

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
July 10, 2012

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, July 10, 2012 at 6:30 P.M. in the Village Hall following the public hearing on a Building Code change concerning the review procedure for a Demolition Permit for a building or structure in a non-historical area.

Councilmembers present: Barnes, Bletcher, Reynolds, Schneider, Turner, Welsh.

Councilmembers absent: Sogg.

Mayor Riley presided.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that Councilmember Sogg be excused from the meeting.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Turner, Welsh.
Nays: None.
Motion carried.

Councilmember Sogg entered the meeting at this point.

Thomas Quintrell of the Chagrin River Watershed Partners passed out a list of their members and trustees. Ann Brennan, Executive Director of the Chagrin River Watershed Partners, distributed a summary of some of the services the organization provided Gates Mills, along with an annual report booklet. She said the membership list has expanded to 37 communities, park districts, and counties within the Chagrin River watershed, which represents 99% of the watershed. They work with communities with projects like bio retention. They helped Village Engineer Chris Courtney obtain a grant application for the Village's rain garden. They also assist the Gates Mills Land Conservancy. She said if any residents are having a problem with stormwater, flooding, or erosion issues, the Partners will work with the property owners one-on-one. They will give suggestions and will offer opportunities to bring funding to fix the problems.

Councilmember Bletcher asked if a homeowner has an issue with stormwater run off that involves their personal property which is beyond the scope of what the Village can do, would the Partners offer them someone to consult with them. Ann Brennan answered "absolutely".

Councilmember Welsh asked if the Partners could help replace the dam. She said they could not because of the regulatory environment to go through the process. They have looked at the erosion that may be happening due to the water level. They could help with out with any problem that may occur due to that issue. They are lowering the dam in Chagrin Falls to meet dam safety requirements.

Councilmember Sogg asked if the Partners could help get the large pieces of residue from the dam out of the river. Ann Brennan said they could if there is an interest. Councilmember Sogg said we would be interested. Village Engineer Chris Courtney said he and Service Director Biggert are

looking at a \$50,000 grant to help clean up the river to make it safe. Public information about how dams can be a hazard would then be distributed. Engineer Courtney said the Partners helped the Village's EPA audit.

The minutes of the meeting of June 11, 2012 were presented by the Clerk. It was moved by Councilmember Turner, seconded by Councilmember Bletcher, that the minutes be approved.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Pay Ordinance #1143 in the amount of \$467,647.64 was presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Bletcher, that Pay Ordinance #1143 be approved.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

The financial statement for the period ending June 30, 2012 was presented by the Clerk. Councilmember Barnes pointed out that comparing this year to last year the operating surplus is almost the same.

Mayor Riley reported that the Civil War re-enactment was cancelled due to the heat. A number of the re-enactors had cancelled. He doesn't know if it will be rescheduled.

Mayor Riley said he has met with Howard Hanna about the number of real estate signs in the Village. There are 61 homes for sale. He would like suggestions about the signs. Councilmember Bletcher said we could enforce the existing ordinance that limits the length of time the sign can be up. Mayor Riley said the challenge is administrative burden of tracking it. And the Realtors and home owners complain. He feels having several signs on one property is not beneficial. Councilmember Schneider said the number of signs is one thing she gets several complaints about.

The Clerk had no report for June. Councilmember Turner asked for an update of the status of the Clerk's office back-up and recovery system. Finance Administrator said the equipment was installed. There are a couple more things to work through. Clerk DeCapite said we went through the company she had suggested. The opinion of a few knowledgeable Gates Mills' residents confirmed what we were looking at was reasonable. Councilmember Bletcher asked how much it cost. Finance Administrator Lechman said it was about \$3500. He said it was less than the \$6000 that was estimated. Clerk DeCapite said the \$6000 included the monthly maintenance. Finance Administrator Lechman said the monthly charge was \$100. Councilmember Bletcher asked if the monthly fee was instead of taking a disc home every night. Clerk DeCapite said the back-up is more than what is on the disc. Councilmember Welsh recommended continuing taking home a disc. Finance Administrator said the back-up will be stored in Akron.

Councilmember Schneider reported that at the last Positively Gates Mills Committee meeting, it was reported that the *Cleveland Magazine* issue that rated the suburbs included only communities with a population of 3000 or more. Therefore, Hunting Valley and Gates Mills were not

included. Councilmember Bletcher asked if we could be reconsidered next year. Councilmember Schneider said we can ask. Councilmember Bletcher agreed we should ask. Finance Administrator Lechman said an article in the Chagrin Valley Times written by Barbara Christian addressed how some of the ratings were difficult to make and were not necessarily what she considered important. One was how many feet of sidewalk there was in the community. Finance Administrator Lechman said she would copy the article and distribute it to Council. Councilmember Turner said it's a double edge sword. Some of the questions they ask will not reflect positively on Gates Mills; not being mentioned is not good either. Councilmember Schneider said at least it should have been mentioned that only suburbs with 3000 or more residents were included. She suggested we email the magazine with our comments.

Councilmember Schneider said the Planning and Zoning Committee met and are not recommending selling the Glenwood lot.

Councilmember Bletcher had no report for the Safety Committee.

Councilmember Welsh said three years ago Finance Administrator Lechman talked to Hunting Valley about EMS and was told they are very happy with their services from Chagrin Falls. He asked if Gates Mills' Safety Committee could talk to Hunting Valley's Safety Committee about it. He said Hunting Valley was interested in looking at something with us. He felt that when Finance Administrator Lechman talked to them they weren't going to say they were unhappy. They might want to do something in the future with us. Councilmember Reynolds asked the Mayor is he would approve of a meeting with Hunting Valley's Safety Committee. The Mayor said that it would be fine. Councilmember Reynolds said that she and Councilmember Bletcher will extend an invitation.

Police Chief Szeredy presented a written report for the Police Department for the preceding period. There was a credit card fraud which was turned over to a Federal agent because all the activity was out of state. There were two theft cases. One was a breaking and entering at the Library. Another theft was theft by a housekeeper/personal assistant. The new police vehicle has arrived.

Councilmember Sogg asked if there has been an increase in the number of tickets due to the closing of Mayfield Road. Chief Szeredy said they are trying for voluntary compliance and trying to get drivers to use other routes. Councilmember Sogg said there is a steady stream speeding down Gates Mills Boulevard into the Village. Chief Szeredy said the worst area right now is the bottle neck on Wilson Mills Road. If a police officer were put on River Road there would be a different set of problems. He feels during the next few days, people will realize there is another way to go and will use alternate routes. If not, the subject will be revisited. Councilmember Welsh asked if there was a truck route through the Village. Chief Szeredy said the truck routes are Route 6 and Route 87. They will be cited and turned around if they use Village streets. Councilmember Reynolds said people are using Old Mill in lieu of Mayfield. They are speeding through the Village. Chief Szeredy said they will be monitoring.

Councilmember Welsh asked if passing is allowed on Gates Mills Boulevard. Chief Szeredy said it is a single lane road. Councilmember Welsh asked if it was being enforced. Chief Szeredy said it has been a habit for a long time. Councilmember Schneider said that is why there are not lines.

Councilmember Barnes asked how far east Mayfield Road was closed. Chief Szeredy said County Line Road. Councilmember Schneider asked if there were complaints from Mayfield Village. Chief Szeredy said there have been. He and Mayfield Village Chief are trying to create a reasonable solution. Chief Szeredy pointed out that Rogers Road is open again.

Service Director Biggert submitted a written report for his department for the preceding period. Councilmember Turner said the paving of Wilson Mills looks great. She asked what portion of the project the Village will pay. Service Director Biggert said originally the plan was to repair only the bad spots and it was going to be paid 100% by ODOT. The Village is responsible for the material and the truck used for work beyond that. Village Engineer Courtney said the cost of the additional work will be about \$3600. Mayfield Village will also have a portion to pay.

Councilmember Bletcher said he hears from people that there is a lot of east bound traffic on Wilson Mills Road. East of where the repair was done where the concrete barrier is on the right, people drive left of center. The barrier seems to intimidate them and they try to keep away from it. When we start paving there we should look if anything can be done in conjunction with the paving that can encourage people to stay in their own lane. Service Director Biggert said Chief Szeredy and he have met and discussed the issue. "Stay in your lane" signs were put up. They will rethink it to see if any other options are available. Mayor Riley suggested rumble strips in the center. Councilmember Bletcher said you can tell people are crossing the yellow line because the stripes are worn out. Councilmember Schneider asked if there was any way to soften the barrier so it isn't so intimidating. Service Director Biggert said he will look at it. Village Engineer Courtney said possibly the north side curve could be pushed further north providing a wider range for the East bound lane. However, this involves widening the pavement to the north. Service Director Biggert said the hydrant is on that side. Councilmember Schneider said this would be better than having an accident. Councilmember Bletcher asked if there were some accidents in the vicinity where the paving was done. Chief Szeredy said there was.

Fire Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Barnes asked why the bomb squad was at the dump site. Chief Robinson said a device was found in Mayfield Heights which had to be detonated. They brought it to the old dump, our employees dug a pit, and the bomb squad detonated it. The Village's department stands by during this procedure. Councilmember Barnes asked if Mayfield Heights found it. Mayor Riley said yes. Councilmember Schneider said Mayfield Heights is part of the six-community SPAN. Councilmember Bletcher asked if Mayfield Village has ever brought a bomb to the Village. He has ideas about what we can charge them. We are trying to collaborate with our neighboring villages and they have ideas about what they should charge us and it is important for them to understand that we help them in a variety of ways that may not be dollarizable.

Councilmember Schneider reported that at 6:15 tonight there was a Public Hearing on the Building Code provisions for procedures for a demolition permit in areas other than Historic Districts and Historic Landmarks. She said no one attended. There have been corrections made since it was presented at the last Council meeting.

It was moved by Councilmember Schneider, seconded by Councilmember Welsh, to amend Resolution #2012-19.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
 Nays: None.
 Motion carried.

Councilmember Bletcher suggested that this be the second reading so everything is not an emergency. Resolution #2012-19 entitled “An Ordinance Enacting Section 1313.081 Entitled ‘Review Procedure For Demolition Permit In All Areas Other Than Historic Districts And/Or Historic Landmarks; Exclusions’ And Section 1313.082 Entitled ‘Planning And Zoning Commission Review Of Applications For Demolition Of Buildings Or Structures’”, was introduced by Councilmember Schneider and given its second reading by the Clerk.

Resolution #2012-20 entitled “An Ordinance Amending Section 1315.12 Of The Building And Housing Code Providing For Hours Of Construction On Holidays And Declaring An Emergency,” was introduced by Councilmember Schneider and read by the Clerk. Mayor Riley said he received a call from a resident alleging that on July 4th at 7:30 a.m. the neighbor’s construction site was well underway. In the Ordinances there are restrictions on Sunday but not on Holidays. Councilmember Reynolds asked if the Ordinance was just for Sunday and why not Saturday and Sunday. Mayor Riley said Saturday is treated as a work day. Councilmember Schneider asked if it controls the hours on Sunday or Holidays. Mayor Riley said it does not ban, just controls. Law Director Riehl said that it is for National holidays. Councilmember Bletcher asked how it covers emergencies such as a tree falling on somebody’s house. Law Director said that would fall under the discretion of the Building Inspector. Councilmember Schneider said that would be something you would just go ahead and take care of. Law Director Riehl said the ordinance deals with the actual issuance of the permit. As a condition of issuance of the permit, the Building Inspector shall require compliance with the construction hours. There probably won’t be emergency situations on this. Councilmember Bletcher asked if lawn mowing was exempt. Mayor Riley said lawn mowing would probably be under the noise ordinance. Law Director Riehl suggested putting the ordinance on first reading. If it is passed next month as an emergency ordinance it will be in effect by Labor Day. It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that Ordinance #2012-20 be placed upon first reading.

It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the Clerk be authorized to advertise for bids to sell a police vehicle no longer needed by the Police Department.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
 Nays: None.
 Motion carried.

Mayor Riley asked when the bids would be received. Finance Administrator Lechman said they will be ready by the next Council meeting.

Resolution #2012-21 entitled “A Resolution Authorizing The Village Of Gates Mills To Continue To Participate In The Hillcrest Regional Fire Investigation Strike Force And Declaring An Emergency,” was introduced by Councilmember Reynolds and read by the Clerk. Councilmember Reynolds explained the agreement is a revision and update of our current contract between nine neighboring municipalities for our regional fire investigation unit as recommended by Fire Chief Tom Robinson. The new contract would allow for the capability to consider a capital

improvement request without having to rewrite the contract each time for each municipality. The major change in the contract is that currently Gates Mills pays \$500 into this fund. This agreement allows Gates Mills to approve up to \$1500 for capital improvements. Any capital improvement project request would only be forwarded if all nine fire chiefs endorsed the project. The Law Director of Lyndhurst drafted the document. At present all nine fire chiefs endorse the new language. The old agreement is about ten years old. The value of this agreement is not only in updated language, and conformity to the law, but is also a good example of regional initiative. It was moved by Councilmember Reynolds, ~~seconded by Councilmember Reynolds~~, that Ordinance #2012-21 be placed upon first reading.

Resolution #2012-22 entitled “An Ordinance Establishing A Civil Infraction Penalty For Riding Bicycles Across The Walking Bridge And Declaring An Emergency,” was introduced by Councilmember Bletcher and read by the Clerk. Councilmember Bletcher asked if there have been any complaints about the walking bridge since the Old Mill Bridge opened. Mayor Riley and Police Chief Szeredy said not to their knowledge. His memory was that there were some reservations about passing the restrictions. But as long as the bridge was out, we had to make sure that we didn’t have the problem of bicyclist riding across the walking bridge. He wondered, now that the bridge is open, if the problem goes away by itself. He asked if this law is needed to solve a problem that doesn’t exist. Mayor Riley said there are currently signs on the walking bridge that prohibit bicycle riding on the walking bridge. Without the \$100 penalty sign there is no way to enforce that restriction. Councilmember Bletcher asked if anyone was cited. Chief Szeredy said no tickets were written but some people were given a warning. Councilmember Schneider asked if he wanted to leave the signs up so the offenders can be warned. Chief Szeredy said if the signs are left up, there should to be a law to back them. Councilmember Turner said she does not support this Ordinance. When the signs were put up they were to solve a temporary problem. It is an example of how government just grows. It is her preference to take down the signs and forget the ordinance. Councilmember Schneider suggested that the ordinance signs be removed and the issue be revisited if there is a problem. It was moved by Councilmember Schneider, seconded by Councilmember Reynolds that Ordinance 2012-22 be tabled indefinitely.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2012-23 entitled “An Ordinance Enacting Section 306.08 Of The Traffic Code Creating Bicycle Lanes In Gates Mills Boulevard, Eastbound And Westbound,” was introduced by Councilmember Bletcher and read by the Clerk. Mayor Riley said resident Randy Huff asked about putting a bicycle path on Gates Mills Boulevard. Since it is one lane it has a certain attraction. It has been estimated to cost between \$3000 and \$5000 to stripe it. Village Engineer Courtney said a path is six feet wide. There are markings along the length stating it is a bicycle path. Mayor Riley said signs would also be an expense. Councilmember Sogg asked why this would be done. Councilmember Barnes asked about other roads. Mayor Riley said we can’t put bicycle paths on any other roads. Councilmember Schneider said we have lived without it. Councilmember Welsh said in the past someone wanted to put bicycle paths all through the Village with the hope of getting Federal and State money.

Councilmember Reynolds said on Gates Mills Boulevard bicyclists do not ride in single file. Joggers have absolutely no intention of moving from the pavement onto the grass when you are

oncoming to them. It's getting out of control as to who is going to yield - the car, bicycle, or the jogger. We need to educate the residents as to who has the right of way. Councilmember Schneider said the biggest problem is that most people think of it as a two lane highway, not a single lane. Councilmember Welsh said once the road is in Mayfield Heights it is two lanes and there are no signs. Service Director Biggert said there is a sign that says one way, single lane. Councilmember Schneider recommended that there be no bicycle lane on Gates Mills Boulevard. It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that Ordinance 2012-23 be tabled indefinitely.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Councilmember Turner asked if bicycles have the same rights as a car. Chief Szeredy said both bicycles and pedestrians have the same rights as a car. If you have a bicycle path the cyclists could ride more than single file. Village Engineer Courtney said that industry is getting away from designated bicycle lanes to pavements that are bicycle friendly. Instead of two lanes 13 feet wide going in one direction, there would be a 15 foot and an 11 foot. This also helps avoid cinders and trash on the path. Councilmember Schneider asked if there was a way to prohibit bicycles on Chagrin River Road from a width standpoint. It is dangerous. Chief Szeredy said there was not. She said they ride two and three abreast and do not move even if you beep your horn.

Resolution #2012-24 entitled "An Ordinance Amending Section 791.07 Of The Income Tax Code Pertaining To Exemption Certificates," was introduced by Councilmember Barnes and read by the Clerk. Finance Administrator Lechman explained that a resident did not see in the Village's ordinances where Gates Mills is an "everyone must file" community. This change to the code states the fact clearly and is in the ordinance where it can be readily found. It was moved by Councilmember Turner, seconded by Councilmember Barnes, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2012-24 be placed upon its final passage.

Councilmember Bletcher asked how residents are aware of this. Finance Administrator Lechman said Central Collection Agency (CCA) matches residents to Federal Tax returns filed using a Gates Mills address. She explained we don't want to spend time and money verifying if the resident is exempt or avoiding payment. Councilmember Bletcher confirmed that it was a convenience for the Village.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Turner, that Resolution #2012-24 be approved.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Councilmember Schneider asked about businesses in people's homes. She thinks the Village is missing taxes by not knowing about some businesses being run out of the house. Finance Administrator Lechman said if they show up on a Federal return we'll know. Councilmember Bletcher suggested this be put in the Pink Sheet. If you are talking about a resident's employee, secretary or personal assistant, they should be paying taxes. If they aren't, you can just remind them.

Business from the audience:

MaryAnn Kish asked about the traffic on Wilson Mills. Is there a possibility of putting temporary traffic light that would control the traffic better than a four-way stop? Councilmember Bletcher asked the last time this happened if there were requests for Auxiliary Officers during the busiest time of day. We didn't do it but there were a lot of people that felt we should have. Law Director Riehl said that the Mayfield Village Chief had some cruisers out that were coordinating the lights at Route 271 and SOM Center, trying to move traffic through. Village Engineer Courtney said if police presence is needed, the contractor has agreed to pay for the officer. Councilmember Bletcher suggested looking at the issue in a couple of days to see if it slows down. Mayor Riley said the consensus is that by Monday the traffic will be down. If it is, we won't spend the money.

MaryAnn Kish said she called ODOT and was told that during rush hour there would be a policeman down Wilson Mills and up on Brigham and County Line Roads. Also, MaryAnn wanted to know if ODOT will reimburse for the wear and tear on Brigham Road. Councilmember Bletcher said in light of what Village Engineer Courtney said we will give it a few days and see how it settles. Chief Szeredy said he'll review it next week. If we put an officer there and we flow the traffic through, the people living on Brigham, Battles, and County Line Roads are going to see a steady flow of traffic and not be able to get out of the driveways. All you do is move the problem for one spot to another.

Councilmember Reynolds reminded everyone about the band concert on Sunday, July 22, rain, shine, or heat. The band plays from 6:00 to 8:00. The attendance was terrible last year and we don't want to abandon the concert. Councilmember Turner suggested we invite the realtors. Councilmember Schneider suggested putting the notice on the email notification system.

There being no further business, it was moved by Councilmember Reynolds, seconded by Councilmember Bletcher, and unanimously carried, that the council meeting be adjourned.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Schneider, Sogg, Turner, Welsh.

Nays: None.

Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor