

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

Mayor Schneider called a public hearing to order for Ordinance No. 2019-37, An Ordinance Amending Section 1157.02, "U1 Single-Family House District", to Prohibit Short-Term Residential Rentals of Less than Thirty (30) Days at 6:00 p.m. Hearing no comments from the public, Mayor Schneider closed the public hearing at 6:01 p.m.

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, February 11, 2020 at 6:01 p.m. in the Council Chambers at Village Hall with Mayor Schneider presiding.

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

Mayor Schneider presented the following appointment:

Gates Mills Land Conservancy for term ending 12/31/2023: John Kramer.

Councilmember Sogg moved, with Councilmember Welsh seconding, to approve the Mayor's appointment.

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

The minutes of the January 14, 2020 Council meeting were presented by the Clerk. Councilmember Frankel noted a typographical error on page 2 that required the removal of the word "the" before Officer. Councilmember Sogg noted the word "is" should be "its" on page 4, fifth paragraph. It was moved by Councilmember Welsh that the January 14, 2020 minutes be approved with the corrections. Councilmember Whitney seconded the motion.

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

Pay Ordinance #1234 in the amount of \$480,441.88 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1234 be approved.

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

Councilmember Whitney read Treasurer Reynolds' report. Revenues and expenses were largely on budget for the first month of the year. The month added \$27,052 to our reserves, before transfers. Transfers to our various funds totaled \$525,000 leaving a deficit for the month at \$497,949. The transfers primarily funded our Capital Improvement, Wastewater and Police Pension Funds. At month end, total reserves stand at \$4,906,911 or \$73,321 higher than this

time last year. Councilmember AuWerter inquired to the amount of C.W. Courtney's invoices that were capital improvement related. Finance Administrator Mulh noted the amount is located on the last page of the January Financial Statement. Councilmember Turner commented on the lower amount of building permits received compared to January 2019.

Mayor Schneider deferred to Fire Chief Robinson to begin her report. Chief Robinson presented gifts to Council to commend the arrival of the new Engine #1411. He read a special tribute to former Firefighter Michael Hackett. He served 20 years with the department before his sudden passing. This engine is the Village's first new engine in 24 years. Engine #1411 is a tribute to Firefighter Michael Donald Hackett. The engine was presented to Council and everyone walked outside to view it.

Mayor Schneider noted that along with Service Director Biggert and Village Engineer Courtney, she met with Gail Peabody and Jared Hyams. Ms. Peabody is doing a project on the Village's historic interurban walking bridge to get it on the historic register. Mr. Hyams is a student and is working with Ms. Peabody. The bridge is the only one left of its kind that is intact. The style and the construction company are both historic. Grant funding for painting, maintenance or repair work may be sought. Councilmember Sogg reminded the group that the Village is a Certified Local Government, which may aid in the grant-funding process.

Mayor Schneider discussed the street sign project. Marcia Anselmo, Historical Society President and the Mayor have been working with resident Mark Saltzman to repair and replace the silhouettes designed by W. S. Broadhead and all of the street signs in the Village. Mr. Saltzman is donating time and materials to the project and the Village is purchasing pipe for the signs. There are 88 street signs in the Village. Councilmember AuWerter asked what would happen to the old signs. Mayor Schneider noted ones that cannot be restored may be sold with proceeds used for the Historical Society and the Village. Councilmember Whitney asked if the cost of the pipe will come from the operating budget. The Finance Administrator noted it would come from the Service Department's sign budget with the appropriation amendment on tonight's agenda.

Councilmember Frankel asked if there is any update regarding the Lemmo property adjacent to the North Cemetery. Mayor Schneider noted she heard they are going to put it up for sale.

Councilmember Frankel reported on the Hillcrest Council of Council meeting. They were asked to support Issue 33 on the March ballot for Health and Human Services. They had a presentation about the census and a Board of Education presentation regarding safety protocol.

The Clerk noted the March Council meeting is cancelled. Councilmember Reynolds complimented Finance Administrator Mulh on the organization of and information included in the Council packet.

Councilmember Turner reported that on behalf of Positively Gates Mills, she and the Mayor met with a City Visitor representative. This is a relocation guide that the Village placed an ad in last year. It was decided to contract for another year for just under \$2,000. The guide

will also be available online this year. City Visitor will be able to report how many viewers click on the Gates Mills website link when looking to relocate.

Councilmember Turner, on behalf of the Mayfield School Liaison Committee, reported that the gala benefit was held on Saturday. She noted Gates Mills Elementary has its largest kindergarten class, 24 students, in many years with 10 students from Gates Mills. Voucher/EdChoice legislation passed January 31, 2020 which extended the time to sign up from February 1 to April 1.

On behalf of the Gates Mills Land Conservancy, Councilmember Turner noted the Conservancy had received a letter from River Valley Paper Company. The vendor picks up paper and cardboard recycling at Village Hall and pays the Conservancy. River Valley will not be paying out anymore and will have a bin rental and collection fee of \$325 per month going forward. Councilmember Sogg suggested the bins be taken away and residents recycle the paper and cardboard with Rumpke as they do with other recyclables. Service Director Biggert will contact Rumpke to verify. Councilmember Turner noted River Valley Paper Company is making the rental and fee effective April 1.

Councilmember Frankel announced the Cuyahoga County Solid Waste District will present a recycling program on May 13 at 6:30 p.m. in the Community House.

Councilmember Whitney summarized a meeting held regarding flood insurance. Premiums continue to climb with this year's premiums increasing 24%. Total premiums are over \$80,000 with all policies. It was recommended to renew the lift bay, post office and fire garage policies only. Councilmember Sogg inquired about the exposure on the first floor of the Mills Building and if we could quantify the exposure for the tenants. Councilmember Frankel added there are very high deductibles on the policies and that with some notice, equipment can be moved from the garages. Mayor Schneider would reconsider renewing other policies when the new re-rating takes place in 2021. Engineer Courtney noted requirements and maps were changed years ago and we had to add additional properties to the insurance due to the properties touching the flood zone. The Mills Building is 3.5 feet above the flood elevation. There has never been water in the building before nor over Chagrin River Road before. We will keep reassessing the situation.

Councilmember AuWerter is holding a Recreation Committee meeting this Saturday, February 15. They hope to organize teams for a bocce league. Michelle Mastrangelo would like to hold yoga in the park on Sundays. They will also be organizing bocce, pickleball and tennis events.

Councilmember AuWerter reported that Kris Hopkins of CT Consultants is still recovering, so more information regarding the Master Plan will be coming soon.

Police Chief Minichello had provided a written report in the Council packet. He noted that distraction burglaries involving false utility workers has been a problem in neighboring communities. He mentioned that deer season ended with 21 does and 6 bucks having been harvested. Councilmember Sogg noted she has received and has reported Social Security scam

phone calls. Councilmember Frankel asked about the electronic traffic citations mentioned in the Chief's report. Chief Minichello explained the use of a printer in the vehicles that with the swipe of a driver's license and some data entry can print out a ticket instead of officers having to handwrite them. Councilmember AuWerter questioned the Violations Bureau numbers. Chief Minichello noted it has done well for the Village. We took in more money here, but received less from the court in 2019. We have no control over cases once they are sent to court. There are many variables in play once the ticket is transferred to Lyndhurst Municipal Court. Councilmember Welsh asked if we are going to consider any fine increases. Chief Minichello and Councilmember Sogg are going to review the options.

Service Director Biggert asked for any questions relating to his written report. He discussed the photos of the little shed that is being restored for park equipment storage. The historic nature of the shed is still unclear. Marcia Anselmo had looked at it and it may have been used during the interurban railroad days. It was suggested that resident Nat Smith, who had owned the property the shed was located upon, may have more information.

Fire Chief Robinson had provided a written report in the Council packet. He congratulated Dave Biggert on his 22 years with the Fire Department. It is a tradition of the Fire Department to push a new engine into service. Chief Robinson invited councilmembers to assist with the push-in just prior to the start of the April Council meeting. Councilmember Reynolds asked Chief Robinson to explain the numbering of the engine. Chief Robinson noted new Engine 1411 is replacing existing Engine 1411. The 14 designates the vehicle as a Gates Mills engine. The first 1 designates the vehicle as an engine. A 2 would designate a ladder truck and a 3 would be a tanker. The second 1 denotes our vehicle number. We also have 1412 and 1413. He also mentioned the department had provided mutual aid in Chester and Munson in the past month.

Ordinance No. 2019-37 "An Ordinance Amending Section 1157.02, "U1 Single-Family House District", To Prohibit Short-Term Residential Rentals of Less than Thirty (30) Days" was read by Councilmember Sogg. Councilmember Sogg stated the Ordinance has had three readings and the public hearing was held just prior to the start of the Council meeting.

It was moved by Councilmember Sogg, seconded by Councilmember Frankel, that Ordinance No. 2019-37 be approved.

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

Resolution No. 2020-08 "A Resolution Authorizing the Mayor and Director of Finance to Enter into an Agreement with a Regional Council of Governments, Known as the Regional Income Tax Agency, for the Administration of the Income Tax Laws of the Village of Gates Mills and for the Collection of Said Taxes" was introduced by Councilmember Whitney. Brian Thunberg, RITA representative, was introduced by Mayor Schneider. Councilmember Whitney asked Mr. Thunberg about the Board of Trustees. He responded that the Board of Trustees contains a representative from each community and is a three-year term for the representatives chosen. The Board oversees the operations of the Council of Governments. Executive Director Don Smith oversees the day-to-day operations. Councilmember Whitney asked about the investment of funds. Mr. Thunberg answered that funds are invested with Star Ohio. The fees

are retained at a rate of 3% of collections and then there is a true-up at year-end with actual costs. It is estimated that the Village will save between \$9,000 and \$13,000 per year compared to current costs. Councilmember AuWerter asked about the transition from CCA. Mr. Thunberg stated RITA will get the data from CCA through a secure data transfer. Once that process is complete, the data is analyzed three times. They make sure the data is complete and accurate. Most of the Village's neighboring communities are with RITA as well. Councilmember Welsh asked if the Village needs to change its laws. Mr. Thunberg stated we do not. The Village passes this Resolution and then signs the agreement.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2020-08 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

Councilmember Turner asked Law Director Hunt if he had any comments. Law Director Hunt stated RITA has an excellent legal staff and the Village is making a good choice. Councilmember Frankel asked if any changes need to be made to the contract. Law Director Hunt answered no changes are needed. It was moved by Councilmember Whitney, seconded by Councilmember Frankel, that Resolution No. 2020-08 be approved.

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

Ordinance No. 2020-09 "An Ordinance Adopting New Chapter 1176 "Riparian Setback", of the Codified Ordinances of the Village" was introduced by Councilmember Whitney.

Councilmember Whitney noted Council had a presentation and some education regarding riparian setbacks. Tonight is the first reading of the Ordinance and it is being referred to the Planning and Zoning Commission for review and recommendation. It will be discussed at the Planning and Zoning Commission at its March 3 meeting. Subsequently it will come back to Council for its second reading on April 14. There will be a 30-day notice for a public hearing and educational session. The Ordinance will be online for a 30-day comment and input period. May 21 is the tentative date for the public hearing with the third reading on June 9. Councilmember Whitney would like to handle concerns or issues if anyone hears of any. The Pink Sheet and a mailing will also be used for communicating with residents. A representative from Chagrin River Watershed Partners will also be presenting at the March 3 Planning and Zoning meeting. The Ordinance was referred to the Planning and Zoning Commission.

Ordinance No. 2020-10 "An Ordinance to Amend the Annual Appropriation Ordinance No. 2020-2 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2020" was introduced by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2020-10 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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 No. 2020-10 be approved. Councilmember Frankel asked if the Ohio Bell Telephone building is being worked on in order to rent it out. Mayor Schneider stated that is the intent.

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

Business from the audience: Brent Stewart, River Oaks Trail. Mr. Stewart stated he knows that the Long Range Planning Commission is going to be starting, but is March 18 still a date that is planned for a discussion about the Village? Mayor Schneider replied that we will do Long Range Planning and the Master Plan process instead of the March 18 discussion. Mr. Stewart asked if there will be education for residents regarding the change from CCA to RITA. Mr. Thunberg noted there will be a timeline, letter and outreach opportunities prior to the change. There will also be a taxpayer assistance day next year to help residents with taxes for free. There will be information in The Pink Sheet as well. Mr. Stewart stated he hasn't seen the State of the Village letter yet. Mayor Schneider noted it will be mailed soon.


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