

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 15, 2019

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, October 15, 2019 at 6:00 p.m. in the Council Chambers at Village Hall.

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

Mayor Schneider introduced Dave Conley from The Illuminating Company/First Energy. Mr. Conley distributed a "Tips for Managing through a Power Outage" pamphlet and stated that it is important to report outages. Outages can be reported via the 1-888-LIGHTS number, mobile application, website or text. During large storms, First Energy responds to safety hazards first. Outages are then dealt with on a numbers basis so that areas with the greatest number of reported outages are restored first. The more people that report an outage will see a better response time. Their website also shows where outages are located with approximate times for restoration provided.

The minutes of the September 10, 2019 Council meeting were presented by the Clerk. It was moved by Councilmember Sogg that the September 10, 2019 minutes be approved. Councilmember Reynolds asked if updates would be provided on the Master Plan Selection Committee meeting of September 19 and if the Law Director has researched the Village's ability to require a registered architect for building plans. The answer was yes. Councilmember Reynolds seconded the motion to approve the September 10, 2019 minutes.

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

Pay Ordinance #1229 in the amount of \$339,922.48 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Whitney, that Pay Ordinance #1229 be approved.

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

Pay Ordinance #1230 in the amount of \$355,674.66 was presented by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that Pay Ordinance #1230 be approved.

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

Treasurer Tim Reynolds read his report. Village revenues are about even with last year's receipts. We have collected substantially all of our real estate taxes for the year. Municipal Income taxes are on budget, with approximately 23% of the budgeted amount yet to be collected. Operating departments are all operating at or below budget. Total fund balances stand at \$5,818,460 vs. \$6,107,924 at this time last year which is about \$100,000 better than budget expectations. Our Ancora account stands at \$4,718,033 including accrued interest. We anticipate \$94,733 in interest earned over the next 12 months. Councilmember Turner inquired about other revenue sources on the financial statement. It was noted the SRO money is included in other revenue. Councilmember AuWerter looked at 2016-2018 revenues to see if there are any trends. The Village may be \$250,000 to the better at year-end for revenues. Treasurer Reynolds stated the forecasted deficit would be lessened but not covered.

Mayor Schneider reported the Community Club's event is sold out for October 19. The Halloween Party is scheduled for Friday, October 25 from 6:00 – 8:00 p.m. She also noted she had positive feedback from residents regarding additional architectural meetings to assist the homeowner in getting approved. She reminded everyone that November 5 is election day.

The Clerk did not have a report.

Councilmember Turner advised that the Clean Ohio Grant had been submitted for the Gates Mills Land Conservancy. Nine million dollars has been requested by applicants with only three million dollars to be awarded. A decision may be received in January.

Councilmember Turner, on behalf of the Mayfield Schools Liaison Committee, announced a meeting for October 30 at 9:0 a.m. at Gates Mills Elementary. Superintendent, Dr. Keith Kelly and Treasurer Scott Snyder will be at the meeting to discuss the state of the schools.

Councilmember AuWerter reported on the activity of the Master Plan Selection Committee. The Committee met with three consulting groups on September 19. Proposals have been submitted by all three candidates and the Committee will meet on Monday, October 21 at 4:00 p.m. to discuss the options. The costs range from \$50,000 - \$70,000.

Councilmember AuWerter noted the Service Committee is not going to meet this fall. Paving will begin next week and work will take place 3-4 days.

Councilmember Frankel asked which consulting firms were being considered for the Master Plan. Councilmember AuWerter noted the Committee had reviewed several master plans and planning groups. They also had a speaker come out from North Olmsted to talk about the master plan process. The three groups being considered are CT Consultants, McKenna, and Planning Next.

Councilmember AuWerter, on behalf of the Gates Mills Improvement Society, has asked that councilmembers help write personal notes on letter to residents this holiday season.

Councilmember Welsh stated that he will be calling a Cemetery Committee meeting. He noted his spouse is getting many calls for plots. Finance Administrator Mulh noted there is a waiting list being kept at Village Hall.

Police Chief Minichello had provided a written report in the Council packet. He noted that a stolen automobile report was taken on Echo Glen last Thursday. The vehicle has been recovered and is being processed. Councilmember Frankel inquired about Narcan availability per officer. Chief Minichello stated there are two doses per pouch per officer. Chief Minichello reported the department received a \$1,000 bullet-proof vest grant for next year. He also noted the Chagrin Valley Dispatch fee will increase by \$700 for 2020. Treasurer Reynolds noted this is a ½% increase. Chief Minichello completed his report noting the Safety Committee will meet at 5:00 p.m. on October 21 and National Drug Takeback Day is October 26.

Service Director Biggert asked for any questions relating to his written report. Mayor Schneider announced the Village received money from ODOT for the Mayfield Road at Chagrin River Road traffic safety project. Engineer Chris Courtney stated the project is \$612,000 with 90% from the grant and 10% plus land preparation from Village funds. The project is slated for summer 2021; however, we are trying for summer 2020. Emergency pre-emption will be part of the signal function as well. Mayor Schneider thanked Service Director Biggert and Village Engineer Courtney for their work.

Service Director Biggert next discussed property at 1337 Chagrin River Road. It has been just about one year since the house fire on the property. A court summons has been served to the owner and resident. Thus far, they have not obeyed the order they were given to make repairs to the structure. Service Director Biggert has had several meetings with the resident, Steve Smith, but no work has been done. Law Director Todd Hunt stated the lienholders had to be found and given notice and a chance to appeal. The structure as it stands is uninhabitable. Councilmember Turner asked who is responsible for the cost of demolition. It was noted the Village will be responsible for the approximate \$20,000 cost but it will be placed on the tax duplicate as a lien on the property.

Fire Chief Robinson provided a written report in the Council packets. Of note was the storm on Friday, September 13. Sixteen of the twenty-eight calls were related to the storm that night. Assistant Fire Chief Tom Majeski, while responding to a call, was diverted onto Riverview Road where his vehicle was totaled by a falling tree. He was not injured fortunately. The pole and traffic signals at West Hill Drive and Mayfield Road were demolished in the storm. Signal Service was very quick in replacing the pole and equipment. The new fire engine is coming along. There will be an inspection of the engine during the first week of November. It will take four weeks from that time to get the truck. It will be driven to the Village from Illinois. Chief Robinson also noted some "Your 911" issues with mass notifications. Two-thirds of those requesting messages had been removed from the list. We met with the owner to discuss how to proceed. This Thursday at 10:17 a.m. there will be a mass notification for the earthquake shakeout drill that will serve as a test to see if the list has been rebuilt properly. Councilmember Frankel inquired about the liability or responsibility for Asst. Fire Chief Majeski's vehicle. It was noted that his personal insurance covered the vehicle and the Mayor had authorized reimbursing him for his \$500 deductible.

Ordinance No. 2019-28 “An Ordinance Amending Sections 1157.03 and 1157.031, ‘Accessory Uses in U1 Single-Family House District’, Both ‘New Standards’ and ‘Old Standards,’ of the Codified Ordinances of the Village of Gates Mills to Permit the Use of Pool Safety Covers to Prevent Uncontrolled Swimming Pool Access by Children” was kept on third reading by Councilmember Sogg. There will be a public hearing regarding the Ordinance at the November 12, 2019 Council meeting as the notice did not get published by The Plain Dealer in time for the October meeting.

Ordinance No. 2019-33 “An Ordinance Amending Division (A) of Section 792.081, ‘Credit for Tax Paid to Another Municipality’, of Chapter 792, ‘Earned Income Tax’, of the Village’s Taxation Code to Reduce the Credit to Village Taxpayers for Income Taxes Paid to Other Municipal Jurisdictions; and Declaring an Emergency” was introduced by Councilmember AuWerter.

Councilmember AuWerter distributed a handout. He noted revenues are pretty flat, while expenses are being maintained but some cannot be controlled. Capital expenditures vary from year to year. The inheritance tax is gone and was the source of capital improvements. The Village will continue to see larger deficits. He said the rule of thumb is to keep cash reserves equal to one year of expenses and we are below that now. He distributed a second handout showing a community comparison of income tax and credit rates. Councilman Frankel inquired about what other alternatives there are. Councilmember Sogg pointed out that since the Long Range Planning done in 2016, the Village has improved its revenue through the violations bureau and investments. Councilmember Frankel mentioned millage as an option or looking for other ideas. Councilmember AuWerter noted the Master Plan may entail changing zoning, but those types of changes could take ten years or more to develop. Mayor Schneider recalled that many ideas came out of Long Range Planning, but many were not viable. Councilman Frankel stated there may still be other ways to go about this. Councilmember Whitney voiced concerns regarding the process of bringing an item such as this Ordinance to Council. The Finance Committee should have considered it first. There was no lead up to this and it is better to have the discussions first rather than after an Ordinance has been put on the agenda. There are philosophical and financial decisions here that warrant a more thorough process. Councilmember AuWerter stated this Council approved a budget with a \$500,000 deficit and now we have a dilemma. It was last minute, but it was needed. He stated this Council has not done anything about this. Councilmember Whitney responded that the numbers have not changed much and is comfortable with the financial oversight. Councilmember AuWerter said he is not. Treasurer Reynolds stated he wants the budget to reflect what we need and does not want to take away from that thoughtlessly. He added that we took an oath to protect the safety and welfare of the citizens and the process should do that. Councilmember Reynolds mentioned there is no mismanagement or misuse of funds, no commercial income, and no more inheritance tax. We have to communicate with residents and they need to see the comparables in making a very tough decision. Councilmember Sogg noted that the legislation does not raise the income tax rate, but people will pay more taxes. Councilmember Reynolds stated that everyone needs to be on board. The legislation is alerting Council that it is time to decide on this. It is worth deliberating, even if there isn’t a vote on it. Treasurer Reynolds, to Councilmember Frankel’s point, stated it is almost impossible to find an idea other than property or income tax. He continued by stating that we, as a Village and Council and departments are doing a

remarkable job keeping costs down and keeping lean, as there is not a lot of fluff in the budget. In fact, the knife would hit bone. The deficits are going to continue until a structural change is made. Councilmember Sogg stated Council should preserve the ability to do this by keeping on the agenda, so that we can act responsibly. Councilmember Turner noted she was taken aback seeing the legislation in the packet, but this did seem like a viable option after the last Long Range Planning sessions. She agreed the process could have been better. Councilmember Whitney stated she sat through the Long Range Planning meetings and this is about the process. She conveyed that she does not like Council packets to have surprises and doesn't like to have them around the table either. Councilmember Frankel stated he was blindsided as well and wants there to be involvement and discussion. Councilmember Frankel moved to table Ordinance No. 2019-33. With no second to the motion, the Ordinance remains on first reading.

Ordinance No. 2019-34 "An Ordinance Authorizing the Disposal by Sale of Equipment that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency" was introduced by Councilmember AuWerter. Councilmember AuWerter stated the Gradall was purchased used for \$4,000.00 and we have a buyer willing to pay \$2,000.00 for it.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2019-34 be placed upon its final passage. Councilmember Reynolds 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 AuWerter, seconded by Councilmember Welsh, that Ordinance No. 2019-34 be approved.

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

Business from the audience:

Brent Stewart stated the income tax legislation is a 50% increase in income tax to residents, which is a lot of money. Everyone in the Village uses roads and there should be a better way to go about funding them. Council should communicate and get input from the public and think about the repercussions of passing this legislation. Councilmember Reynolds asked what he recommends. Mr. Stewart suggested using The Pink Sheet and having a meeting at the Community House for discussions. Mayor Schneider could hold a Town Hall meeting.

David Atton agreed with Mr. Stewart.

Celeste McClung would like to see where the money is going and how it is spent.

Sharon Bodkar said a brainstorming session could yield phenomenal results. The last Finance Committee meeting was December 2018. They should meet more. The Village should put the Master Plan on hold until they tackle this issue. Council should set priorities for the Village.

David Atton agreed with Ms. Bodkar.

Ann Stewart stated she loves living in the Village. If there is a problem, bring it to the people so that they can help and feel part of something.

Mayor Schneider will look into a meeting. Councilmember AuWerter's handouts can be used to start a discussion. A possible date for a meeting is Monday, November 11. Treasurer Reynolds can write a factual letter for The Pink Sheet.

Councilmember Reynolds moved to enter into an executive session to consider the sale of property at competitive bidding. Councilmember AuWerter seconded the motion.

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

Council meeting reconvened at 8:17 p.m.

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