the use of slag and salt in the past. Slag costs have risen and we are using more salt. This leads to less time necessary to clean-up the roads in the spring. The Village still has 150 tons of salt to buy on last year's contract to be at 90% of what we requested. The Village is requesting 1,700 tons for the 2020-20201 winter season. Service Director Biggert noted we requested 1,400 tons last year that was used with aggregate material. Councilmember Turner asked about the salt price. Service

Director Biggert noted the price is determined once the State bids out the contract, which is after they receive all of the community tonnage requests. We pay for the salt as it is delivered.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-11 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Frankel, that Resolution No. 2020-11 be approved.

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

Resolution No. 2020-12 “A Resolution Expressing the Intent of the Village of Gates Mills in 2020 to Sell by Internet Auction Personal Property, Including Motor Vehicles and Other Property Referenced in Ohio Revised Code §721.15 Which Are NO Longer Needed for Public Use, or Are Obsolete or Unfit for the Use for Which They Were Acquired; Authorizing GovDeals.com, Inc. to Perform the Sales; Authorizing the Sale of Specific Personal Property by Internet Auction; and Declaring an Emergency,” was introduced by Councilmember Frankel. He added that this method will be used to sell the old fire engine that was just replaced.

Councilmember Frankel moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-12 be placed upon its final passage. Councilmember Reynolds seconded the motion to suspend the rules.

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

It was moved by Councilmember Frankel, seconded by Councilmember Turner, that Resolution No. 2020-12 be approved.

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

Ordinance No. 2020-13, “An Ordinance Authorizing Certification of the Village’s Costs of Nuisance Abatement at 1337 Chagrin River Road, Tax Parcel No. 842-20-003, to the Cuyahoga County Fiscal Officer as a Special Assessment for Placement on the Tax Duplicate for Collection in One Annual Installment; and Declaring an Emergency,” was read by Mayor Schneider. The costs were associated with the demolition of the home.

Councilmember Sogg moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2020-13 be placed upon its final passage. Councilmember Reynolds seconded the motion to suspend the rules.

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

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that Ordinance No. 2020-13 be approved.

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

Resolution No. 2020-14, "A Resolution Authorizing the Purchase of a 2020 Ford F550 Truck Cab, Chassis and Associated Equipment Package from Nick Mayer Ford," and Resolution No. 2020-15, "A Resolution Authorizing the Purchase of a Dump Truck Bed and Snow Plow Equipment from Judco Truck Equipment," were introduced by Councilmember AuWerter.

The truck was to replace a 2005 dump truck. More maintenance can be expected on a 15-year old truck and the price will go up if the purchase is delayed. The truck is running fine today, but the future is unknown. Councilmember Frankel suggested looking into leasing a dump truck on a temporary basis. Service Director Biggert may change the truck routes for plowing for the short-term to put less wear and tear on this particular truck.

Councilmember AuWerter moved that Resolution No. 2020-14 and Resolution No. 2020-15 be tabled. Councilmember Turner seconded the motion to table.

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

Resolution No. 2020-16, "A Resolution Authorizing a Contract with Burton Scot Contractors for Labor and Materials for the Emergency Repair of Old Mill Road Due to Storm Water Damage; and Declaring an Emergency," was introduced by Councilmember AuWerter. He noted that a portion of road on the east side of Old Mill Road had been washed out. Two quotes were obtained for the emergency repair to re-open the road. The repair will be considered part of the 2020 Road Program with \$16,000 of the material cost to be reimbursed by the County. Burton Scot was \$750 higher than Specialized Construction, but Burton Scot could get the work done two weeks sooner. Two driveways had water runoff that went under the road. The patch was moved up beyond the two driveways that caused the issue.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-16 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Whitney.

Nays: None.
Motion carried.

It was moved by Councilmember AuWerter, seconded by Councilmember Frankel, that Resolution No. 2020-16 be approved.

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

Ordinance No. 2020-17, "An Ordinance Amending Chapter 931, 'Water,' of the Village's Utilities Code To Set Charges for Water Service Connections to Lots Within the Village Corporate Limits and Outside the Village Corporate Limits," was introduced by Mayor Schneider.

Mayor Schneider stated the ordinance sets the price for a resident to tap-in to the water main at \$16,500 and \$20,000 for non-residents. The original tap-in fees had been accruing interest over the years that loans for the water project were being paid. Councilmember Frankel asked if we know the number or percentage of residents that are not connected. The Village does not have this information. He asked if there is a way to find out. Treasurer Reynolds noted that some residences have both well and city water. Cleveland Water would have to be contacted to get more detailed information.

Councilmember Sogg moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2020-17 be placed upon its final passage. Councilmember Reynolds seconded the motion to suspend the rules.

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

It was moved by Councilmember Sogg, seconded by Councilmember Turner, that Ordinance No. 2020-17 be approved.

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

Resolution No. 2020-18, "A Resolution Authorizing and Directing the Transfer of a Certain Sum from the 319 Grant Fund to the General Fund as Reimbursement for Legal Services Performed by Walter Haverfield," was introduced by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-18 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

Motion carried.

It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that Resolution No. 2020-18 be approved.

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

There being no further business, it was moved by Councilmember Reynolds, 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 E. Schneider, Mayor