

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 8, 2021

After pushing the new fire engine into the fire station, a regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, June 8, 2021 at 6:00 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

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

Also present were Chief Minichello, Chief Robinson, Finance Administrator Mulh, Clerk DeCapite, Treasurer Reynolds, Village Engineer Courtney, Law Director Hunt, and Julie Hullett from the Chagrin Valley Times.

The minutes of the May 11, 2021 Council meeting were presented by the Clerk. Councilmember Sogg moved to approve the May 11, 2021 minutes. Councilmember Reynolds seconded the motion.

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

The minutes of the May 27, 2021 Special Council meeting were presented by the Clerk. Councilmember Sogg moved to approve the May 27, 2021 minutes. Councilmember Frankel seconded the motion.

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

Pay Ordinance #1250 in the amount of \$453,767.79 was presented by the Clerk. It was moved by Councilmember Welsh to approve Pay Ordinance #1250. Councilmember Whitney seconded the motion to approve Pay Ordinance #1250.

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

Treasurer Reynolds read his report for the month of May, which is attached.

Mayor Schneider gave her report. She noted a ceremony was held by the Gates Mills Improvement Society to honor the Langmack family for all their time spent in volunteering for Village events. She read a thank you note from Clark Langmack.

Mayor Schneider stated she had submitted a proclamation on Sunday to open garden week. The Pink Sheet has information regarding the events taking place.

The First Energy representative will be attending the July Council meeting to provide an update on electric issues in the Village. She also noted The Nature Camp opened this week. The American Rescue Plan and funding information has been coming out. The Mayors' Association will do a synopsis of the information in the very near future.

Councilmember Ann Whitney announced that she will not be running for Council in November. She thanked Council and the Department Heads for their assistance and cooperation during her terms of office. While not running again, she wants the Village to remain a vibrant and beautiful community.

Clerk DeCapite had no report.

Councilmember AuWerter reported that the Village currently has one cell tower on Carpenter Road. We own the land and lease it to American Tower. With contract extensions, the contract runs through 2038 and American Tower wishes to lease for another 40 years. If the Village lets the lease run out, American Tower would have the right to tear down the tower. In our Village, there would be no other spot for them to put another tower up. Verizon, AT&T, and Sprint are on the tower currently. If we were to tussle with American Tower, we would build a new tower and have the carriers on our tower. More than likely, American Tower would abandon the tower and we would buy it for \$1. Law Director Hunt would like to review the current lease. Finance Administrator Mulh inquired about income forecasts going forward with three, 5-year renewals. Councilmember AuWerter will get the information to Mrs. Mulh.

Councilmember AuWerter stated the Long Range Planning Committee's work resulted in a desire to review professional services used by the Village. He is starting with the Village Engineer function. An Ad Hoc Committee has been put together which includes Councilmembers AuWerter and Frankel, Treasurer Tim Reynolds, Tony Panzica, Mark Saltzman and Service Director Biggert. The Committee will meet and discuss the Village Engineer function and ask 4 firms to make presentations. The current Village Engineer, C. W. Courtney, will present last. It is Councilmember AuWerter's hope to make a recommendation to Council at its September meeting.

Councilmember AuWerter, on behalf of the Recreation Committee, noted that Clark Langmack is handling tennis events, Jane Mitchell and Mr. Langmack are handling Pickleball events and bocce ball continues to be a struggle as far as forming a league. Councilmember AuWerter would like to have a tournament with Councilmembers, the Service Department, the Police Department and the Fire Department in July.

Councilmember Frankel asked Councilmember AuWerter if he had communicated with CT Consultants about moving forward with the Master Plan. Councilmember AuWerter noted he has exchanged messages with them and will follow up.

Councilmember Sogg, on behalf of the Planning and Zoning Commission, noted a controversial matter involving the construction of a pickleball court, without a permit, near the Sherman Road Preserve property line. She wants to alert residents about the permitting process, as the Village has had structures removed in the past that were not approved or permitted. It was

suggested to put information in The Pink Sheet; such as a list of projects and structures needing permits. Councilmember Turner will look at options for Positively Gates Mills to get information out to new homeowners.

Councilmember Sogg stated she would like to have Nick DiCicco from Chagrin Valley Dispatch attend a Council meeting. Councilmember AuWerter noted there isn't an update on the committee that is to meet regarding dispatch costs. The committee will likely kickoff in September. He met with John Finley, Chagrin Falls Township Trustee, who is heading the committee. Councilmember Sogg asked if Mr. DiCicco should meet with us first. Mayor Schneider replied he could come in August, but may not be ready yet. Councilmember AuWerter noted Chagrin Valley Dispatch has an incredibly lean staff and the main thing is for the committee to meet. Councilmember Sogg noted that while fees have gone up, the Village is still in a good position with lower increases than many others. The proposed committee would look at alternative ways for charging the communities using the dispatch center.

Councilmember Welsh announced that Rite Aid will come to the Summer Band Concert to administer the Pfizer COVID-19 shot for those aged 12 years and over. The second shot can be given at Rite Aid or by setting up a day at the Community House.

Chief Minichello provided his report. Councilmember AuWerter asked if the Tesla would be in the parade. The Chief responded that it will. Councilmember Welsh noted the Flock Safety cameras are already paying off. Chief Minichello agreed that the cameras have been helpful in a few cases already. He also confirmed that the speed awareness equipment was in the budget for this year. Chief Minichello thanked Councilmembers Reynolds and Whitney for their support over the years.

For the Service Department report, Councilmember Sogg noted the hazardous waste dropoff event continues to be successful. Councilmember Frankel asked Village Engineer Courtney to discuss the runoff from the paddock discussed at the Planning and Zoning meeting. Mr. Courtney noted he and Service Director Biggert had reviewed the issue and communicated with the applicant. Councilmember Sogg inquired if the new home on County Line Road is part of the Perrino lots. Mayor Schneider responded that it is not.

Chief Robinson provided his report and noted May was a standard month for the Fire Department. He thanked Councilmembers Reynolds and Whitney for their years of support for the Fire Department and for being open-minded, working together and listening. They will be truly missed by Chief Robinson and the department.

Councilmember Sogg moved to advertise a public hearing for Tuesday, July 13, 2021 at 5:55 p.m. to hear comments on the 2022 Tax Budget. Councilmember AuWerter seconded the motion.

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

Ordinance No. 2021-18 “An Ordinance Providing for the Submission to the Electors of the Village of Gates Mills A Proposed Amendment to the Charter of the Village of Gates Mills to Renew for a Period of Five Years the Existing One Mill Tax Levy for the Public Purpose of Conserving, Retaining, Protecting and Preserving Land, Water, Forest, Open, Natural or Wetland Areas in this Municipality Predominantly in Their Natural, Scenic, Open or Wooded Condition or as Suitable Habitat for Fish, Plants or Wildlife, Including the Acquisition of Such Real Property or Interests Therein as may be Necessary to Carry Out that Purpose; and Declaring an Emergency” was read by Councilmember Turner. The Ordinance was put on first reading. Law Director Hunt explained “declaring an emergency” versus the three reading rule when Councilmember Turner asked to drop the “declaring an emergency” language. When an Ordinance is passed “declaring an emergency” it goes into effect immediately instead of 30 days after passage. Suspending the rules allows Council to pass legislation prior to three readings. Councilmember Turner noted an incorrect date on page 1 of the ordinance, but Finance Administrator Mulh responded the date refers to the last time the legislation was passed and was correct.

Councilmember Turner discussed the changing mission of the conservancy and what a possible agreement would look like going forward. Council had received proposed agreement items yesterday, via email, from Councilmember Turner. The proposal is for 60% of the funds to stay with the Village and 40% to be distributed to the Gates Mills Land Conservancy (GMLC). GMLC had a Board meeting this morning and wants a 50-50 split of the funds. With a more collaborative relationship going forward, GMLC would come back to the Village prior to acquiring additional land. Councilmember Frankel inquired about the emergency clause in the Ordinance. Finance Administrator Mulh reiterated Law Director Hunt’s explanation and noted the emergency clause allows the Ordinance to go into effect immediately. Councilmember AuWerter noted in the past, the levy would get approved by the voters and then the agreement would be done months later. GMLC wants the agreement to be decided upon now, prior to the levy going onto the ballot. Councilmember Sogg stated that Council has not passed the Ordinance and we don’t know that it will pass. Law Director Hunt noted the agreement would be contingent upon the levy passing. Councilmember Turner advised the Village has used its portion of the one mill tax levy to pay for the Chagrin River Watershed Partners dues and the Hayes property purchase. These expenses have been budgeted or come before Council. Councilmember Sogg asked if the GMLC has discussed fundraising efforts further. There will be more endowment-type expenses now than in the past. Treasurer Reynolds noted it is an interesting proposal to look at the difference in a 60-40 split and it could help GMLC to be incented to fundraise. Councilmember Whitney stated, in her experience with GMLC, the Trustees work very hard. People like to donate for a specific cause. The Trustees have a lot of outreach and hold an annual dinner with a speaker. The 50-50 split makes sense for both Villagers and the GMLC. Councilmember Reynolds stated she does not want the GMLC to lose the levy by not liking the package. The 35th anniversary of the GMLC is coming up in two years and that could be a time to do a big fundraiser. Mayor Schneider added the GMLC has been positive for the Village. We would like to embrace this in a positive manner and move forward in a collaborative way.

Councilmember Turner added the GMLC owns 27 properties and has easements on 24.

Volunteers manage and review those properties. If anything happens to the GMLC, responsibility will fall on the Village. Councilmember Sogg asked if Villagers want to support the continuation of the levy for the purposes set forth. They want us to explore every possible avenue and want to know how their tax dollars are being spent. Councilmember AuWerter stated he struggles with the 40 or 50 percent to the GMLC. The levy has had a lot of support from the voters, but we also know we have a lot of conserved property in the Village. Ten percent is \$100,000 over 5 years. He stated \$400,000 is a lot of money and he doesn't see how they need that much more. He is not comfortable with 50% at this point. He believes their numbers say they will have \$500,000 at the end of the year and they need \$200,000 more to get them to an endowment point to sustain their finances. If they need another \$200,000, he would like to make sure the last bullet point on the GMLC uses is clarified (document attached). The other point to communicate is that this gives the Village some funds to spend on items that would be helpful to the General Fund. Councilmember AuWerter asked about the bridle trail system listed on the agreement. He doesn't know that we want to promote those things that may not be realistic. Councilmember Sogg added that the GMLC has neighboring property owners that have complained about the lack of clean-up done on the properties such as fallen trees. There should also be more possibilities for residents to access the properties.

Mayor Schneider had received emails from Michael Press. He agreed that transparency is of utmost concern. He thinks that some of the things in the agreement need to be changed and the GMLC represents themselves as an independent body. He was also concerned with language that either party may terminate with 6 months' notice. Councilmember Turner will report back to the GMLC.

Ordinance No. 2021-19 "An Ordinance Establishing a Special Fund to be Designated as the 'Local Fiscal Recovery Fund'; and Declaring an Emergency" 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. 2021-19 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 Welsh, that Ordinance No. 2021-19 be approved.

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

Resolution No. 2021-20 "A Resolution Awarding a Contract for the Repair and Resurfacing of Various Public Roads in 2021; and Declaring an Emergency" was read by Councilmember AuWerter.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2021-20 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember AuWerter noted the bids came in and were reviewed by Village Engineer Courtney. Some alterations were made to the work to be done on Riverview, which saves the Village \$100,000. The Resolution is to not exceed \$785,000. Cuyahoga County has approved \$129,000 in reimbursement for materials this year and we are expecting \$91,000 from the County for 2020 material reimbursement.

It was moved by Councilmember AuWerter, seconded by Councilmember Sogg, that Resolution No. 2021-20 be approved.

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

Chief Robinson stated there were 15 people viewing the meeting. He answered one person's question online, regarding contractor registration, by referring them to Dave Biggert.

Mayor Schneider stated that executive sessions are private and that is a breach of trust to talk about the details outside of Council. Law Director Hunt added it is a violation of the ethics rules to divulge what is discussed in executive session. The July Council meeting will be in person at the Community House and will be recorded and posted for viewing.

Councilmember Reynolds moved to enter an Executive Session to consider the appointment of a public official. Councilmember AuWerter seconded the motion.

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

The meeting reconvened at 7:45 p.m.

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

A handwritten signature in blue ink that reads "Janet Mulh". The signature is written in a cursive style with a large initial "J".

~~Beth DeCapite, Clerk~~

Janet Mulh, Clerk Pro Tem

Approved:

A handwritten signature in blue ink that reads "Karen E. Schneider". The signature is written in a cursive style with a large initial "K".

Karen E. Schneider, Mayor

Village of Gates Mills

Treasurer's Report

Month Ended May 31, 2021

Revenues for the month totaled \$274,565. Expenses for the month totaled \$380,184 producing a deficit for the month of \$105,187. The primary contributor to this month's deficit was Fire Department CapEx totaling \$69,437 for budgeted purchases of new radios and air pack upgrades. No transfers were made to other funds this month. All operating departments are at or below budget for the year.

Our All Funds Balance stands at \$8,678,956. As of April 30, our Ancora investment account totals \$7,611,521.54 including accrued interest. As indicated last month, we maintain about \$1,000,000 in operating funds and move the remainder to our investment account.

AGREEMENT

Between the Village of Gates Mills (Village) and the Gates Mills Land Conservancy (GMLC) taking effect on January 1, 2022.

The Village shall provide to the Land Conservancy forty percent (40%) of the funds it receives from the 1- mil Charter amendment levy approved by voters at the November 2, 2021 election. The Village shall retain the remaining sixty (60%) of the funds it receives from the 1 - mil Charter amendment levy approved by voters at the November 2, 2021 election.

The Village agrees that levy funds may be used by the GMLC for:

- The defense and enforcement of Conservation Easements and of Deed Restrictions it holds and for the protection and stewardship of its properties
- The acquisition of land, subject to advance coordination with the Village Council
- Retention by the GMLC in order to endow it with sufficient financial resources to reasonably fulfill its long-term stewardship obligations

The Village shall use its levy funds for conservation-related programs including but not limited to the following purposes:

- Conservation education such as mandatory Phase 2 public information and public education programs targeted as improving storm water quality
- Natural repairs of failed channels, stream bank restoration, and wetland/floodplain restoration
- Tree re-planting programs, including possibly re-establishing insect-resistant chestnut trees in the Village
- Restoration and maintenance of the former horse bridle trail system in the Village where feasible
- Replanting and other natural components of hillside restorations
- The acquisition of land, the protection of natural habitat connected with conservation development projects, and the preservation of Village-owned property in coordination with the GMLC.