

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 14, 2012

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, February 14, 2012 at 6:30 P.M. in the Village Hall.

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

Councilmembers absent: Barnes.

Mayor Riley presided.

It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that Councilmember Barnes be excused from the meeting.

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

Mayor Riley announced the appointment of Gail Palmer as Assistant Treasurer.

It was moved by Councilmember Welsh, seconded by Councilmember Bletcher, that the Mayor's appointment of Gail Palmer as Assistant Treasurer be approved and confirmed.

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

Mayor Riley presented his appointments to Gates Mills Going Forward Committee.

Karen Schneider, Chairman	Sally Burke
Dennis Mastrangelo	Gail Palmer
Mitzi Seith	Sandra Turner
Jean Weitzel	Connie White
Nancy Wright	

Councilmember Schneider said the committee will work on ways to promote Gates Mills. It will give realtors positive information to use to market houses in Gates Mills. It was moved by Councilmember Turner, seconded by Councilmember Bletcher, that the Mayor's appointments be approved and confirmed.

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

The minutes of the meeting of January 10, 2011 were presented by the Clerk. Councilmember Turner requested that the last paragraph on page 1 “Mayor White” be corrected to be “Mayor Riley”. It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that the minutes as amended be approved.

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

Pay Ordinance #1138 in the amount of \$751,417.29 was presented by the Clerk. It was moved by Councilmember Sogg, seconded by Councilmember Bletcher, that Pay Ordinance #1138 be approved.

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

The financial statement for the period ending January 31, 2012 was presented by the Clerk. Clerk DeCapite noted the Real Estate Tax income was down from last year. Finance Administrator Lechman explained that in January, 2011 there were two advances, but in January, 2012 there was only one. The second advance came early February, 2012.

Chief Szeredy presented a written report for the Police Department for the preceding period. There were two thefts in January, both internal (family member, friend, or employee). Councilmember Turner noted there was 1 prisoner day in 2012 but 11 in 2011. Chief Szeredy said he would check the records and report what occurred.

Councilmember Bletcher praised Chief Szeredy for being appointed to the County technical committee that will be dealing with how to coordinate the County’s almost ten million dollar budget to be spent on new equipment to help all the communities in northeast Ohio deal with 911 calls. Councilmember Bletcher added that his appointment was partially due to Chief Szeredy’s active involvement in other organizations. He is looking forward to working with Chief Szeredy and the County on this project. Councilmember Welsh asked if residents are still reporting suspicious activities. Chief Szeredy said they were.

Service Director Biggert submitted a written report for his department for the preceding period. Councilmember Sogg commented that based on this report it appears the Sherman Road project was started just in time. Service Director Biggert agreed.

Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Turner asked how January 2012 activity compared to January 2011 activity. Chief Robinson said he will check and get back with the information.

Resolution #2012-06 entitled “A Resolution Accepting The Bid Of Nerone & Sons, Inc. For Miscellaneous Sewer Repairs In The Village Of Gates Mills And Declaring An Emergency,” was introduced by Councilmember Turner and read by the Clerk. It was moved by

Councilmember Turner, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2012-06 be placed upon its final passage.

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

It was then moved by Councilmember Turner, seconded by Councilmember Reynolds, that Ordinance #2012-06 be approved.

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

Business from the audience:

Katherine Malmquist from the Gates Mills Library stated annual Friends of the Library dinner was a wonderful event.

PAR Garden discussion:

Mayor Riley said due to the number of individuals who want to speak on the PAR garden issue, he is requesting everyone limit their comments to three minutes. Any questions will be answered at the end. After the audience has finished with their comments, Councilmembers will have an opportunity to comment. Mayor Riley presented background for the PAR garden move. He stated there is no desire to eliminate or close the garden. Nor is there desire to move it out of town. The only issue is where in town it is to be located. There is currently the unique opportunity to partner with the school system. The school system would like to add this type of program to their curriculum. They have offered necessary space, free water, and free student labor. They have offered free labor to build a storage space. The Village has spent a significant amount of money on the garden. The move will be funded by private contributions; councilmembers have raised the money. Councilmember Reynolds has found volunteers to coordinate the move. Leaving the garden in the current site raises issues we want to avoid. Per the Village Charter the Mayor and Council cannot give up village property to a private organization unless several steps are taken. The garden is in violation of sections of the code. The property is zoned for single family homes. The fence that surrounds the garden is in violation. When the houses were demolished any installation had to be reviewed by the Historic Board. Council is in support of the garden and is committed to provide a smooth relocation.

Chris Morgan Seven years ago Mayor White wanted a plant-a-row garden across from the tennis courts and next to the power plant. Barb Rabin started the garden. The next year the Mayor solicited Gwen Morgan's, ~~Christen~~ *Christine (corrected in March 13 meeting)* McLaughlin's, and his help. Then other Master Gardeners were solicited. In 2009 Mayor asked them to expand across the street from the Town Hall. The next year after the house was demolished, she asked them to expand to that area. They raised money to improve the

soil and build it up. They used Village water and sometimes the service department helped out. They occasionally used Village equipment, and they had the village employees put up the fence. They did everything else themselves. The amount of produce contributed to charity increased over time. The garden means a lot to him. He wants to do good things for people. He doesn't see the activity as the Village lending property; the Mayor wanted vegetables instead of trees on the property. Instead of asking the service department to help, volunteers did most of the work. It was just using a common area for Village purpose - growing vegetables. The Service Department employees, equipment, and water would have been used anyway if there were trees instead of the vegetable gardens. It has been said the volunteers were trespassing. The Mayor had asked them to plant the garden so there was implied permission. Zoning is irrelevant. The goal of Mayor Riley and council is to put something else where the garden is. If Mayor White did something wrong it would be easy to pass a resolution to fix it. Giving vegetables to the poor is a good deed. If the current Mayor and Council had decided what they wanted to do with the area before deciding to move the garden, the gardeners wouldn't have tried to save it by fixing it up or to try to change the Mayor's and Council's minds. Everyone should calm down. They were only trying to do what Mayor White asked them to do. His wife has spent thousands of hours working in the garden.

Gwen Morgan said she is asking for a safety net in case things are not resolved with the school. She was shocked when Mayor Riley told her he wanted the garden moved after it had received awards. When they had no choice they began looking for another site. Councilmember Turner suggested they consider the Mayfield School Environmental Center. Mayfield School never approached them; they approached the school. The Center was thrilled with the possibility of having them there. Moving means hundreds of back-breaking hours for no reason. If Mayor Riley had taken the time to learn about the PAR garden and how the community feels about it, they would not have had the last ten weeks of mess. Throughout these ten weeks particularly the Mayor, but also Councilmembers Reynolds and Sogg, have treated them with disrespect and have been intimidating. She feels that the Village is losing a true asset because of the uninformed actions of the Mayor. Even though the garden will still be in the Village they will no longer be partners with the Village, but will be partners with Mayfield Schools. She hopes they can stay where they are now pending the relocation. She thanked Mayor White, Councilmembers Turner, Bletcher, and Welsh for their support. She believes this is just Mayor Riley's decision. She hopes he realizes the disservice he has done to the Village.

Christine McLaughlin Seven years ago when the garden was started, Gates Mills was ahead of its neighbors. Several communities have since added or are in the process of starting gardens on public land. This is a way to send Gates Mills "Forward". They are leaving the land in better condition than found. They have added more than the Village has paid out for the garden. In 2009 no one told them about the legality of the garden. If you know there is a problem but do not act on it, then you are giving approval. She thanked Councilmembers Turner, Bletcher, and Welsh for their support. She is embarrassed that those who oppose this project represent her. The garden will be Mayfield Schools' gain and the Village's loss. It is only right that the Mayor raise money to move the garden since he started the issue. She is furious about the issue.

John Olejko supports the garden. When you enter Gates Mills you see signs that say “Bird Sanctuary”. You see gas wells and cell towers. As a resident he likes seeing the garden when he goes to pay tennis or to recycle. The garden will be something in the Pink Sheet but will not be seen.

Caroline Delomater doesn't live in Gates Mills but has many friends in Gates Mills. “The nobles are obligated to help others.” She takes that seriously. Gates Mills is a beautiful elitist community. The garden has won local, state and national awards. She hopes the “Going Forward” people can make something of the past that Gates Mills did for others. This is against the poor. You can't move the soil.

Connie Rebich Since the beginning this has been a joint project between the Village and Master Gardeners. They are not a private organization that has squatted on public land and taken Village funds. This should not be considered trespassing. If the Mayor and Council want to dissolve the partnership, call it that.

Chris Riley referred to overwhelming bias in the room in favor of the garden. Even though she feels the garden has an important purpose, she asks how public land can be occupied without a resolution. During the election campaign there were comments that the Village should be run like a corporation. In Village government you have Resolutions and votes to put everything into place. The Mayor did not speak up earlier about the current location; the supporters of the garden did not speak up either. The attacks on the Mayor are unfounded. He came through the process hoping to meet a resolution but was met with disrespect and absolute unwillingness to resolve the issue. He is trying to empower everyone and to be helpful.

Bob Matejka lives close to the Education Center. He and the Education Center are in Gates Mills. He doesn't like the look of the downtown property with the garden. It does not look like the Village greens and the rest of the downtown. What is the big deal about moving it to the Education Center? The comments about not wanting to give to the poor are nonsense and unfair. He would raise \$10,000 to give to the charity. He doesn't see why the garden cannot survive at the Education Center with the help of the students.

Megan Malloy Vellota said it takes 7 years to have good soil. Let the Gardeners get started somewhere else while they stay where they are. Children from the Gates Mills school went to the PAR garden. The day campers helped out. If you do something else with the property, can't you incorporate vegetables.

Susan Bercheck It does take seven years to develop good soil. Mayor Riley is trying to do what is best for the community. The Education Center is a lovely location. Moving to the Education Center is a plus for them and a loss for the Village. April 14 is an impossible deadline. She would like the garden to stay for one more season while it is going full-guns at the Education Center so the charity does not suffer.

Ann Whitney enjoys gardening. She has become a bee keeper. She would like to move to the center of town. She should ask the Village for some land. She would need the service department help her install a fence and provide electricity. She would need the service department to help her move the hives. She would donate honey to her charity. She questioned if tax dollars should go to her. She loves the PAR garden and supports the PAR garden's charity, but does not think her tax dollars should go to it.

Peter Griesinger It is a tradition to donate food to the poor. It is a New England tradition to have a garden in the center of town. The PAR garden can happen if Council and Mayor want it to happen. He hasn't come to Council meetings for eight years because of his confidence in the administration. He is stunned at what he is witnessing now. He has received comments that are arrogant and *impervious* *impervious* (*corrected in March 13 meeting*) and over his head. We have struggled to open up the Village to work with and respect everyone. The process in this issue has failed. He recommends Council and Mayor to reconsider and bring the issue to a Village vote. He thinks the garden should stay where it is and it can be beautified.

Patrick McLaughlin said the former Mayor invited the Master Gardens to start a garden. Council did nothing about it seven years ago. When the gardeners were told they would have to move, the gardeners stood their ground. The gardeners have shown courage. The Village benefits by this open forum and when things are not done behind closed doors.

Barb Rabin The garden has made emotion. She was approached by Connie White who convinced her to give back. The Service Department helped, but the gardeners did most of the work. The Environmental Center time frame is wrong. The students are not there in the summer and they are busy in May and September. The garden is a project of love.

Doug Bletcher said the issue is not about vegetables, a charity, or people trespassing. "People" separate Gates Mills from other communities. It is what organizations do. They are working together with teamwork to accomplish a goal that benefits our Village and the greater community at large. He can't get overly excited about where they are located. He just hopes that we go forward and understand this issue for what it is. It is a community activity in the greatest tradition of Gates Mills community activities.

Ed Welsh said Sara's Place told him there wasn't anything wrong with the PAR garden where it is. They would be interested in planting herbs. Ed wants everyone to work together to make this work.

Sally Burke We are trying to promote the Village for our organizations and our excellent school system. We need to promote the school system. The PAR Garden at the Education Center will be a plus for the school. It is not a long way to the Center. It will be a good thing for our school system, thus a good thing for the Village.

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

Mayor Riley thanked everyone for coming. He feels it is a remarkable thing in our country when there is the ability to come to a public meeting and speak directly to the elected representatives. He knows everyone does not agree, but he appreciates everyone spending their time letting the Mayor and Council know what they think.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor