

**Village of Gates Mills**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**March 14, 2023**

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, March 14, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call

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

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

Councilmember Steinbrink moved to excuse Councilmember AuWerter and Councilmember Press seconded the motion.

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

Nays: None.

Motion carried.

2. Minutes of Special Council meeting of February 14, 2023

Councilmember Welsh moved to approve the February 14, 2023 minutes with Councilmember Steinbrink seconding the motion.

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

Abstain: Steinbrink

Nays: None

Motion carried.

3. Minutes of Regular Council meeting of February 14, 2023

Councilmember Welsh moved to approve the February 14, 2023 minutes with Councilmember Deacon seconding the motion.

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

Nays: None

Motion carried.

4. Minutes of Special Council meeting of February 17, 2023

Councilmember Welsh moved to approve the February 17, 2023 minutes with Councilmember Press seconding the motion.

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

Nays: None.

Motion carried.

5. Pay Ordinance # 1271 \$730,710.90

Councilmember Welsh moved to approve Pay Ordinance #1271.  
Councilmember Steinbrink seconded the motion.

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

6. Financial Statement/Treasurer's Report attached and starts at 4:22

As Treasurer Siemborski was not present, Councilmember Press stated a presentation of the new five year financial projection recently posted to the village website would be appropriate at the April Council meeting and Councilmember Atton asked that the old projection be removed from the website.

7. Mayor's Report starts at 5:26

- Read a thank you letter from John Schwartz commending Patrolmen Hooker and Cole for their response to an accident in his home
- Proposed moving Council meetings to the third Tuesday of each month to allow more time for preparation of the agenda and to ensure our Law Director attends the full meeting. Council will vote on in April.

8. Clerk's Report starts at 10:03

- Once a Council meeting video is on YouTube, also available is a transcript of the meeting to the left (correction: right) of the screen.

9. Committee Reports

Broadband Committee Report (Councilmember Deacon) attached and starts at 11:01

- The Committee recommends engaging the Broadband consultant Reid Consulting Group. Their proposal covers Phase 1 Baseline Analysis estimated to cost \$15,000. and, if approved by Council, Phase 2 RFP/contract negotiations with a provider. Both phases combined would not exceed \$40,000. A Resolution to engage Reid at the April Council meeting is the goal, and any questions would be appreciated in the next couple weeks.
- Councilmember Press asked if the consultant engaged by Hunting Valley had been considered. Yes. Can Reid project manage if the village owns and operates some of the infrastructure? Yes, Reid can evaluate and execute the implementation of that scenario. Oversight post implementation is a different question and not covered in the scope looked at.
- Councilmember Steinbrink suggested some of the mapping of households and fiber miles proposed in Phase 1 already exists within our road program analysis and might help reduce the overall cost and time.
- Councilmember Atton thinks the principal should be the negotiator and the consultant should help the negotiator. Councilmember Deacon stated we are not delegating the negotiation to the consultant.

Mayfield Schools “Focus Forward Mayfield” Initiative Update  
(Councilmember Turner) starts at 18:46

- Two steering committee meetings and two town hall meetings have occurred. Councilmember Turner is impressed with the process and collaboration between members of the steering committee who are fine tuning a previous plan to enhance a continuous improvement process. Final steering committee meeting is April 3 followed by recommendations that they hope to implement at the start of the new school year.

School Liaison Committee (Councilmember Atton) starts at 20:22

- Committee covers every Mayfield City School Board meeting-last was February 15th and next is March 22.
- Since the last Council meeting, the Committee has visited the Middle School, High School, and the Innovation Center. Will visit Environmental Center April 3.

Comprehensive Plan (Councilmember Turner) starts at 21:10

- The Advisory Committee (17 of 25 members) met last week at Gates Mills Elementary School to discuss the last two topics on which members wanted more information or discuss further housing and development. The categories were divided into outside the Village center and within the Village center. Members broke into two groups. Notes were taken by each group and per the normal process will be incorporated into the draft plan by the consultant and be available on the website before the April 18 Town Hall meeting at Gates Mills Elementary School from 6:00-8:00 p.m. Residents can comment on the draft and suggest priorities at the Town Hall meeting. In May the Advisory Committee will make the final review, comment, and set priorities. The final document should be presented to the full Council in June.
- The last invoice received from CT Consultants covered services through June 2022. Councilmembers Turner and AuWerter and the consultant have scheduled a phone call tomorrow to receive and review the expenses from June 2022 to present and to anticipate the total cost at the end of the project.
- Councilmember Press asked if Alternative Dwelling Units, a new concept present in the latest draft, was still on the table after last weeks Advisory Committee meeting. Councilmember Turner answered the consultant will make some changes throughout the whole document based on everything that was discussed and agreed upon at last weeks meeting. The revised document will be available in advance of the Town Hall meeting so residents can ask questions from an informed position.
- Councilmember Atton asked if the elementary school has video capability and Councilmember Turner said she would be contacting them to find out. Councilmember Atton asked in what format the Town Hall meeting will be-conversation with questions and answers, or small groups. Councilmember Turner said that has not yet been decided. Councilmember Atton stated the presentation of the final Comprehensive Plan is a special event and should be made at a special Council meeting in June rather than the regular June meeting.

- Councilmember Deacon suggested taking questions in advance and answering some of them in the opening talk at the meeting. Questions can be submitted to the website email address, in writing, or dropped off at Town Hall.

A question from Councilmember Press to the Architectural Review Board (ARB) about the historic house at 640 Chagrin River Road starts at 32:10

He was approached last week by a group of people who live in the historic district north of Mayfield Rd raising questions about the renovation of the historic house that became a tear down. Could Service Director Biggert walk us through the steps in the permitting process and were they followed for this project?

Service Director Biggert said yes, the procedure was followed. This was a renovation plan with additions, and the central core was to be retained. On Monday February 28th (correction: 27th) the homeowner came to me to discuss what to do about structural issues that were a problem. The next ARB meeting was on Thursday March 2. It is their job to review and approve/disapprove demolition requests and a request was submitted. Sarah Welsh, chairperson of the Historic Review Committee (HRC), was invited to and attended the ARB meeting to lend her comments. Although HRC doesn't want to allow demolition, it is ultimately the job of ARB to make the demolition decision. The demolition request was approved. The front wall and porch will remain. The central core will be rebuilt as it was before. The additions are not changing from what was approved. ARB had hoped for the chimney to remain but it needed to be fixed and collapsed during dismantling. The homeowner is present and has asked to speak.

Homeowner Nick Dicillo speaks at 39:29

It has been and still is our goal to preserve the home. We've got a few hundred thousand dollars in selective demolition. If it was our goal to take the house down there's plenty of ways we could have done it cheaper and simpler.

We approached Dave Biggert in an emergency situation after shoring up the basement and finding what appeared to be a solid foundation was not. There was no footing underneath and rim joists were rotting. We would have to jack up the entire house and replace the entire footing. Based on our architect's independent assessment, it was decided that the entire structure in due time would need to be replaced.

To your question about the timeliness of the demolition request, we had to move quickly to demolish before it became a further liability to our neighbors and community members.

Councilmember Atton's comments on the absence of ARB reports and minutes on the website starts at 47:07

Every committee, particularly the important ones, should report on a monthly basis on the website. Service Director Biggert prefers the personal contact and finds it his job to point people in the right direction for ARB or P&Z matters. Mayor Schneider stated plans and drawings can't be put online.

Councilmember Steinbrink was pleased to hear that the ARB was efficient and moved quickly to address the situation. The perception among villagers seems to be anytime they're in front of P&Z or ARB it's going to take many months to get something done. The bigger issue is our aging housing stock. We don't require random or point of sale inspections and we don't have a history of improvements made. As a

village we need to find the best way to help homeowners who start renovations and find problems hidden in the walls and face tear downs.

Resident Chuck Spear, 629 Chagrin River Rd., stated the DiCillos have poured their heart out into this project, and he is proud of them and proud of the Village for how this has been handled.

10. Police Department Report attached and starts at 55:46

Councilmember Press asked what the baseline traffic count on Old Mill Rd. revealed. We have data from December 2021, data for the seven days February 17th-23rd, and a traffic count is being done right now. The Police Chief shared the data. It is difficult to determine if it's through traffic or not.

Councilmember Atton asked when the cameras were expected to start. Lyndhurst Court has decided to switch vendors and that means the Court will be ready to take us on sooner than anticipated, hopefully around June 1st for the eastbound camera. We've been told the eastbound camera will be working mid-May. The westbound camera is more challenging and more information should be available by the end of the week.

Councilmember Atton suggested getting a baseline traffic count for Mayfield Rd. before we start issuing citations and the Police Chief said we should be able to do that.

11. Service Department Report attached and starts at 1:01:16

Councilmember Atton asked if we are asking for bids in a different form this year than last-not just in terms of the numbers but in terms of the contract structure-so that we're clear about how overruns will be dealt with. Village Engineer Courtney stated additional contingency sections have been added into the contract this year that will provide us the fixed price from the contractor in advance of doing any work, if it becomes necessary. Those numbers will be seen by Council at the time of the contract award with the anticipation of them only being used if and when they are needed. If there comes a point in time where any of that additional money is needed, Council will have seen it in advance and there'll be a notification in place where I will let you know before any of the work is done and Council approval will be required before any of the work is completed. Our road program starts with the worst roads first, so the chances of running into unknown conditions that are going to require an additional spend in order to rebuild the road are much higher on roads that are in far worse condition. As we move forward we work ourselves out of this situation.

Service Director Biggert said since the 2022 road program would appear to be \$250,000 above what we anticipated, we will use one of two approaches with the 2023 road program. Either cut back the 2023 road program by \$250,000 so at the end of the two-year period it follows exactly what we said in our long term road program plan, or spend what was originally planned for 2023.

12. Fire Department Report attached and starts at 1:07:07

13. Ordinance No. 2023-10 First Reading starts at 1:10:05

Ordinance No. 2023-10 “An Ordinance Authorizing the Disposal by Sale of a Front-End Loader Used by the Village Service Department that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency” was read by Mayor Schneider. We have a bid of \$26,500 made by Green Estates Landscape of Cleveland. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-10 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Ordinance No. 2023-10 with Councilmember Deacon seconding the motion.

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

14. Resolution No. 2023-11 First Reading starts at 1:11:17

Resolution No. 2023-11 “A Resolution Authorizing the Mayor to Enter into an Amendment to the Master Services Agreement with Sensys Gatso USA, Inc. for an Automated Photo Traffic Enforcement System” was read by Councilmember Steinbrink. This amendment is necessary for two reasons. First to extend the contract to September 1st or the date the first citation is issued, whichever occurs first, plus five years. Second to change the process of who collects the fines. Due to the Supreme Court ruling, Lyndhurst Court must collect the fines and disperse to the village. Councilmember Steinbrink saw no reason why we need three readings since we already approved the agreement is January 2022. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-11 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

Ayes: Atton, Deacon, Press, Steinbrink, Turner.  
Nays: Welsh.  
Motion carried.

Councilmember Steinbrink moved to approve Resolution No. 2023-11 with Councilmember Turner seconding the motion.

Ayes: Atton, Deacon, Press, Steinbrink, Turner.  
Nays: Welsh.  
Motion carried.

15. Council Matters starts at 1:14:31

Councilmember Steinbrink mentioned Stroll Magazine carried a good article about our Land Conservancy and an interview with Nat Smith.

Councilmember Press mentioned a February article in the Chagrin Valley Times about Orange Mayor Kathy Mulcahy declaring she will not run again. We have four or five openings coming up this November and Councilmember Press encouraged those not running again to put your hand up sooner than later.

16. Business from the Audience - None

17. Adjourn

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Beth DeCapite". The signature is written in a cursive style with a large initial "B".

Beth DeCapite, Clerk

Approved:

A handwritten signature in blue ink that reads "Karen E. Schneider". The signature is written in a cursive style with a large initial "K".

Karen E. Schneider, Mayor