

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
August 11, 2020

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, August 11, 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, Welsh, Whitney.

Also present were Chief Minichello, Chief Robinson, Service Director Biggert, Finance Administrator Mulh, Clerk DeCapite, Treasurer Reynolds, Village Engineer Courtney, Law Director Hunt and Katherine Malmquist (Branch Manager of the Gates Mills Library).

The minutes of the July 14, 2020 Council meeting were presented by the Clerk. It was moved by Councilmember Welsh that the July 14, 2020 minutes be approved. Councilmember Frankel seconded the motion. Councilmember AuWerter noted that while page 6 of the minutes was correct, he wanted to state that Berkshire Road is a County road and was also worked on.

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

Pay Ordinance #1240 in the amount of \$402,060.09 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1240 be approved. Councilmember Frankel inquired about invoices paid to St. Christopher's and Burton Scot. Finance Administrator Mulh responded that St. Christopher's church was refunded from the 319 Grant and Burton Scot was paid for an emergency road repair on Old Mill Road. Councilmember AuWerter asked about an invoice from ABV. Service Director Biggert responded a repair was completed on a sanitary line.

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

Treasurer Reynolds gave his report. Taken as a whole, our revenues are down \$888,801 from this time last year. Municipal income tax receipts are down \$578,007 and the Village's share of real estate taxes are down \$353,039. Both receipts are down because of a combination of the economic impact of the pandemic and delayed payment deadlines. All other revenue categories are up relative to this time last year. Operating expenses are running well within budget and \$320,834 below this time last year. Total funds stand at \$4,957,173, which is \$278,228 lower than last year at this time. Our investment account balance at month-end was \$4,888,318 including accrued interest. Interest income for the next 12 months is projected to be \$97,268.

Treasurer Reynolds stated the Long Range Financial Planning Committee continues to do its work. All three subcommittees met during the month and continue to identify and quantify feasible options to enhance our Village financial structure. We will have a final meeting of the

full committee when all subcommittee reports are finished, which is expected in the next two weeks. We will have a final report to submit at the September Council meeting. Councilmember Sogg stated that it is impressive how the departments have worked to stay below budget. Councilmember Frankel asked for a date for the full Long Range Financial Planning Committee meeting. Treasurer Reynolds responded he will speak with the Subcommittee Chairs to decide a date.

Mayor Schneider gave her report. With regard to the Post Office, resident Peter Griesinger had written a letter to the editor of the Plain Dealer published August 2, 2020. His letter discussed hours and deliveries by the USPS. The Mayor stated she considers the Post Office a service for Village residents and a group is going to write more letters to help with the situation. She also reported Mayfield schools will be returning to school in a virtual mode for the first 9 weeks. She was uncertain about the plans of Gilmour Academy and St. Francis. She read a thank you note for the Fire Department. Megan Perez on Saddleback Lane complimented a firefighter that was flushing hydrants and offered for her children to be junior firefighters. Ms. Perez noted these types of interactions make the Village special.

Clerk DeCapite gave her report. She noted there had been orange cones at the Post Office to warn patrons of wasps. The wasps are no longer a problem.

Councilmember Sogg reported on the Planning and Zoning Commission meeting. The Commission has recommended the Riparian Setback Ordinance to Council.

Chief Minichello provided the Police Department report. There have been attempted burglaries in neighboring communities with an arrest made in Lake County. He asked that residents be aware of their surroundings and lock doors. Suspects have been identified in a theft at Gilmour Academy. The suspects have been involved in other city crimes. He noted a Safe Zone will be created for individuals being chased. The entry to Town Hall will have an interior lock installed on the front door to allow a person to lock themselves in the vestibule to be safe. Councilmember Sogg noted this is a great idea. Councilmember Reynolds stated we need to make sure residents know about the Safe Zone. It is perfectly placed for families using Marston Park as well. Chief Minichello said he could recall two times over the years when individuals were looking for safety, but that was when the door was open and dispatch was here.

Service Director Biggert provided his report. There were no questions.

Fire Chief Robinson gave his report. He noted a busy month and some cooking fires.

Ordinance No. 2020-09 "An Ordinance Adopting New Chapter 1176 "Riparian Setback", of the Codified Ordinances of the Village" remained on third reading. Councilmember Whitney reiterated that the Planning and Zoning Commission had reviewed and recommended the Ordinance and sent it back to Council. It was a good discussion and very engaging. Ideally the public education and public hearing would be held in-person. Mayor Schneider suggested putting the status of the Ordinance in The Pink Sheet. Councilmember Whitney hesitates to do that until we can offer an educational event that would provide uniform answers to residents. There would be value to a group conversation. Councilmember AuWerter said he understands

the desire to educate and inform constituents and the legal requirement for a public hearing and asked Law Director Hunt about public hearings and the option of holding one via Zoom. The Law Director said they have been held on Zoom and have gone well. A presentation can be given with the opportunity to take questions at the end. Councilmember AuWerter asked if education material can be put on the website or in The Pink Sheet and a Zoom meeting scheduled. Councilmember Whitney noted the education piece is being driven by Chagrin River Watershed Partners (CRWP) as interpersonal versus online. Councilmember Sogg agreed that she would like the process to move forward without waiting for in-person meetings. Councilmember Whitney stated the education and hearing could be done jointly and will speak with the Chagrin River Watershed Partners. A Public Hearing must be advertised 30 days prior to the event. Engineer Courtney stated CRWP has the presentation on video and it could be put on our website. Councilmember Welsh asked for documentation of the Planning and Zoning Commission's recommendations. Service Director Biggert responded that the Commission did not recommend any changes from the Ordinance as it was written. Councilmember Whitney will work with Engineer Courtney and Heather Elmer at CRWP to get information in The Pink Sheet, on the website and to schedule a Zoom Education/Public Hearing event. They will try to have this occur in September so that Council can vote on the legislation at its October 13 regular meeting. Councilmember Welsh asked if a letter would be sent to all residents. Councilmember Whitney noted that a letter was sent to all residents last May when the education began. Law Director Hunt confirmed that a letter was not necessary.

Ordinance No. 2020-28 "An Ordinance Amending Sections 1167.02 through 1167.06 of the Planning and Zoning Code of the Codified Ordinances of the Village of Gates Mills Regulating Signage" was read for the first time by Councilmember Sogg. Councilmember Sogg stated the Ordinance was brought to the Planning and Zoning Commission who recommended it to Council. The legislation makes changes to conform to what has been seen as the case law in Ohio. It has been outdated and with election season, it is a good time to update. There have been many complaints received about the size of signs and the length of time a sign can be erected. Changes were made to real estate and commercial signs to clarify the rules on them. No fee or permit is required for political signs as that is not permitted. Law Director Hunt stated Councilmember Sogg provided a good summary. He added the sign ordinance has not been amended since 2002 and there has been much case law since then. Residential signs are different than commercial signs and political signs are different as well. It is a real burden to do a permitting system for temporary signs and it is not legal to charge a fee. This is a comprehensive amendment and a confidential legal opinion was sent to Council. He then stated a public hearing is scheduled for Ordinance No. 2020-28 on September 8, 2020 at 6:00 p.m. at the beginning of the regularly scheduled council meeting. Zoning regulations cannot be passed as an emergency. This is first reading.

Resolution No. 2020-29 "A Resolution Authorizing the Mayor to Enter into a Second One-Year Extension of an Agreement for the Provision of School Resource Officer Services with the Mayfield City School District and Declaring an Emergency" was introduced by Councilmember Frankel.

Councilmember Frankel moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-29 be placed upon its final passage.

Councilmember AuWerter seconded the motion to suspend the rules. Councilmember Reynolds asked what the SRO would do during virtual learning. Chief Minichello stated SRO Kimbrew will be meeting with Principal Ravida to determine the needs. Teachers will be teaching from the elementary school. Officer Kimbrew will also assist on the day shift.

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

It was moved by Councilmember Frankel that Resolution No. 2020-29 be approved. Councilmember Whitney seconded the motion to approve Resolution No. 2020-29.

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

Resolution No. 2020-30 "A Resolution Awarding a Contract to N.E.S. Corp. for the Repair and Resurfacing of Various Roads in 2020; and Declaring an Emergency" was read by Councilmember AuWerter. Councilmember AuWerter had sent out two emails to all of Council prior to the meeting. One email had asked that they drive the streets to see the road conditions. The other email contained information along with slides and charts. Schedule 1 was an overview on how much was spent on roads and culverts over five years. He stated culvert work occurs in a lumpy fashion. The Long Range Plan just had some numbers dropped in. Councilmember Sogg asked if an evaluation has been done to see how the culverts are within the Village. Engineer Courtney stated we have a detailed map with all culverts in the Village. They are reviewed when there is flooding, blockages or issues with a roadway. Bigger culverts (36-42 inches) are inspected. Service Director Biggert added that we have addressed the ones that we know of that were problematic, with the exception of the one on Mayfield Road that is hanging over our heads. Treasurer Reynolds asked if the Long Range Plan is underestimated in what our average capital expenditures will be over the next five years. Councilmember AuWerter stated Engineer Courtney is taking a more extensive look at the roads. He stated we are at \$450,000 per year or more, less the County reimbursement. The Long Range Plan is low by a couple hundred thousand per year. Councilmember AuWerter noted Schedule 2 and the 2020 budget. The Mayfield Road at Chagrin Road Traffic project has been moved by ODOT to 2021. We received \$62,000 from the County for road repair materials used in 2019. We have postponed buying a truck for \$93,000. If you drove the roads, they are of the next priority to be completed. Woodstock, Dorchester and Chartley are the roads in priority order. Engineering work would be an additional amount to be added to the NES bid. It would be \$264,000 for all three roads with engineering costs included. Fox Hill and Fox Hill East need more than mill and fill work and the estimated cost for those two roads is \$340,000 for 2021. Riverview is also in need of work in the amount of \$125-175,000. Road work this year at a \$251,000 quote would have cost \$105,000 more last year. We are looking at a very favorable contract price this year. It will be okay if we don't do the work, but will have to pay for it later. Councilmember Reynolds pointed out that the additional work is \$251,000 but that it is not a package deal. We could complete one, two or all three roads. The more traveled road with school traffic and more wear and tear is Woodstock. Mayor Schneider noted the prices are good and the roads are aging out. She is in favor of doing

them and the price may be worse next year. Councilmember Reynolds noted we have a budget to try to stick to though. Councilmember Sogg stated she feels strongly about doing all three roads. It is an extremely favorable bid and we have worked hard to reduce our expenses, but this is a very visible expense for the residents. Engineer Courtney stated mill and fill cost is typically between \$15 -\$18 per square yard. Last year we paid \$17 per square yard and this quote is for \$12 per square yard. Councilmember Frankel stated he did look at all three roads. He said the price is good although oil prices will be down in the first part of 2021, so the chances are you'd get the same bang for the buck then. He asked how this is fiscally responsible with revenues being decreased. Treasurer Reynolds said he sees the full argument. We have a bird in the hand with the good bid. Further, given the good budgeting done by the departments we have deferrable expenses coming up in the fall. However, it is the primary duty to protect the public welfare. If we delay, do we increase a safety risk to our residents? If yes, then do it and use reserves. If no, in a year like this, than Council should think very seriously about spending the money. Engineer Courtney stated Chartley could wait as it only has a few spots that could be managed. Woodstock and Dorchester, with bad weather, could become hazardous quickly. If we lose base material, it would be a more serious repair to a rebuild. Councilmember Turner agreed that all three roads need repairs and asked about the longevity of the repairs. Engineer Courtney said to keep in mind that a 2-inch mill and fill is considered a repair situation until you have to reconstruct a road. We can prolong a road by 10 years before needing a full reconstruction. Councilmember Whitney asked to be reminded of the deferred expenses for 2020. Service Director Biggert responded that the Service Department deferred the purchase of a snow plow truck, guardrail work and outside contract work. Councilmember Whitney stated that a snow plow truck and guardrails are safety concerns to consider also. Revenues have been greatly affected and there are many unknowns at this time. She stated she is uncomfortable committing a few hundred thousand dollars at this time.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-30 be placed on its final passage. Councilmember Frankel seconded the motion.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Sogg, that Resolution No. 2020-30 be approved. Councilmember Turner moved to amend Resolution No. 2020-30 by removing Chartley Road and approving Woodstock and Dorchester in an amount not to exceed \$195,000. There was no second to the motion. Councilmember Whitney moved to amend Resolution No. 2020-30 to remove Dorchester and Chartley for an amount not to exceed \$113,000. Councilmember Frankel seconded Councilmember Whitney's motion.

Roll call: Ayes: Frankel, Whitney.
Nays: AuWerter, Reynolds, Sogg, Turner, Welsh.
Motion failed.

Councilmember Reynolds moved to amend Resolution No. 2020-30 by removing Chartley Road and approving Woodstock and Dorchester in an amount not to exceed \$195,000. Councilmember Frankel seconded the motion.

Roll call: Ayes: AuWerter, Frankel, Reynolds, Sogg, Turner, Welsh.
Nays: Whitney.
Motion carried.

Resolution No. 2020-31 “A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund” was read by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2020-31 be placed on its final passage. Councilmember Reynolds seconded the motion.

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 Ordinance No. 2020-31 be approved.

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

Ms. Malmquist, Branch Manager of the Gates Mills Library spoke during business from the audience. She asked if anyone had any questions about the library. In response to Councilmember Frankel’s questions, Ms. Malmquist stated the library hours are 9:00 a.m. until 9:00 p.m Monday through Thursday and 9:00 a.m. until 5:30 p.m. Friday and Saturday. They are closed on Sunday. They are not processing passports currently as the Federal government is not processing them unless it is a matter of life or death. In response to a question from Councilmember Turner, Ms. Malmquist noted they are doing curbside service. They have seen a total collapse of people using the library and circulation is down. The Cuyahoga County Library system has a levy on the ballot for November 3 for 1 mill. She asked that Council think about it. The library needs the levy to pass for staffing and hours of operation. They are going from a 2-mill to a 1- mill levy. Councilmember AuWerter noted the library system is the number one library system for the last five years. Ms. Malmquist stated they may offer more virtual programs and are working with the schools. The Mayfield branch is doing a “PCs for People” collection with pick-ups to help families. She added that they will take older equipment and use pieces of them to repair other equipment.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Beth DeCapite". The signature is written in a cursive, flowing style.

Beth DeCapite, Clerk

Approved:

A handwritten signature in blue ink that reads "Karen E. Schneider". The signature is written in a cursive, flowing style.

Karen E. Schneider, Mayor