

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 21, 2021

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, September 21, 2021 at 6:00 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

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

Councilmember AuWerter moved to excuse Councilmember Steinbrink from the meeting. Councilmember Frankel seconded the motion.

Roll call: Ayes: AuWerter, Frankel, Sogg, Turner, Welsh, 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 Law Director Hunt.

The minutes of the August 10, 2021 Council meeting were presented by the Clerk. Councilmember Turner asked to add the word "enforcement" after "traffic" on Page 3. Councilmember Frankel asked to delete the word "in" on Page 4 before "an invitation." Councilmember Turner noted "Sherwin" should be "Sherman" on Page 9. Councilmember Whitney moved to approve the August 10, 2021 minutes as amended. Councilmember Welsh seconded the motion.

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

Pay Ordinance #1253 in the amount of \$291,726.96 was presented by the Clerk. It was moved by Councilmember Sogg to approve Pay Ordinance #1253. Councilmember Welsh seconded the motion to approve Pay Ordinance #1253.

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

Treasurer Siemborski read his report for the month of August, which is attached. He noted the Village is on very solid financial footing. The General Fund balance is \$7.6 million representing over 12 months of operating needs. If revenues and expenses follow last year's pace, the Village could complete calendar year 2021 with an operating surplus in excess of the planned surplus of \$777,000 for the General Fund. His report will also be posted on the Village website every month.

Mayor Schneider gave her report. She thanked everyone who has volunteered to help with the Master Plan process. Councilmembers AuWerter and Turner will be spearheading the project with CT Consultants. She announced that the Gates Mills Improvement Society is sponsoring a Candidate's Night at 7:00 p.m. tomorrow night. The Improvement Society will be recording the event and posting it on their website. Lastly, the Village is sponsoring a shredding day this Saturday, September 25 from 9:00 a.m. until 12:00 p.m.

Mayor Schneider read a few thank you letters she had received. The first one was to thank Chief Robinson for allowing a bicyclist to wait out a rainstorm in Village Hall during the weekend when Town Hall is closed. The second one was from Orange's Safety Town Program thanking Chief Minichello and Officers Newsome and Suchetka for their support. The last one was from retired Mayfield School Superintendent Keith Kelley thanking the Village for its support.

Clerk DeCapite reported seeing School Resource Officer Kimbrew playing a game of chase with the elementary school students on the playground. She noted what a wonderful sight it was to see!

Councilmember Frankel reported that the Safety Committee met on September 8. The focus of the meeting was Mayfield Road. Accidents caused by running red lights should be reduced with the reconstruction of the 322/174 intersection. The new traffic lights with sensors should be installed soon and will be helpful in reducing the running of red lights. Speed is the other problem we are having on Mayfield Road. It is a difficult road for officers to run traffic enforcement during rush hours as there is not a place to stop vehicles safely. The Village has had two police cruisers totaled in accidents on Mayfield Road. One officer was injured and out of work for over two years due to one of the accidents. Dorian Grubaugh from Sensys Gatso Group gave a presentation at the meeting to propose installing automated traffic cameras on Mayfield Road. The Ohio Department of Transportation's (ODOT) data shows that in a 24-hour period, approximately 18,000 cars drive on Mayfield Road. There are 1,500+ cars travelling over 60 mph. The tickets that would be issued for speeding would be considered civil infractions. Sensys Gatso takes care of sending out tickets, collections, installation and reporting. Mr. Grubaugh will make a presentation to Council at its October meeting. Councilmember Sogg stated it would be good to attach the ODOT report to the Safety Committee meeting minutes and to post it on the Village website. Councilmember Frankel added that although the ODOT statistics were from 2019, they were recently confirmed as still being accurate today.

Councilmember AuWerter reported on the completion of the Ad Hoc Engineering Committee's work. The Committee consisted of Councilmembers AuWerter and Frankel, Service Director Biggert, and residents Tim Reynolds, Tony Panzica, and Mark Saltzman. They approached four firms to bid and interview. The firms were C.W. Courtney and the firms representing Hunting Valley, Moreland Hills and Mayfield Village. They went through an extensive evaluation. The firm that works with Moreland Hills did not bid their services, as they did not want to do so if we were considering our current engineering firm. They noted that 99% of the time the municipality stays with that firm. The Mayor also attended the meetings. Councilmember AuWerter stated that it is the Mayor's decision to hire a professional service

firm. The Committee interviewed C.W. Courtney, GPD (a bigger firm), and Stephen Hovancsek & Sons (a smaller firm). The Committee looked at the kinds of services offered, who would represent the firm, fees, and the ability to obtain outside funding. At the end of the day, all firms were qualified. However, the sense is that C.W. Courtney is doing a very good job. All firms know where to go for funding and there is no real favoritism given to engineering firms for funding. When the Committee looked at the data they collected, C.W. Courtney looked as good as the other firms in being awarded funding. The net conclusion was that we receive excellent service from C.W. Courtney and the Mayor and Service Director were comfortable staying with C. W. Courtney. They are working on a new contract and may consider how billing for projects is done (percentage based on nature of the project or an estimate of hours needed to do the work). A retainer is paid to Chris Courtney and it could be done as an hourly rate; however, the meter doesn't run every time he picks up the phone with the retainer. Mr. Courtney had provided data on how much time he spends on calls with the Village during the data collection. With more funding opportunities arising in the future, Mr. Courtney knows the Village and is familiar with the proper channels. We will work on a rigorous road program for a five-year period with an annual update. The Committee confirmed that we are getting very good services from C. W. Courtney.

Councilmember Turner reported for Positively Gates Mills. She said the housing stock has improved in the Village and turnover happens quickly now. Positively Gates Mills and members of the Community Club have reviewed the welcome program for new residents. She noted that Officer Strasshofer, when learning of a house transfer, contacts the new owner and tells them about Village services such as Gates Mills Connect, Your 911 and the key program. Resident and volunteer, Susan Oros, will be looking to beef up the new resident portion of our website. Janet AuWerter and Lisa Reid are coordinating a new resident social for October 22 from 6:30 - 8:00 p.m. at the Community House. The primary goal of the social is to foster interaction between new residents. Councilmember Frankel asked how we determine when there is a new resident. Councilmember Turner responded transfers are available on the County Auditor's website. Councilmember Sogg asked if Council would be invited. Councilmember Turner said they are not sure yet. She added it may be harder for new residents to connect with one another if there are too many people in attendance. She asked for Councilmember Sogg's input. Councilmember Sogg stated she thinks Village leadership should be invited.

Councilmember Whitney remarked on composting using Rustbelt Riders. There is information in The Pink Sheet about the program and we need 40 residents to sign up for the program for it to work.

Councilmember Welsh stated the Friends of the Library have cancelled their annual dinner due to COVID concerns.

Chief Minichello provided his report. He noted there had been some property damage on Old Mill Road this past Saturday. With the use of the Flock Cameras, the Department was able to identify a hit-skip driver. There are charges pending against the individual now. There will be a Crime Prevention Program on October 11 in partnership with Hunting Valley. There will be information in The Pink Sheet along with a Gates Mills Connect being sent out.

Service Director Biggert provided his report. He noted that the EPA had performed an inspection at the wastewater treatment plant with one recommendation being made. We have since made the change. Councilmember AuWerter stated we have been using AKE to do the work at the plant and now the EPA has found it to be fine, which means AKE is doing a good job. Service Director Biggert noted that the renewal of the plant's permit is coming up, so the inspection is normally done at this time. Councilmember Frankel noted it's good to see the cost of salt has come down. Service Director Biggert commented that about 95% of the paving is done with a little left to do on County Line. The Service Department also prepped an area for paving some additional parking spots in front of the Post Office building. The Mayfield Road/Chagrin River Road intersection is awaiting the delivery of poles, masts and new lights to be installed. It is still expected to be completed by the end of October. The Opticomm strobes for the lights are also going to be installed for use by emergency vehicles. Councilmember Frankel asked about the status of Riverview Road. Service Director Biggert replied that the base coat and the finish coat have been completed.

Chief Robinson provided his report. Councilmember Sogg asked, because of the number of burned food problems in the Village, if smoke detectors are properly placed in homes. Chief Robinson noted the smoke detectors are residential detectors. Some have a photo-electric eye and are better and some are the old ionization type and tend to have more false alarms. He added that the recent incidents actually have smoke, so it is more a cooking issue than a smoke detector issue. He noted it was a busy month. One storm generated six calls, but the rest were individual incidents. He also mentioned that on October 5 at 7:00 p.m. there will be a "Touch-A-Truck" event coinciding with a regular drill night for the Fire Department. Councilmember Welsh asked if Chief Robinson is investigating a response time problem with Mayfield Village. Chief Robinson is looking into the question. The calls he was told about are five years old and one does not have a good address. Councilmember Welsh stated he thought they were two calls from last week that had 15-20 minute response times. Chief Robinson is not aware of that claim.

Resolution No. 2021-30 "A Resolution Accepting the Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor" was read by Councilmember Whitney.

Councilmember Whitney moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2021-30 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember Whitney noted the legislation asks the County to keep collecting our real estate taxes. It was moved by Councilmember Whitney, seconded by Councilmember Turner, that Resolution No. 2021-30 be approved.

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

Motion carried.

Resolution No. 2021-31 “A Resolution of Consent and Cooperation to the Ohio Director of Transportation to Complete a Road Resurfacing Project as Described Herein and Declaring an Emergency” was read by Councilmember AuWerter. This Resolution is for SOM Center from Cedar to Mayfield Road for the Gates Mills half of the road. The work is anticipated to be done next spring.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2021-31 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

It was moved by Councilmember AuWerter, seconded by Councilmember Welsh, that Resolution No. 2021-31 be approved.

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

Resolution No. 2021-32 “A Resolution Authorizing the Mayor and the Clerk to Enter into a Lease Agreement with Howard Hanna for Space at 1501 Chagrin River Road” was read by Councilmember Sogg. The amount of space being leased is 296 square feet on the second floor. The current lease expired and the new lease is for 3 years. The lease can be renewed for one year and the annual amount to be collected is \$8,880. Howard Hanna is permitted to have a sign outside the Mills Building as well.

Councilmember Sogg moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2021-32 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

It was moved by Councilmember Sogg to approve Resolution No. 2021-32. Councilmember Turner asked how big the former space was and how much the rent was. Mayor Schneider stated 1,100 square feet. The prior rent could not be recalled. Warren Morris is working on marketing the vacated space with the Real Estate Committee. Councilmember Welsh seconded the motion to approve Resolution No. 2021-32.

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

Motion carried.

Business from the Audience:

Jerry Warsaw, Cardinal Lane, noted he has been a resident for over 22 years. He stated there is a third issue to discuss about Mayfield Road. His home backs up to SR322. The noise disturbance along Mayfield Road has increased over the years and now there are times he doesn't want to sit outside. Speeding has increased, the amount of commercial truck traffic has increased and so has the number of emergency vehicles and sirens. Sirens are used very often. He constantly hears vehicles hitting the curb, which makes a squealing sound. He used a decibel reader and got readings in the 80s and 90s. He noted there used to be dense foliage along the road, but the State or the Village has removed it over the years. He also mentioned our noise ordinance is not great. Speed is never enforced by the State. The reason he came tonight is because he cannot peacefully enjoy his property anymore. He invested a tremendous amount of money in the house and now it is not a peaceful place. It is having a negative impact on his property. He would like Council to consider what he is saying. It is not just a safety matter on SR322, but a negative impact on residents and their property values. Councilmember AuWerter inquired about a concrete or noise deterring wall would work. Mr. Warsaw stated he just spent \$20,000 on acoustical material for 800 feet of fence. It worked a little, but not much. He has a 6-foot fence now, as he cannot go higher per our ordinances. Councilmember Sogg stated Planning and Zoning could consider a variance for a higher fence. He could also investigate further screening the area where it was removed. Mr. Warsaw noted his property begins 200 feet from West Hill on the South side of SR322. Mayor Schneider said the State could be asked for assistance. Councilmember AuWerter said he's sure it must affect other residents as well. Councilmember Frankel mentioned State ordinances on decibels. Law Director Hunt said we would need an apparatus to record the decibels at the time it is happening and that is hard to do. Councilmember Frankel mentioned modified mufflers being visible, but again the Law Director said Officers would have to be on hand to see it. Service Director Biggert noted the Village takes down dead foliage when it is a hazard or a potential hazard to vehicles. Mr. Warsaw stated he did not think it was all dead. He noted the commercial truck traffic comes from the same companies day after day. Some of the trucks make a lot of noise and maybe we could talk to the companies that come through here daily.

Lisa Pilla, Mayfield Road, noted she hears church bells, but does not hear a lot of noise even though it's a State Route. She hears sirens, but the hospital is next door to her. She is surprised it is causing Mr. Warsaw trouble. Mayor Schneider stated traffic has increased and hopefully the new traffic enforcement program could help with speed. Village Engineer Courtney noted that the portion of SR322 behind Mr. Warsaw's home is lower than his home. The geometry of the situation can cause the noise differences along Mayfield Road.

Kaitlyn Nemastil, Chagrin River Road at Mayfield Road, noted she is on a loud part of Mayfield Road. They added trees to the property to keep sound out. She said it is not the community's responsibility to spend money on this issue. It is a highway, but one chooses where to live. We cannot make trucks change their routes.

Michael Press, County Line Road, stated he sent in questions, but didn't hear them read. Mayor Schneider gave him a copy of his questions for him to ask. She also provided him a copy of the Long Range Planning report from September 2020. Mr. Press stated he had heard we had a structural deficit of \$450,000 and then it went to \$600,000 and now the new Treasurer says we are fine. He wants to know what is true. Treasurer Siemborski responded. He said that the Village, and he has said this twice now, is in good shape. We have \$7.5 million in cash and \$9.9 million when we look at all funds. We are in a good financial position. Treasurer Siemborski noted that what Mr. Press is referring to is work done by the Long Range Planning Committee. The Committee produced a report that is on the website now. There is an imbalance in the future's 5-year forecast. There were no increases in revenue and increases in expenses, which will produce negative results. The report has a lot of projections and there is no number in the report depicting a deficit. We will look at options for revenues and expenses and act on them. There is no looming problem. Forecasts can be off and we have received more revenue than anticipated and managed expenses very well. Mr. Press said he is comforted that we do not have a problem. Treasurer Siemborski noted that 40 residents looked at the future and their efforts will be put to work. Options are well worth looking at and evaluating. Mayor Schneider added that reports can change, but we cannot just change a public record. Treasurer Siemborski would like to have more meetings with transparency and more reporting on the website.

Dorothy Shillman, Gates Mills Boulevard, stated many are concerned about speeding on Gates Mills Boulevard and SOM Center. One lane road signs are being ignored and she is threatened by those who drive up behind her and by sports cars that think it is a raceway. She has offered to let the police sit in her driveway to enforce the speed limit. Mr. Press agreed and said speeding is an issue on County Line as well.

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

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen E. Schneider, Mayor

Treasurer's Report

September 19, 2021

Financial statements were distributed to the Mayor, Clerk and Council in advance of the meeting.

The Village is on very solid financial footings. August was a good month with General Fund revenue of \$902,000 exceeding expenses of \$882,000 by \$ 20,000. In August, the Village collected \$773,000 of real estate taxes and \$95,000 of municipal income tax. Also in August, the Village paid \$280,000 for Police, Fire, Service and Administration expenses and transferred \$600,000 to other Funds- primarily the Capital Improvement Fund, as had been budgeted.

For the eight months year-to-date, General Fund revenue exceeds expenses by \$ 2,487,000. Revenue from real estate taxes and municipal income taxes are favorable to budget for the 8 months. Expenses are on or near budget, with most variances attributable to timing of payments.

The General Fund cash balance is \$7.6 million representing over 12 months of operating needs.

At this time and if revenues and expenses follow last year's pace, the Village could complete calendar 2021 with a current year 2021 operating surplus in excess of our planned surplus of \$777,000 for the General Fund.

Again, the village is on solid financial footing and the surplus in 2021 will be available to use in 2022 and future years.

As the books of the Village are maintained essentially on a cash basis, there can be large variances based on when cash is received, and expenses are paid. Month-over-month, and year-over-year, it is not uncommon to have a surplus one period and a shortfall the next period.

As mentioned in my report last month, I have spent time in September reviewing the Long-Range Planning Committee report of September 2020. There are many revenue and expense options noted in that report. Those options need to be evaluated for the current environment and to address a longer-term imbalance in our future revenues and expenses. We'll undertake this evaluation with the involvement of the Budget and Finance Committee which will convene in early October.

Steven L. Siemborski

Treasurer, Village of Gates Mills

Chair, Budget/Finance Committee

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