

**Village of Gates Mills**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**September 19, 2023**

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, September 19, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 2:36

Councilmembers present: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Other Village officials present were Treasurer Siemborski, Clerk DeCapite, Service Director Biggert, Police Chief Minichello, Fire Chief Majeski, Finance Administrator Mulh, Village Engineer Courtney, and Law Director Hunt.

2. Revised Minutes of the Regular Council meeting of July 18, 2023

Councilmember Welsh moved to approve the July 18, 2023 minutes and Councilmember Press seconded the motion.

Ayes: Atton, AuWerter, Press, Steinbrink, Turner, Welsh.

Abstain: Deacon

Nays: None

Motion carried.

3. Minutes of the Regular Council meeting of August 15, 2023

Councilmember Turner moved to approve the August 15, 2023 minutes and Councilmember Steinbrink seconded the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

4. Pay Ordinance # 1277 \$430,122.29 starts at 3:32

Councilmember Welsh moved to approve Pay Ordinance #1277 and Councilmember Deacon seconded the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

5. Financial Statement/Treasurer's Report attached and starts at 3:55

At 13:03 Councilmember Atton expressed his concern that our most recent long term financial projection showed an all-funds deficit of almost \$500,000 and since then our expenses have gone up by \$300,000 and our tax revenues have gone down by

\$500,000 leaving a large all funds deficit this year. Councilmember Press suggested designating the new Treasurer so that person can participate in the budget process prior to taking the position. Councilmember Press would like the Finance and Budget Committee to get together with Ancora to review our investment strategy while interest rates are high. Treasurer Siemborski replied he did not know how big the operating shortfall would be this year. We had surpluses the last two years that we've maintained and not spent. In a corporate world of accrual accounting the ups and downs would be flattened out through accruals and deferrals. Things would look much straighter than they do in the governmental cash basis of accounting. The Finance and Budget Committee needs to take a hard look at EMS and many items when they meet next. Ancora will be at that meeting. The new Mayor selects candidates for Treasurer and suggests those to Council early next year. Treasurer Siemborski is happy to start looking for his replacement so that person can participate in the budget process sometime in the winter.

At 16:18 Councilmember Deacon asked if RITA had indicated that other municipalities are having a similar dip in municipal income taxes or if there is a general trend they are seeing. Treasurer Siemborski and Councilmembers Atton, Turner, and AuWerter offered their perspectives on the subject.

6. Mayor's Report starts at 18:55

- Fire, Service, and Police Departments were thanked for their extra work during the recent storm and power outages.
- Improvement Society Candidates Night is on September 26 at the Community House from 7:00-9:00 p.m.
- Invitations were sent for the New Resident Social at the Community House on September 29 from 6:30-8:00 p.m.

Resolution No. 2023-35 "A Resolution Confirming the Mayor's Appointments of the Fire Chief/Emergency Coordinator, Assistant Fire Chief, and Fire Captain; and Declaring an Emergency" was read by Mayor Schneider.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-35 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

Councilmember Welsh moved to approve Resolution No. 2023-35 with Councilmember Press seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

At 22:44 Mayor Schneider administered the Oath of Office to Fire Chief Majeski.  
At 24:49 Mayor Schneider administered the Oath of Office to Assistant Fire Chief Jamieson.

At 26:17 Mayor Schneider administered the Oath of Office to Fire Captain Feig.

Mayor Schneider canvassed Council to determine attendance at the November and December Council meetings. All Councilmembers are available for both the November 21 and December 19 Council meetings, and the dates will stay as scheduled. Clerk DeCapite is unable to attend the November Council meeting.

7. Clerk's Report - None

8. Committee Reports

Recreation Committee (Councilmember AuWerter) starts at 30:40

- Pickleball is an exploding sport, much more so than tennis. There is more demand for pickleball than the two tennis courts available. Those involved are looking at ways to add more capacity.

At 33:22 Councilmember Press asked when the historic preservation task force led by Celeste McClung would come back to Council with their scope and purpose. Mayor Schneider answered hopefully at the October Council meeting after tonight's Architectural Board and Historic Subcommittee ordinance is presented.

Councilmember Press was surprised the Charter Review Committee's recently approved final draft was not on tonight's agenda. Law Director Hunt replied he met with the Committee about 5 weeks ago and was given 18 different sections of the Charter to revise. He will have those completed and distributed in advance of the October Council meeting.

Board of Cemetery Trustees (Councilmember Welsh) starts at 34:50

- Cemetery plots have become available and can be offered to those on the waiting list. Mayor Schneider added reclaimed land allowed for a redesigned layout and additional plots at the North Cemetery.

Friends of the Library (Councilmember Welsh) starts at 35:53

- Annual Dinner is at Sara's on October 1st

At 36:28 Councilmember Atton stated it was clear at last month's meeting that Councilmember Deacon would be doing something on tightening tree ordinances, and he asked if that was a committee or her acting alone. It is not a committee yet.

9. Police Department Report attached and starts at 37:09

Councilmember Press asked how much revenue has been raised with the traffic cameras in the first month. Police Chief Minichello stated 2554 citations were issued in the first 30 days, but that does not mean they all will be paid.

Councilmember Steinbrink asked the Chief to talk about the reduction in speed that we are seeing particularly over 60 mph. Police Chief Minichello stated at the beginning of data collection, about 400 vehicles per day were traveling over 60 mph. We have seen that number reduced to about 125 vehicles per day.

Councilmember Welsh asked if it has cut down on accidents. Police Chief Minichello replied there has been only one accident - a bus accident not related to speed.

10. Service Department Report attached and starts at 40:22

Councilmember Atton asked what happened to the facade at 640 Chagrin River Rd. Service Director Biggert replied he had been told it fell apart when they went to move it back into place. Councilmember Atton stated it was deliberate and Service Director Biggert stated he did not know. Mayor Schneider asked if the facade will be recreated, and Service Director Biggert stated he has not had that conversation with the homeowner. Technically that is what's approved in the drawing.

Councilmember Press asked why the sawhorses on Gates Mills Blvd have been there so long. Service Director Biggert answered we are waiting on the pavers to come in for our road program and fix the patch, within the next few days or a week.

11. Fire Department Report attached. Fire Chief Majeski was attending the Fire Department dinner for the newly appointed officers.

12. Ordinance No. 2023-23 (As Revised 9/19/2023) (Third Reading) starts at 43:05

Ordinance No. 2023-23 (As Revised 09/19/2023) "An Ordinance Amending Sections 1313.04(a) and 1313.09(a) of the Codified Ordinances of the Village of Gates Mills to Add the Chairperson of the Architectural Board of Review's Historic District Subcommittee as a Voting Member of the Board and to Specify the Procedure for the Architectural Board of Review's Historic District Subcommittee to Receive and Review Applications for Building Permits in the Village's Historic District" was read by Mayor Schneider. It is hoped that this will simplify and expedite projects coming through. Once we have this approved, then the next step is to get Celeste McClung and the task force in place.

Councilmember AuWerter asked what is the definition of a quorum now with six voting members. Law Director Hunt answered four members. Councilmember AuWerter suggested the ARB reconvene the following or next week in the event a quorum is not met in order to avoid a one month delay.

Councilmember AuWerter moved to approve Ordinance No. 2023-23 with Councilmember Steinbrink seconding the motion,

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

13. Resolution No. 2023-26 (Third Reading) starts at 49:21

Resolution No, 2023-26 "A Resolution Authorizing Additional Funds for Professional Services Rendered by CT Consultants Under an Agreement for the Village's Comprehensive Plan" was read by Councilmember AuWerter.

Councilmember Press asked what did CT do well and what didn't they do well. Councilmember Turner responded an appraisal of the process was not formally done.

Councilmember Atton asked if that wouldn't have been something to be done before negotiating the final price and Councilmember Turner responded there was a scope of work that was followed.

Councilmember AuWerter moved to approve Resolution No. 2023-26 with Councilmember Steinbrink seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

14. Resolution No. 2023-29 (First Reading) starts at 51:08

Resolution No. 2023-29 "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 AuWerter. This is procedural, is required each year, and needs to be done by the end of September. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-29 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

Councilmember AuWerter moved to approve Resolution No. 2023-29 with Councilmember Steinbrink seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

15. Ordinance No. 2023-30 (First Reading) starts at 52:06

Ordinance No. 2023-30 "An Ordinance Amending Section 957.01 of the Codified Ordinances of the Village of Gates Mills to Amend the Rental Fees, Security Deposit and Police Security Services Charges for Community House Rentals" was read by Mayor Schneider. We have not increased these fees in quite a while and we decided to up them a little bit to cover costs.

Councilmember Press stated it's more than a little bit and asked what the goal was. Councilmember Atton stated a pretty significant increase in total cost of almost two and a half times occurs for a meeting of 150 or more people lasting four hours. Finance Administrator Mulh stated police security services are required only if alcohol is present, and Councilmembers Press and Atton stated the ordinance does not reflect that. Councilmembers Deacon and Turner concurred. Finance Administrator Mulh provided survey data of other neighboring communities. We were below the going rate in other communities and this increase brought us more in line. Councilmember AuWerter would like a little history of usage. Village organizations/events are not charged rental fees per Community House rules.

All agreed that for clarity, this ordinance should include language that security services are only required for private parties with alcohol. Ordinance No. 2023-30 will be placed on first reading.

16. Motion to Authorize Reid Consulting Group to Proceed to "Phase 2" of the Broadband Proposal to the Village, Dated March 8, 2023, Which Includes the Following Scope of Services:

- Write RFP and prepare associated GIS shape files for respondents;
- Coordinate scoring process of responses;
- Negotiate contract with Internet Service Provider ("ISP"), if and when selected by Village Council; and
- Complete negotiations with ISP within estimated 60 to 90 days of notice to proceed to negotiate with ISP and make recommendation to Village Council for approval of contract.

At 1:01:06 Councilmember Deacon stated that after completion of the feasibility study (Phase 1) and report by Reid Consulting, the Broadband Committee concluded broadband is feasible and recommends moving forward with Phase 2 in order to have a more concrete and factual view of what the alternatives are. Reid Consulting indicated in the Phase 1 report items that we need to come to consensus on in order to go to a RFP in Phase 2 - capital investment threshold, appetite for higher residential rates, how to handle take rate commitments, and so on. Phase 2 includes the Council workshop meeting with the consultant to reach this consensus.

Councilmember AuWerter asked about cost and Councilmember Deacon replied Phases 1 and 2 cannot exceed \$40,000 in total. Phase 1 was not to exceed \$15,000 and the invoice received for Phase 1 was in the amount of \$13,000 and change. Phase 2 could reach \$27,000 in total cost since we've spent \$13,000.

Councilmember Press is inclined to wait and see what happens in Hunting Valley before going on to a RFP. Hunting Valley has gone through the same process we have, they've made their decision where they want to go, and they're now doing the detailed contract negotiations. We would benefit from knowing how they arrived at the decision they made and what they've put in the contract and what they haven't. Councilmember Welsh asked if we could piggyback on Hunting Valley and save \$40,000. Councilmember Deacon answered Hunting Valley is a lot different from Gates Mills geographically, the number of households, and cell service issues. We've already spent \$13,000, so we're talking \$27,000 if Phase 2 is completed in its entirety. Councilmember Press disagrees and finds Gates Mills and Hunting Valley to be very similar.

Councilmember AuWerter personally doesn't understand what we are trying to get a RFP for. A workshop would provide clarity and it's possible we might decide that we don't want to do anything further. Councilmember Deacon responded that if we just do the workshop and don't go any further, we will get billed at their hourly rate for the workshop only. Councilmember Press asked why not just buy the workshop on the hourly basis and defer the decision on Phase 2 until after we've gone through the workshop. Councilmember Deacon replied we can do that just by having the workshop only - it's built into the contract.

At 1:10:17 Councilmember Turner agreed with the need for a workshop to help reach consensus on the items identified by Reid that will allow us to move to a RFP, potentially. We need to keep the ball rolling. We have been looking at broadband for years and shadowing Moreland Hills for years. This is a top priority that our residents have indicated is a big issue.

Councilmember Press stated he did not want to go through the RFP and then decide we don't use it. That's what we did last year. He was on the committee and four different suppliers made presentations and came back at least twice. At the end of the day, we didn't do anything with it. Councilmember Deacon responded that there was no consultant involved and at the end of the process the conclusion was that we as villagers did not have the expertise to understand and come to the best solution. We needed professional help because of the complexity, the number of options, and the different ways you can go.

Councilmember Atton had workshop questions. Who's going to be there? Is it going to be public? Is it going to be videoed? Is it just Council? He was at a workshop two weeks ago and was very disappointed with it. It is hoped the workshop now being contemplated is a lot more participatory for everybody in the room. There may be people in this village who know a lot about this stuff. Councilmember Deacon replied our consultant should have a good handle on that. Mayor Schneider stated workshops are usually for Council to understand the subject, whatever it is.

Councilmember Atton asked if we appropriated the \$40,000. Financial Administrator Mulh replied it wasn't in the budget, but we have enough appropriated right now. Councilmember Atton understood appropriations were exactly equal to the budget. Treasurer Siemborski explained we appropriate at the beginning of the year for what we believe the budget will be for the year with Council's understanding that if we find ups and downs, we'll come back for additional funds if needed. We don't appropriate for every expenditure. We appropriate for line items. When we appropriated for Professional Services, it included a consultant for broadband. We didn't specifically lay them out and say we're approving so much for this consultant, but we are approving and appropriating so much for Professional Services. There is money left in the Professional Services appropriation to commit to the additional \$27,000. Councilmember Atton asked if we could commit to this, are we squeezing something else out that we had in mind. Mayor Schneider answered we may have to appropriate in November or December the additional something else. Councilmember Atton stated an appropriation would require three readings, a motion doesn't require three readings. Law Director Hunt stated under Ohio State law there does not have to be three readings of a resolution or an ordinance for appropriations.

At 1:18:04 Law Director Hunt suggested that the workshop with the consultant to determine the issues needed for the RFP be put into the scope of services and Councilmember Deacon agreed.

Ann Whitney, Chairperson of the Broadband Committee, made some clarifications. The Committee did not put out a previous RFP. They asked providers to present a range of what they could offer the village. It was not a RFP. They each came once. They did not come back. The Committee then interviewed consultants. The scope for Reid Consulting is up to \$40,000 and a RFP will tell us what providers are willing to provide the Village of Gates Mills, keeping in mind what neighboring

communities are doing. If you want to move forward with Broadband at all to find out what providers will offer us, we need to keep going with a consultant. Reid's original proposal was one scope. We broke it into Phase 1 and Phase 2 because that's what the Council wanted. We've already stalled. We've done Phase 1. Phase 2 is to move forward toward a RFP to see what providers would offer the Village of Gates Mills. The workshop would be for Council to come to consensus on parameters (things that were listed at the back of the handout at the August Council meeting) for a RFP. It is not a workshop to decide if you want to do a RFP. Reid has a very good track record. They've got amazing experience, and their referrals are glowing.

Councilmember AuWerter thought one of the most interesting points in the presentation at the August Council meeting was that if we don't do anything, we're going to get cherry picked, just like Hillcreek Lane was cherry picked. That's going to progressively happen to little spots around the village and then the rest of us that aren't in densely populated areas are going to be sitting high and dry.

Councilmember Deacon moved to authorize Reid Consulting Group to proceed to "Phase 2" of the Broadband Proposal to the Village, dated March 8, 2023. Councilmember Steinbrink seconded the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

17. Resolution No. 2023-31 (First Reading) starts at 1:27:12

Resolution No. 2023-31 "A Resolution Accepting a Bid and the Award of a Contract for the Hillcreek Lane Culvert Headwall Extension Project; and Declaring an Emergency" was read by Councilmember AuWerter. This proposal in the amount of \$64,845 covers culvert work more extensive than budgeted. In addition, a recommendation to defer the \$61,000 service garage parking lot repaving until next year was made to try to stay within budget. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-31 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

Councilmember AuWerter moved to approve Resolution No. 2023-31 with Councilmember Press seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

18. Ordinance No. 2023-32 (First Reading) starts at 1:30:44



Ordinance No. 2023-32 “An Ordinance Amending Ordinance No. 2022-39 to Revise the Salary of the Fire Chief/Emergency Coordinator Effective September 17, 2023; and Declaring an Emergency” was read by Mayor Schneider.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-32 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

Councilmember Welsh moved to approve Ordinance No. 2023-32 with Councilmember AuWerter seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

19. Ordinance No. 2023-33 (First Reading) starts at 1:31:34

Ordinance No. 2023-33 “An Ordinance Amending Section 959.03 of the Codified Ordinances of the Village of Gates Mills to Limit the Purchase of Graves to Two (2) Per Resident Family” was read by Councilmember Welsh. In the past we’ve had large plots purchased and then over the years they haven’t been used leaving a lot of idle land especially in the South Cemetery.

Councilmember Press asked if this ordinance limits purchases going forward or does it also apply to purchases made in the past. Mayor Schneider replied just going forward. Is there a waiting list? Mayor Schneider replied yes. We will go through that list to see where we are before adding more names to avoid an influx of people all at once.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-33 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

Councilmember Welsh moved to approve Ordinance No. 2023-33 with Councilmember AuWerter seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried.

Councilmember AuWerter requested that at the next Council meeting Councilmember Welsh provide a review of the cemetery fees that we charge and compare it to some of the prominent cemeteries in the area.

Councilmember Atton suggested when you have something that's in short supply and the demand is large, you normally auction things. Could we put these on eBay? Secondly, the fee should cover all the future costs for maintaining the grave.

20. Resolution No. 2023-34 (First Reading) starts at 1:38:40

Resolution No. 2023-34 "A Resolution Authorizing the Mayor to Accept a Grant and to Execute a Project Award Agreement with the County of Cuyahoga for the Village's Chagrin River Road Public Sidewalk Extension Project; and Declaring an Emergency" was read by Councilmember AuWerter. Out of the Comprehensive Plan we heard, primarily for safety reasons, that we ought to look at getting from the lower school parking lot to the Community House. Mayor Schneider stated this \$157,500 grant is County money coming to us for the project. After the first of the year, we will have to apply to possibly the biannual state budget to get the difference needed to do the project. Councilmember AuWerter stated we are not asking for approval to do the project; we are only receiving the money. If we choose not to do the project, we would return the money. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-34 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

Treasurer Siemborski added that per Section 2 of the Agreement, it says if the project has more than one funding source, the award will be disbursed upon the receipt by the recipient of all other funding sources. We don't get the money until we clarify that there are other funding sources. That means we would either commit ourselves at this point to fund the project so that we could get the funding source, or we're going to wait in line for additional funds to come next year through the state or elsewhere before getting any money.

Councilmember Deacon asked if we have bids for the project. Mayor Schneider and Service Director Biggert stated no, we estimated \$250,000 in the grant application to the County.

Councilmember AuWerter moved to approve Resolution No. 2023-34 with Councilmember Press seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

21. Resolution No. 2023-36 (First Reading) starts at 1:44:42

Resolution No. 2023-36 "A Resolution Accepting a Bid and Awarding a Contract for the Mayfield Road Culvert Project; and Declaring an Emergency" was read by Councilmember AuWerter.

Village Engineer Courtney explained under Ohio State law the contract has become unrewardable because the low bid is more than 20% over the engineer's projected cost estimate. He recommends rejecting all contract bids tonight and then readvertising in the winter.

Councilmember AuWerter moved to reject all bids that had been received for the Mayfield Road Culvert Project for the reason that they exceed the 10% Ohio State law threshold (going up to 20% on October 3). Councilmember Welsh seconded the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

Councilmember AuWerter moved to remove Resolution No 2023-36 from the agenda with Councilmember Press seconding the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried.

## 22. Council Matters starts at 1:52:47

Councilmember Steinbrink stated Hawken pulled all their business out of the Gates Mills Post Office (GMPO), but they still use a Gates Mills mailing address. Mayor Schneider answered they still have a post office box at the GMPO. Councilmember Steinbrink asked if anything could be done to prevent Hawken from using a GM mailing address when none of their mail is being directed through the GMPO - they mail out of Chester. Mayor Schneider thought they received mail at GMPO. They are allowed to have a post office box there.

At 1:53:38 Councilmember Turner brought up Gates Mills Boulevard (GMB) and hearing from so many people that it is being used as a two-lane roadway when signage indicates it is one lane. What would prevent us from putting a bike lane in there? Village Engineer Courtney explained there are specific geometrical requirements for a bike lane. The portion of GMB that is closer to Old Mill from between Chartley and Old Mill would be wide enough to support a bike lane. The portion of GMB that is between SOM Center and Chartley is not wide enough to support a bike lane. Councilmember Press asked how did what used to be a two-lane road become a one lane road. Village Engineer Courtney answered in 2008 we resurfaced GMB with Federal and County money. At that time, we had to review the geometry of the road. It was decided by the County that the portion between SOM Center and Chartley is a one lane road based on its current width. So, it may have been driven as a two lane road up until that point in time, but since 2008 when we resurfaced the road it was designated as a one lane road. Councilmember Deacon asked if we could paint lines. Village Engineer Courtney said yes and described a pavement marking approach called a sharrow indicating that the pavement is shared between pedestrians, bicycles, and cars. Sharrows will go along the curb lane on the right-hand side. He believes that both sides of Chartley are of sufficient width. Additional signage might help to better direct people. Councilmember Turner and Mayor Schneider thought it would be a good idea to further investigate and assess the cost.

At 1:59:10 Councilmember Atton offered two observations on the Comprehensive Plan (CP). He thought the recent CP workshop was not as productive as he had hoped, and he was disappointed it was not videotaped. People he talks to don't understand the way our real estate taxes work. As stated in the CP, we have room for 90 new homes in the village if we use all vacant lots with existing zoning regulations. If we were to build \$50,000,000 worth of new homes in the village, the real estate tax revenues to the village will be no more than if instead we raised our real estate taxes by 1.25% on the current \$650,000,000 County value. When trying to understand the real value of development, one of the primary things is the incremental real estate tax. Councilmember Deacon suggested also looking at income tax revenue and taking a holistic look at all the factors. Councilmember AuWerter stated there is nothing in the CP that is encouraging development of 91 houses. It is a factual statement that existed before the CP and it will exist after. Councilmember Welsh spoke to newly built houses not hitting the tax rolls for three plus years. At 2:05:14 Councilmember Atton gave observation number two on the CP. He believes we need an external expert legal view on whether this document in any way jeopardizes our existing zoning. Hunting Valley is very afraid of being told that five acres is too big a zoning limit for homes, and we don't seem to be. After comments by Councilmembers AuWerter, Turner (most notable being that housing was not a top priority but in the second and third tiers of the CP), and Press, Mayor Schneider stated in order to challenge or change our zoning, it would have to go to the voters. Law Director Hunt stated simply because the voters might approve something does not make it legal under the Constitution. Councilmember AuWerter asked Law Director Hunt to brief Council if Hunting Valley has a reason to be concerned and if so, would it be applicable to Gates Mills. Councilmember Atton agreed. After comments by Councilmembers Welsh, AuWerter, and Press regarding expansion of the historic district, Councilmember Deacon advised there are also restrictions, even though you are not in the historic district, but if you can be viewed/seen from the historic part of the village then you are subject to the historic rules.

23. Business from the Audience starts at 2:11:44

Dennis Leazott, 620 Chagrin River Road, asked for clarification of the term broadband. Mayor Schneider replied fiber optic installation throughout the village. Mr. Leazott, with 27 years in contracting and civic construction, stressed the importance of the RFP as it is the contract. Secondly, living next door to 640 Chagrin River Road, he has seen, and it is his opinion that 640 was rotten to the core. The decay and neglect occurred over a long period of time. Those who are upset at the situation should direct their ire at the many previous owners that allowed 640 to get into that condition, not at the current owners who are trying to make something good out of a bad situation.

At 2:16:13 Mitch Bass, 1249 Chagrin River Road, lives close to the traffic cameras installed on Mayfield Road and says it has made a dramatic difference that he can hear, feel, and see. He wondered if there were plans to install cameras going up both hills as that traffic remains intense. Secondly, he addressed invasive vegetation controls. Over the past five years, he has planted trees and managed cutting of invasives on his property with assistance from the Ohio Dept of Natural Resources (ODNR). Two or three new invasives not seen in Northeast Ohio in 30 years were identified on his property by ODNR this past spring. There are millions of dollars in renewable grants available to the village from a variety of federal and state agencies to help support

our tree canopy efforts. Our Land Conservancy as well as individual homeowners can apply. Mr. Bass is willing to share his contacts and believes ODNR would love to see Gates Mills become their shining star to show other communities how to approach tree canopy restoration.

Charlie Baker stated he has applied for three federal grants (monarch butterfly and tree canopy) and they are easy to get.

At 2:23:23 Roberta Levenson, 6705 Gates Mills Blvd, a 25+ year Gates Mills resident, walked Gates Mills Blvd. frequently until she fell and feels there is no incentive for drivers to obey the one lane signage when the police will not ticket for that.

At 2:26:45 Rita Petti, 35600 Dorchester, agrees with Mrs. Levenson and feels something should be done about it.

At 2:27:35 Sean O'Hagan, 7638 Colvin Road, is excited about the sidewalk from the school to the Community House and thinks it is a really important improvement for the village. Secondly, he is glad folks are talking about pedestrian safety on Gates Mills Blvd. since he is concerned about the sense of what pedestrians should be doing to protect themselves. He feels our village tells people to walk on the street and protect yourself. That is an inadequate response. The messaging should not just be towards pedestrians; the messaging should be towards the drivers to settle down their speed. We should be doing what we can to create sidewalks and to make the one lane Gates Mills Blvd have multimodal access.

At 2:30:21 Don Levenson, 6705 Gates Mills Blvd, spoke to the plan that the village has been looking at for some time and his concern is that we are possibly jeopardizing the legal aspects of our properties and the zoning that we have.

#### 24. Executive Session to discuss pending litigation

Councilmember AuWerter made a motion to go into Executive Session to discuss pending litigation and Councilmember Welsh seconded the motion.

Ayes: Atton, AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.

Nays: None

Motion carried. Entered Executive Session at 8:01 p.m.

Mayor Schneider reconvened the meeting at 8:27 p.m.


#### 25. Adjourn

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

Respectfully submitted,

  
Beth DeCapite, Clerk

Approved:

  
Karen E. Schneider, Mayor

**VILLAGE OF GATES MILLS**  
**FINANCIAL REPORT FOR THE EIGHT MONTHS ENDED AUGUST 31, 2023**  
**September 17, 2023**

**AUGUST RESULTS AND FINANCIAL POSITION**

The financial statements were provided to the Mayor, Clerk and Council prior to the September council meeting.

**GENERAL FUND**

Revenue for the month of August was \$1,023,000, consisting of \$805,000 of real estate tax receipts, \$150,000 of municipal income tax revenue and \$68,000 of other revenue. Tax amounts represent collections by the taxing agencies (Cuyahoga County and RITA ) that are forwarded to the Village. The Village is dependent on the timing of those agencies' billing and collection activities and on the timing of taxpayer remittances.

For real estate taxes, receipts are dependent on the seasonal nature of tax due dates, payments by property owners and county remittances to the Village. For the first eight months of 2023, real estate tax receipts are slightly ahead of the prior year. We have caught up with a slow collection start earlier in the year. As the underlying basis of calculating real estate taxes has not changed, we can expect the budget amount for the full year.

Municipal income tax revenue was \$150,000 in August. We have been reporting for several months that tax receipts in 2023 have been less than in 2022. For the eight months in 2023, income tax revenue of \$1,534,000 is below 2022 amounts by \$873,000. As discussed, we have conferred with RITA on expectations for 2023 collections to see whether their previous guidance to us, from which we developed the budget of \$2,600,000, is different and for explanations of the lower amounts. Their updated projection of \$2,125,000 would produce a \$475,000 possible shortfall between budget and projection.

Other source revenue of \$610,000 is favorable to the prior year by \$103,000 due to higher receipts in all categories except ambulance income. Of note, rental income from the cell tower (\$72,000 this year, \$62,000 in 2022) , interest on investments, and higher Mills Building rental income from a one-time tenant payment in January of 2023 that was paid differently for 2022 provided for most of the difference.

Expenditures for the month of August were \$424,000 for operations and \$436,000 of transfers to other Funds. Our monthly operating costs are approximately \$450,000. Certain vendors invoice the Village on a quarterly basis. Legal and professional fees are up for the year by 10% or \$16,000 due to increased rates and more matters requiring attention. Income tax expense is down as a function of lower collections. For the first eight months of 2023, expenditures were \$4,600,000 compared to \$3,765,000 in 2022. The 2023 amount includes \$932,000 of transfers from the General Fund to other Funds (\$451,000 in 2022). Excluding those transfers, cash expenditures were \$3,558,000 in 2023 and \$3,314,000 in 2022, an increase of \$354,000 or about 10%.

The Police Department is on budget in 2023, except for the \$90,000 deposit payment made by the Village to Mayfield Courts upon the commencement of the traffic camera program in August. In the Fire Department we spent greater amounts on personnel costs and on ambulance/EMS costs. The additional volume of fire calls requiring our Fire department personnel has risen 58% this year to 158 YTD calls,

# Village of Gates Mills

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*Division of Police  
1470 Chagrin River Road  
Gates Mills, Ohio 44040-9703  
Phone: (440) 423-44505 Fax: (440) 423-2002  
[www.gatesmillsvillage.com](http://www.gatesmillsvillage.com)*

## **September 2023 Council Meeting (August Report)**

- 1) Bowhunting season begins on 9/30/23 and runs through 2/4/24.
- 2) On 8/30, a threat of violence against the school was received via a chat group text. Students went into a shelter in place for one hour during the investigation. The student was identified and removed from school.
- 3) The Mayfield Road speed camera program is running smoothly.

### **Monthly Totals:**

- 66 Traffic Citations.
- 28 Warnings.
- 25 Incident/Accident reports
- 7.894 Patrol Miles.
- 23,881 house checks (YTD).
- Total Fines. \$5862.00.

Sincerely,



Gregg Minichello  
Chief of Police  
Gates Mills Police Department  
[gminichello@gatesmillsvillage.com](mailto:gminichello@gatesmillsvillage.com)  
440.423.4405 x 112



# Gates Mills Service Department

*"Yours in service since 1920"*

TO: Mayor  
and Council Members

FROM: Dave Biggert, Service Director

**RE: SERVICE DEPARTMENT REPORT – AUGUST 2023**

1. In August 11 building permits were issued for a total construction value of \$518,084.
2. In August 2022, 10 building permits had been issued for a total construction value of \$310,379.
3. Last month the electrician made the final connections for the stand-by generator for the Post Office. The building now has full stand-by power in the event of a power outage.
4. For the past few months, Jean and I have been working with Rumpke Disposal and another service provider to determine if there is a better or more efficient way to pick up residential recyclables throughout the Village. One suggestion is to eliminate the use of the blue recycling bags and provide a rolling tote.

Prior to implementing a tote system throughout the entire Village, Rumpke will be performing a small-scale feasibility study of the tote system. An area of approximately 50 homes has been selected for the study which should begin in September and run through the remainder of this year. Once completed, we are planning on sending a survey to the participants of the program to receive some feedback and thoughts of the alternative recycling system.

I hope this information is helpful. If you have any questions or need any additional information, please feel free to contact me at (440) 423-1581.

Respectfully Submitted,



David L. Biggert, RBO, RBI, PI, MI, EMT-B  
Service Director/Building Official

Gates Mills Fire Department  
August 2023 Council Report

DATE	NFIRS #	Address/Location	Description of Incident
8-2-23	2023-117	34001 Cedar Road	Fire alarm.
8-2-23	2023-118	11475 Ferry Road	Provide mutual aid to Chester FD for a structure fire.
8-4-23	2023-119	7469 Sherman Road	CO alarm. Fire alarm Malfunction.
8-4-23	2023-120	7469 Sherman Road	Install new smoke alarms.
8-5-23	2023-121	7793 Brigham Road	Fire Alarm.
8-5-23	2023-122	1215 Fox Hill Drive	Fire Alarm. Cooking.
8-8-23	2023-123	7151 Old Mill Road	Fire Alarm.
8-9-23	2023-124	600 Chagrin River Road	Fire Alarm.
8-11-23	2023-125	7639 Colvin Road	Fire Alarm.
8-12-23	2023-126	1620 Chagrin River Road	Fire Alarm.
8-13-23	2023-127	7880 Gray Eagle Chase	Fire Alarm.
8-15-23	2023-128	West Hill at Mayfield	Transformer Arcing.
8-16-23	2023-129	7431 River Oaks Trail	Fire Alarm.
8-19-23	2023-130	2045 SOM Center Road	Fire Alarm.
8-20-23	2023-131	7073 Gates Mills Blvd.	Fire alarm.
8-21-23	2023-132	7589 Saddleback Lane	Open Burning
8-23-23	2023-133	Gates Mills Blvd. / Chartley	Motor Vehicle Crash with injuries. MHFD & MVFD
8-25-23	2023-134	570 Battles	Wires Down
8-25-23	2023-135	1120 West Hill Drive	Reported Structure Fire—Wires Arcing
8-25-23	2023-136	Mayfield at County Line	Trees Down. Removed by Fire Dept.
8-25-23	2023-137	6710 Gates Mills Blvd.	Check Area – Storm Damage.
8-25-23	2023-138	7920 Old Mill Road	Power Lines in Trees—Road Closed
8-25-23	2023-139	7037 Hillcreek Drive	Tree on House- Natural Gas Leak
8-25-23	2023-140	8922 Wilson Mills Drive	Provide Mutual Aid to Chester F.D. –Structure Fire.
8-25-23	2023-141	1176 Hillcreek Lane	Tree Down in Power Lines—Area Secured—CEI Notified.
8-25-23	2023-142	7055 Hickory Lne	CO Problem/Generator.
8-25-23	2023-143	7860 Old Mill Road	Working Structure Fire
8-25-23	2023-144	1080 West Hill Road	Trees and Wires Down.
8-25-23	2023-145	461 Chagrin River Road	House Destroyed by Trees Down—Unsafe Structure
8-25-23	2023-146	1364 Echo Glen	Trees down on Wires—Scene Secured.
8-25-23	2-23-147	7059 Hillcreek	The Odor of Electrical Burning.
8-25-23	2023-148	6760 Gates Mills Blvd.	CO Alarm—Faulty Generator—Building Evacuated.
8-26-23	2023-149	1150 Hillcreek Lane	Tree Removal by Fire Department—Open Roadway
8-26-23	2023-150	7720 Mayfield Road	CO Alarm—Faulty Detector—Loaner Provided.
8-27-23	2023-151	900 West Hill Drive	Loud Noise—Possible Fireworks
8-27-23	2023-152	1659 Berkshire Road	Fire Alarm

Minutes Gates Mills Safety/Emergency Management Committee  
September 7, 2023  
Gates Mills Town Hall, Council Chambers  
9:00 a.m.

In attendance: Co-Chair Larry Frankel, Co-Chair Mike Pinto, Chief Gregg Minichello, Chief Tom Robinson, and Committee members Charlie Baker Patrick Daugherty, Dennis Leazott, Karen Cascio Long, Craig Steinbrink, and Ed Welsh. Also in attendance were Lieutenant Mike Pollutro, Assistant Fire Chief Tom Majeski, Fire Lt. Mike Feig, Mayor Karen Schneider, Councilmember David Atton, residents Leonard Carr and Chuck Spear, and Finance Administrator Janet Mulh.

**POLICE DEPARTMENT:**

Chief Minichello thanked Fire Chief Tom Robinson for his years of service and dedication to the Village. Chief Robinson is retiring September 15, 2023. Committee Co-chair Larry Frankel noted that although Chief Robinson is technically a part-time employee, his dedication has been much more than full-time. He has filled many roles during his time with the Village. Mr. Frankel noted the Chief's accomplishments in committee meeting preparation and minutes, working with CVD, COVID management and technology, negotiating EMS contracts, fire calls and training, smoke and CO detector installations, inspections, gas well safety, designing the new fire engine, and sending out notifications and communications. Chief Robinson did so much for the Village in his "part-time" position. Mr. Frankel welcomed and congratulated Assistant Chief Majeski on his upcoming promotion to Fire Chief.

**Traffic Camera Update:** The program went live on August 17. We are seeing about a 60% reduction in vehicles traveling over 60 mph. When the cameras were first turned on in May, we were seeing close to 400 cars per day going over 60 mph, while we are now seeing about 125 vehicles per day doing over 60 mph. Mayfield Village has a 60% compliance rate on paying citations after the first notice goes out. Another 10% seem to pay after receiving a second notice. Councilmember Atton mentioned that the level of traffic has gone down on Mayfield Road from 19,000 cars per day to 14,000 after COVID. He also stated that if the program is about safety, then we should spend the revenue on safety measures and the Committee should come up with ideas for such uses.

**American Security Alarm Monitoring:** Chief Minichello discussed the history of how the Village came to be paying for security alarm monitoring at residential homes in the Village. When the Village moved dispatching services to CVD in 2013, the alarm monitoring done by Village staff ended. The Village offered to pay for monitoring for residents using American Security with the thought they would do this for a year or two. Ten years have passed now, and we are down from 300 households using the service to 175. The cost has gone down from \$35,000 to \$20,000 per year. The management of the program is difficult as residents do not receive an invoice and do not alert American Security when they are moving or switching services; therefore, the Village continues to pay for a service that may not be utilized. This is not a service typically paid for by communities. The Long-Range Planning Committee looked at the issue about 5 years ago and

**Vehicle Fire Blanket:** A fire blanket was purchased to be used for vehicle fires, especially electric cars. Electric car fires can re-ignite if water is used, but the blanket will smother the fire out. The Fire Department completed a training event with Willoughby Hills to learn how to utilize the equipment.

**Severe Weather Response:** August had the largest number of calls in a month for the Fire Department. It is important to remember that we are not a staffed department. We are a paid-on-call department. During the hours of 8:00 a.m. until 4:00 p.m. the Service Department serves as fire responders and after hours are staffed on a callout basis. We were able to handle all of the storm calls without calling for assistance from any other department and were also able to assist Chester Township with a fire. One issue that continues to come up during storms is First Energy's ability to get power shut off to downed lines so that we can remove trees from roadways. We have a lot of dead end streets in the Village and we need to know if lines are energized or not before trees can be cleared. West Hill Drive, Hillcreek Lane and Echo Glen experienced issues with downed trees on power lines. Once First Energy confirmed the lines were de-energized, our staff were able to clear the road very quickly. However, it took days for First Energy to get to us, based on their protocols for emergencies. Mr. Frankel noted he had spoken with Councilmember Turner about the Hillcreek and West Hill area and noted people would like more communication during an emergency. Mr. Frankel and Mrs. Turner would like to have a crisis management team initiated to let people know what is going on in those times.

#### Open Discussion

**Traffic Issues at Chagrin River and Brigham Roads:** Dennis Leazott led a discussion regarding this area. He also passed out a handout (attached). His home is at the intersection of the three-way stop. He collected information and thoughts from the neighborhood to present. He noted the following:

- The main thing is speeding. There is excessive speeding when heading southbound after the stop sign.
- The stop signs create problems when he is trying to exit his home.
- This is a safety problem, not just a nuisance.
- Northbound is an issue because there is a hill before one approaches the stop sign.
- There is concern for cyclists with the speeding.
- What remedies have been used in the past?
- Is there any data from traffic studies? Can a traffic study be completed?
- Accelerations after stop signs have people speeding quickly.

Chief Minichello noted traffic studies have been completed by the State in the past. He sympathizes with him as it is a main road at an intersection, so it is a difficult area. They have been policing Brigham Road more for speeding. The Rapid Acceleration signs were installed years ago, but it is difficult to enforce.

# *Village of Gates Mills*

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## **Gates Mills Safety/Emergency Management Committee Agenda**

**Thursday, September 7, 2023, 9:00 am**

**Gates Mills Town Hall, Council Chambers**

### **Police Department:**

- Speed Camera update.
- American Security Alarm Monitoring.
- Staffing update.
- Vehicle fleet update.

### **Fire Department:**

- Introduction of soon-to-be Fire Chief, Tom Majeski.
- Chagrin Valley Dispatch Center challenges.
- Station alerting system update.
- AED discussion on placing additional units.
- Vehicle stabilization equipment upgrades.
- Vehicle fire blanket.
- Severe weather response.

### **Open discussion:**

- Traffic issues at Chagrin River and Brigham Roads

### **Public comments:**

## Traffic issues southbound on Chagrin River Road (CRR) from the 3-way stop

### Problems reported by residents

- Rapid acceleration from the CRR/BR Stop
- Excessive speeding well over 40mph going south
- Motorist failing the stop in both NB/SB directions
- Motorist traveling NB downhill too fast or distracted are making very hard stops at CRR/BR
- Near misses at the stop are not uncommon

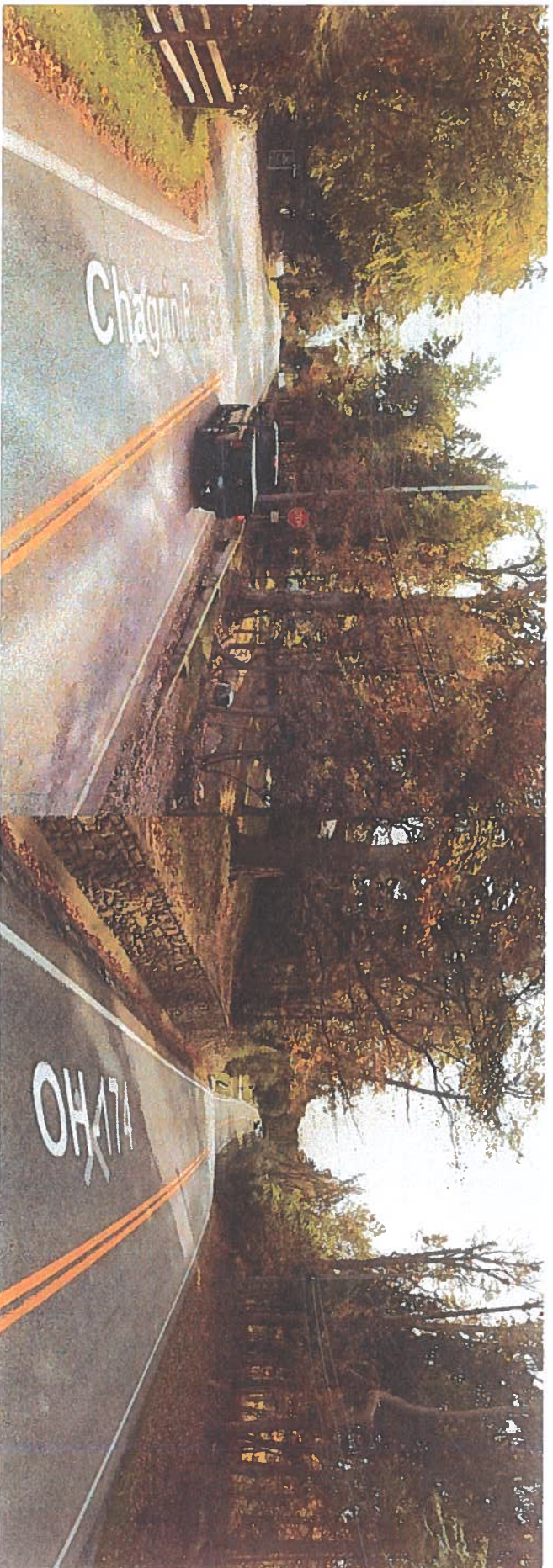
### Concerns

- Speeding hazards to residents along CRR
- Safe entry and exiting driveways
- Rapid Acceleration statute enforcement
- Numerous bicyclist use the road daily are at risk



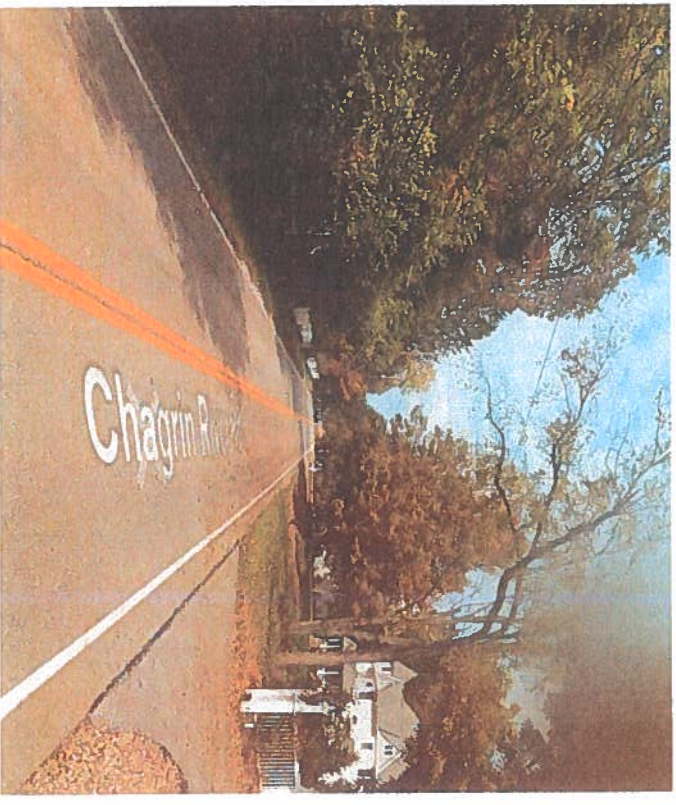
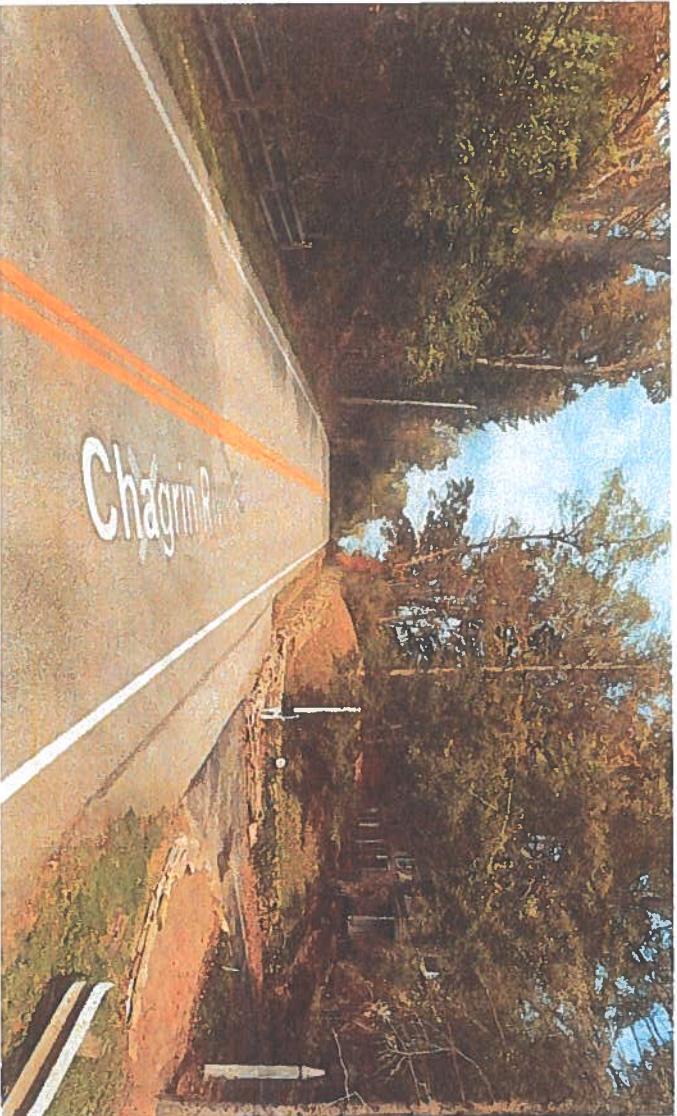


Views from the stop and further about 2/10ths of a mile away





Views NB towards the stop





## Questions for the Committee

- What remedies have been used in the past to mitigate the problems at CRR/BR?
- When was CRR last studied by recorded means?
- What would it take to have a traffic study conducted on CRR?
- Rapid Acceleration Signs
  - Is the perception the signs work?
  - How many citations have been issued for violating the acceleration statute?
  - Is there any data supporting the case for the signs?
- What other mitigations could be used?
  - Active radar speed signs?
  - Traffic cameras?
  - Reduced speed limits on CRR and/or approaching the intersection?
  - Speed bumps?