

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
August 10, 2021

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, August 10, 2021 at 6:00 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

Councilmembers present: AuWerter, Frankel, Sogg, Steinbrink, Turner, Whitney.

Councilmember Frankel moved to excuse Councilmember Welsh from the meeting. Councilmember Sogg seconded the motion.

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

Other Village officials present were Clerk DeCapite, Treasurer Siemborski, Chief Minichello, Chief Robinson, Finance Administrator Mulh, Village Engineer Courtney, and Lisa Mack (for Law Director Hunt).

The minutes of the July 13, 2021 Council meeting were presented by the Clerk. Councilmember Frankel provided corrections to page 5 regarding thanking the Service Department for setting up and clean-up after the Fourth of July parade. He also added that recycle bins were requested for the area where the Community Club sells refreshments. Also, Service Director Biggert will work on having a recycling seminar for a council meeting with the date to be announced. Councilmember Turner moved to approve the July 13, 2021 minutes as amended. Councilmember Sogg seconded the motion.

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

Pay Ordinance #1252 in the amount of \$519,439.92 was presented by the Clerk. It was moved by Councilmember Whitney to approve Pay Ordinance #1252. Councilmember AuWerter seconded the motion to approve Pay Ordinance #1252.

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

Treasurer Siemborski read his report for the month of July, which is attached. July was a very good month with General Fund revenue exceeding expenses by \$289,000. For the seven months year-to-date, General Fund revenue exceeds expenses by \$2,466,000 due to real estate and income tax revenue being favorable-to-budget for the seven months. He noted the Mayor and he had received a few questions about the Village's financial position. He will look into the situation and respond. He noted that the books are kept on a cash basis, so cash is booked when

it is received and expenses are booked when they are paid. Variances based on month over month or year over year are not uncommon when using a cash basis. In September, he is going to look at the calculations and assumptions of the Long Range Planning Committee. Over six months have passed since the extensive work of that Committee. It will be smart to reassess the assumptions for information that we now have in hand. We'll do this financial work with the involvement of the Finance/Budget Committee. He added that the Village had received the first half of the American Rescue Plan distribution. The Village will receive the second half at the same time next year. The amount received in July was just over \$116,000. Councilmember Sogg inquired about the amount and if it had been lowered. Mayor Schneider noted the amount was cut in half as Ohio Townships were not included in distributions originally.

Mayor Schneider gave her report. She stated the Summer Band Concert was great and some ideas were generated for next year's event. The Nature Camp had another successful year with many compliments. The Mayor asked Councilmembers if they would be available on September 21 instead of September 14 for the regular Council meeting. The walls from the Art Show will still be up on the 14th and there is no recording equipment in the lower level of the Community House. Councilmember Frankel cannot make the 21st and Councilmember Sogg may possibly be out of town at that time. It was agreed that the meeting could be moved to September 21. Mayor Schneider recommended the appointment of Jeannine Voinovich to the Planning and Zoning Commission for the term ending 12/31/2023, which was vacated by Council President Pro Tem Turner. Councilmember Steinbrink move to approve the appointment, with Councilmember AuWerter seconding the motion.

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

Councilmember Frankel referred to an article in the Chagrin Valley Times that mentioned a Gates Mills Resident Newsletter at gmresidentnewsletter@gmail.com. He asked if the Mayor knew how to become a member to receive the information. As a Councilmember, he wants to know what the residents are discussing. Mayor Schneider stated she does not know how to join. Resident David Atton stated one just has to reply to the email address. Councilmember AuWerter asked if anyone in the audience is a part of the group. No one answered. Mr. Atton then stated it is not a group, but a loose conglomeration of people. Councilmember AuWerter asked why the members won't identify themselves.

The Clerk did not have a report.

Councilmember AuWerter reported on the Ad Hoc Engineering Committee's work. The Committee met with three engineering firms; C.W. Courtney, GPD, and Stephen Hovancsek & Associates. The presentations were excellent. The Committee has asked for more information from the firms and hopes to make a recommendation to the Mayor by September. Councilmember Frankel asked if there is a date for the next meeting. Councilmember AuWerter noted the meeting has not been scheduled yet.

Councilmember Turner noted the Department Heads, Mayor and she piloted a new councilmember training for Councilmember Steinbrink. Councilmember Steinbrink stated it was a good experience.

Chief Minichello provided his report. Councilmember Frankel had requested a summary of the Village's noise ordinances, which Chief Minichello had included in the Council packets. Chief Minichello noted there are different types of noise. Some issues fall under the Building Department and some are Police Department matters. Chief Minichello, by request of Councilmember Sogg, provided an update on the South American group that had burglarized a home in Gates Mills and two homes in Moreland Hills. The cases are still active and they believe they know who one suspect is. The group is still active in many states and has also been party to some credit card fraud. Councilmember Sogg asked if we should be providing more information to the Villagers as not everyone is signed up for Your911 and Gates Mills Connect. How else can concerning information be communicated? Chief Minichello encouraged everyone to sign up for Your911 for emergency information and Gates Mills Connect for information on Village events. Councilmember Frankel recommended residents make sure their alarm systems are up-to-date and upgraded if needed. Councilmember Frankel asked if our officers receive any training regarding muffler noise from motorcycles and trucks. Chief Minichello noted they have not had that specific training. He stated it is easier to see on cars and there is not much training available on muffler noise on motorcycles. Officers do not know what to look for on motorcycles. Noise from UPS and semi-trucks is all through the Village. Citations for muffler noise would be hard to prove or provide evidence for, if contested in court. He also noted noise is a seasonal issue, especially with motorcycles. He noted that Chagrin River Road is a 40 mph State Route that makes it challenging to have quiet. Councilmember Frankel asked if the Law Director should look into our ordinances to make sure that they are up-to-date for muffler noise. Councilmember Sogg noted our traffic offenses have doubled compared to last year at this time. She asked if the Department is back to normal and how fine collections are compared to last year. Chief Minichello noted, with COVID happening last year, we are definitely looking more normal this year. Councilmember Turner noted the Mayfield Road and Chagrin River Road construction making it difficult to run traffic enforcement there. Chief Minichello noted it is hard to run traffic enforcement on Mayfield Road all the time due to the high volume in traffic, no pull-offs and no turn arounds. We have had two cruisers ruined on Mayfield in the last four years. Violations Bureau fines are back on track compared to last year. Councilmember AuWerter asked if the Chief knew the percentage of those who pay the Village versus going to Lyndhurst Court. Chief Minichello responded that about 2/3 of the citations are paid through the Village's Violations Bureau.

Service Director Biggert provided his report. Councilmember AuWerter asked him to report on the salt contract. Service Director Biggert noted that salt is purchased through a state purchasing program and the cost will be approximately \$32/ton this year. This price is about half of last year's cost per ton. He also reported that Rumpke is willing to attend a Council meeting to discuss recycling. Councilmember Turner noted she, Service Director Biggert, and resident Jennifer Pinto will be meeting with Rumpke and the Cuyahoga County Solid Waste District this Friday. Councilmember Sogg would like for the Village to consider the feasibility of collecting debris and branches up from residents' lawns. Service Director Biggert recalled trying this one time in the past, but we had so much to pick up that we had to hire an outside

contractor to come in and assist. There was too much volume for the staff to handle. Councilmember Sogg stated she would like to consider the idea and help residents if possible.

Chief Robinson provided his report. Councilmember Frankel recalled the Long Range Planning Commission recommending looking into whether we are successful in receiving reimbursements for ambulance runs. Chief Robinson responded the Finance Administrator and he review the information and we are collecting more per run this year. He also noted that there had not been a change in billing companies, but the parameters for collection had changed.

Resolution No. 2021-28 “A Resolution Authorizing the Mayor and Village Clerk to Enter into an Agreement with CT Consultants, Inc. for Professional Planning Services for Development of a Village Comprehensive Plan” 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. 2021-28 be placed upon its final passage. Councilmember Sogg seconded the motion to suspend the rules.

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

Councilmember AuWerter noted Council had approved an agreement last fall, but the rate went up from \$55,000 to \$57,500. CT Consultants had proposed close to \$60,000 and Councilmember AuWerter got them to come down to \$57,500. The project timeline may be disrupted by the ongoing pandemic issues. They want to start the process around the end of October. The Village needs to form an advisory committee with 20-25 people. While it is important to meet in person; a hybrid model can be used as well. The next step will be to publish an invitation in The Pink Sheet for residents to contact the Village if they would like to be involved with the advisory committee or a subcommittee. Councilmember Whitney asked if the maximum amount in the Resolution should be \$59,500 or \$57,500. Councilmember AuWerter stated \$57,500.

It was moved by Councilmember AuWerter, seconded by Councilmember Sogg, that Resolution No. 2021-28 be approved.

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

Resolution No. 2021-29 “An Emergency Resolution to Accept the Material Terms of the One Ohio Subdivision Settlement Pursuant to the One Ohio Memorandum of Understanding and Consistent with the Terms of the July 21, 2021 National Opioid Settlement Agreement” was read by Mayor Schneider. This Resolution is necessary in case we are awarded money from the settlement.

Councilmember Turner moved that the rules requiring ordinances to be read on three

different days be suspended and that Resolution No. 2021-29 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

It was moved by Councilmember Frankel, seconded by Councilmember Turner, that Resolution No. 2021-29 be approved.

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

We do not have specifics on how the money from the settlement can be spent.

Council next discussed Resolution No. 2021-27, “A Resolution Authorizing the Mayor and the Clerk to Enter into an Agreement with the Gates Mills Land Conservancy to Provide Funds to the Conservancy from the One (1)-Mill Charter Land Conservation Fund,”(read by Councilmember AuWerter for the second time) **and** 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” (read for the third time by Councilmember Turner).

Mayor Schneider asked for input from the audience. Celeste McClung, Chagrin River Road, asked if a Town Hall meeting for discussion with the residents would be scheduled. Mayor Schneider stated the Gates Mills Land Conservancy (GMLC) will be holding one. Councilmember Turner stated the meeting was just scheduled for Wednesday, September 8 in the lower level of the Community House from 6:00 – 7:30 p.m. The meeting will be posted on the Village’s online calendar.

David Atton, Chagrin River Road, reviewed a timeline that discussed the conservancy levy and the proposed changes to the agreement. He noted that the GMLC had stated they would want one more 5-year levy in the past and that the GMLC did not report to Council in the year 2020. He reported that he asked, as a GMLC member, about the levy renewal last September and was not given a good answer. At the May 27 Special Council meeting, he was told the funding may change. There had been discussions, but no changes were discussed at the meeting. Mr. Atton stated it is clear to him that discussions started in January and no updates were provided at Council meetings. He stated the discussions were totally conducted in secrecy, away from Villagers, by two members of Council and two members of the GMLC Board. Issues from no renewal at all to approving expenditures on an as-needed basis were discussed. The

agreement was first presented at the July 13 Council meeting and is on second reading tonight. He asked why there was no report in 2020 and why there was no mention of the changes in The Pink Sheet. He stated residents are happy with the way the agreement is currently.

Lucy Chamberlain, Sherman Road, noted the levy limits the way the dollars are spent. She stated the Mayor and Council must have plans for the money. She asked who has the type of education in the Village to determine how to spend the funds within the limits described in the levy language.

Chris Riley, County Line Road, stated she is in favor of the Conservancy's goals, but they should serve in an advisory capacity to the Village and leave the money with the Village to approve the spending.

Councilmember AuWerter noted Council held a Special meeting with the Conservancy that was open to the public. They (GMLC) were more concerned with having sufficient funds for supporting a stewardship role. The goal is to have \$750,000 to be in a position to have a sufficient endowment to exist and to provide easement work and purchase less property. Some comments from the audience say that everyone wants the levy, but he hears differently from some people. He commented on need versus want and stated the GMLC has needs but of course would want more. At the June Council meeting, there was a potential terms sheet and it was clear in that meeting that we were trying to work out the details of a split. July is when they had reached some agreement and presented it to Council.

Councilmember Turner noted conservation needs are the part of the Village's and GMLC's goals. There was no report in 2020, which may have been due to COVID and may have been an oversight as well. The Village has assets that the GMLC does not. Residents know we have erosion, tree, water and water runoff issues. GMLC has conservation and preservation expertise, but not other areas of expertise. The levy proceeds can be spent on the items listed in the levy language and must be for an approved project. No one is intending to spend money on frivolous items – the money is limited as to what it can be spent on. Councilmember AuWerter read from the levy language that the levy is for the purpose of conserving, retaining, protecting and preserving land, water, forest, open, natural or wetland areas. Stream restoration and streambank restoration are examples of projects. Any money spent, has to be for those purposes.

Councilmember Whitney stated an observation that for the last 25 years, we have valued green space. It is promoted in the Village. The Conservancy has done an amazing job and we all have the same goal and intent.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2021-27 be placed upon its final passage. Councilmember Frankel seconded the motion to suspend the rules.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Frankel, that Resolution No. 2021-27 be approved.

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

It was moved by Councilmember Turner, seconded by Councilmember Whitney, that Ordinance No. 2021-18 be approved.

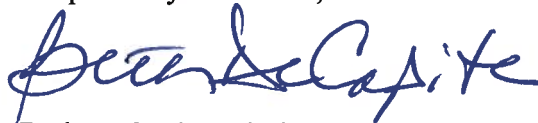
Roll call: Ayes: AuWerter, Frankel, Sogg, Steinbrink, Turner, Whitney.
Nays: None.
Motion carried.

Business from the Audience: David Atton asked why Council suspended the rules for the agreement legislation. Councilmember AuWerter responded that Council wanted to approve the agreement with the levy ordinance. Don McClung asked if the meeting was livestreamed to YouTube tonight. Mayor Schneider replied that it was. Chris Riley noted she did not mean to imply that work done by GMLC was not good, but likes the idea of the Village handling the money.

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

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen E. Schneider, Mayor