

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
April 11, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Village Town Hall Council Chambers on Tuesday, April 11, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call

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 Robinson, Village Engineer Courtney, and Law Director Hunt.

2. Minutes of Regular Council meeting of March 14, 2023

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

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

Abstain: AuWerter

Nays: None

Motion carried.

3. Pay Ordinance # 1272 \$434,311.33

Councilmember Welsh moved to approve Pay Ordinance #1272. Councilmember Turner seconded the motion.

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

Nays: None

Motion carried.

4. Financial Statement/Treasurer's Report attached and starts at 2:06

At 7:37, Councilmember Press repeated his March request for Council to review the new five-year financial projection posted to the village website over six weeks ago. Councilmember AuWerter suggested the projection spreadsheet with written narrative be redistributed before this review occurs. Although Treasurer Siemborski was prepared to speak on the subject tonight, he agreed to recirculate at least the written narrative and put the review on the agenda for the May Council meeting.

At 10:02, Councilmember Deacon asked when RITA will respond to our query over updated 2023 collections expectations. Treasurer Siemborski hopes better explanations are available at the May Council meeting. We budgeted \$2,600,000 (84%

of 2022 receipts) while RITA estimated \$3,200,000 so there is some room. RITA may soon adjust the estimate up or down.

At 11:13, Councilmember AuWerter asked for a separate line item for average payroll per pay period this year versus last year to be included on the monthly financial statement. We pay every two weeks; some months have two pays and some months have three pays. The average provides a better comparison.

At 12:22, Councilmember Atton asked the reason for the delay in getting June 2022 through January 2023 invoices from CT Consultants, and will the entire comprehensive plan be completed for \$72,000. Councilmember AuWerter stated the delay was administrative on CT's end. The invoices were broken down into what was in scope and what was out of scope. There is comfort with the in scope and more detail is required on what gave rise to out of scope. We do not know if the cost will exceed \$72,000.

5. Mayor's Report starts at 13:39

- Our fabulous Easter Egg Hunt had a record turnout. Thank you everybody that helped - staff and family, residents, fire chief, police and service depts.
- Read a note from Frank and Jocelyne Linsalata thanking Dave Biggert for his extensive efforts to improve 980 Hillcreek Lane. The long-neglected house recently sold for \$1,650,000.
- County District 6 awarded us \$157,000 for the culvert on Mayfield Rd.

At 18:22, Mayor Schneider asked Council to approve the appointment of Christine Riley to the Planning & Zoning Commission - term ending 12/31/26. Councilmember Steinbrink stated P & Z is happy to have Chris with her business attorney background fill the vacancy existing since December 2022. Councilmember Atton asked if other candidates had been considered. Mayor Schneider and Councilmember Steinbrink answered yes, a few people before someone was found that was interested in volunteering the time. Councilmember Steinbrink moved to approve the Mayoral appointment of Christine Riley to Planning & Zoning Commission - term ending 12/31/26. Councilmember Deacon seconded the motion.

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

Nays: None

Motion carried.

At 19:52, Mayor Schneider proposed the formation of a committee to review historic preservation of homes - Celeste McClung and Jared Hyams (Co-Chairs), David Ellison, Laurie Deacon and Sara Welsh. This came about after renovation issues at 640 Chagrin River Road arose and over concern for conveying village ordinances, zoning and regulations to anyone interested in buying a historic home. Earlier today Celeste emailed a statement of work without too much explanation to Council members, so Mayor Schneider suggested, and Celeste agreed, to re-review the statement, talk with the committee members and Council members, reword the statement and bring it back to the May Council meeting.

6. Clerk's Report - No report

7. Committee Reports

Real Estate Committee (Councilmember AuWerter) starts at 28:00

- Service Dept. is done with our portion of the coffee shop work at Sara's Place except for the installation of a door. Coffee shop should open sometime in May.
- Regarding Burton Court, Law Director Hunt prepared a non-binding Letter of Intent (LOI) with the terms upon which we are going forward. LOI was signed by Mayor Schneider and the tenant. The architect (Dimit) has been chosen. From an ARB standpoint, it's not expected to be controversial as the exterior second floor will be a near replication of the exterior first floor. The approximate timetable for drawings ready to go to the state for permit and to potential contractors for bid is 8 weeks, middle of June. Dave Gromelski wants use of the first floor by November 1. The architect quoted \$22,000 for the architectural work. Additional services such as project oversight are available on an hourly basis. Councilmember Atton asked if the first floor work would proceed if we don't proceed with the second floor and Councilmember AuWerter answered yes we would fall back to that as would Dave Gromelski.

Comprehensive Plan (Councilmember AuWerter)) starts at 37:40

- We have what we think is the near final draft of the plan. The next step, as was in the original scope, is to get input from residents on what they think are the more important aspects of the plan, what are the higher priorities, and feed them back to the Advisory Committee at a Town Hall Meeting at Gates Mills Elementary School gymnasium next Tuesday, April 18 from 6:00-8:00 p.m. using the small table format. An overview of the plan as it currently stands will be presented and then we break it into three segments-Goal A & B rural character of the village, Goal C & D housing and village center and Goal E & F amenities and connectivity-about 1/2 hour for each. There will be a form for every resident to fill out indicating how high a priority or degree of importance do you put on individual objectives. Comments, questions, or suggestions are encouraged on the form. The deadline for submitting questions in advance has been extended to Friday April 14th at noon. After fine tuning the results, a final Advisory Committee meeting will be held. We are on track for a presentation to Council at the June meeting followed by at least one special Council work session. Councilmembers Press and Atton expressed disappointment that there would be no questions from the floor, no opportunity for conversation in such a way that everyone would hear everybody, and video coverage of small groups would be pointless. Councilmember Turner explained the reason for the chosen meeting format was that every single person who attends is going to be able to voice on paper their opinions. Less residents are heard with the open microphone format. Councilmember Deacon asked what will be done with the written feedback gathered at the Town Hall Meeting and suggested publishing a tabulation of what people said. Councilmembers Welsh, Press and Deacon suggested a second Town Hall Meeting to present the findings. Mayor Schneider said to judge that once you get input at the Town Hall Meeting-maybe you'll need

another meeting and maybe you won't. It depends on who shows up and what the questions are. Councilmember Steinbrink stated it's been four years since the Consultant was chosen. After multiple Town Hall meetings and neighborhood meetings, we have given residents more than enough opportunities to participate. It starts to feel like we are too afraid to make a decision, too afraid of the outcome. One would be hard pressed to find anybody in the village that would disagree with the six goals. Through this process the output is what's important. If it was easy, it wouldn't be worth doing. The people who chose not to participate might feel their elected representatives represent their opinions or maybe they are happy with the direction things are going. It's time to make a decision. Councilmember Atton made additional comments - the Advisory Committee members are not the architects of the evolving document, it's a consultant's document. What we have here is a confluence of conservation on the one hand and development on the other. The two interact and people have to decide which is the more important. We're close to the end now, so don't rush the end. If it costs more money, let's pay for it. If it takes more time, let's take it. Make sure that what we get is a document that we believe villagers should take very seriously because of its decisive nature. Councilmember Deacon suggested a check-in at the end of the Town Hall Meeting to find out if people feel we need more time, more explanation or another meeting.

Planning & Zoning Commission (Councilmember Steinbrink) starts at 1:01:23

- P & Z approved the Gilmour Academy cell tower request bringing us closer to correcting the safety issue at Gilmour where cell service is non-existent in the Gilmour parking lot and neighboring dead spots along Dorchester Rd. Later tonight you will vote on a resolution to approve the P & Z action.
- A second resident has requested a variance for a solar panel on their roof that faces or is visible from the road. Among the three groups canvassed by Councilmember Steinbrink - individuals, ARB and P & Z - he found no appetite to change our ordinance to permit solar panels facing or visible from the road. The homeowner withdrew the request for a variance.

Councilmember Welsh asked where the cell tower would be located, and Councilmember Steinbrink answered to the right of the second driveway east of the dormitories where the large pines are. Councilmember Press asked if a second cell tower is still being considered for the other end of the village. Councilmember AuWerter stated that will be discussed by the Gilmour rep later tonight. See 1:40:55

8. Police Department Report attached and starts at 1:05:11

Reports by a vehicle tracking service of stolen vehicles passing through Gates Mills continue, most recently two on Berkshire Road. Many of our neighboring communities have had vehicles stolen and we are fortunate to have not had any. Dodge Durangos are targeted.

Councilmember Steinbrink asked for a traffic camera update. On Friday 4/21 Sensys Gatso's contractor will start the installation of the eastbound Mayfield Road camera equipment and electric. The same is to occur on westbound Mayfield Road in

the next couple of months. We believe that the cameras will be operative before Lyndhurst Court is ready to take this on. During that time, we will collect raw data.

Again Councilmember Press remarked on the house check count. We set a new record - over 5300 house checks in March. If there is disproportionate usage, we might want to consider charging for the service. It's a good service and one we should provide. The question is who should pay for it. Chief Minichello and Councilmember Turner both considered there to be no cost. Councilmember Atton asked what the police would be doing if they weren't doing house checks. Councilmember Turner and Mayor Schneider answered hopefully driving around observing our community. Chief Minichello believes the house checks curtail burglary because the police presence does not follow a pattern. Burglary in a home empty for an extended period of time without house check protection is difficult to solve. Councilmember AuWerter believes the retrieval of packages from the front door during a house check keeps outsiders unaware of homeowner's absence-a protection. He didn't know how much revenue would be involved, but there's not much cost. This is not the first time the subject has come up. When long range planning looked at revenue enhancement, it was concluded there wasn't much cost and house checks were a safety measure.

9. Service Department Report attached and starts at 1:11:35

Treasurer Siemborski asked for an update on the Mayfield Road culvert replacement project efforts. Service Director Biggert reported, with concurrence from Village Engineer Courtney, the road program will be on the May agenda for Council approval, and the Mayfield Road culvert replacement project and the Hillcreek retaining wall/culvert project will be on the June agenda. Treasurer Siemborski suggested that since we had issues under the road that weren't obvious leading to cost overruns last year, we should make sure the change order provisions are relevant and there's dollar amounts. We don't want to find ourselves at the end of the project with a surprise large bill despite good efforts and honesty on the part of a lot of people.

10. Fire Department Report attached and starts at 1:13:25

On this date in 1927, Ordinance No. 54 was enacted which created the Gates Mills Fire Dept.

Councilmember AuWerter asked Chief Robinson his official retirement date and was advised the Chief's last day in the office is September 15th. Councilmember AuWerter suggested an overlap occur between the Chief and his successor and was advised succession planning by the Chief and the Mayor has been well underway for the last 2-1/2 years.

11. Ordinance No. 2023-12 First Reading starts at 1:16:04

Ordinance No. 2023-12 "An Ordinance to Approve Current Replacement Pages to the Gates Mills Codified Ordinances" was read by Councilmember AuWerter. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-12 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Turner moved to approve Ordinance No. 2023-12 with Councilmember Welsh seconding the motion.

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

12. Resolution No. 2023-13 First Reading starts at 1:17:30

Resolution No. 2023-13 “A Resolution Authorizing Participation in the ODOT Road Salt Contracts Awarded in 2023” was read by Councilmember AuWerter. Going with ODOT, rather than independent pricing, is typically a much better rate. Service Director Biggert advised we will contract for 1400 tons and must submit by May 1. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-13 be placed upon its final passage. Councilmember Steinbrink 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. 2023-13 with Councilmember Deacon seconding the motion.

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

13. Resolution No. 2023-14 First Reading starts at 1:21:53

Resolution No. 2023-14 “A Resolution Authorizing the Mayor to Enter into a Professional Services Agreement with Reid Consulting Group for a Village-Wide Broadband Service Analysis” was read by Councilmember Deacon. Last month the Broadband Committee recommended to Council engaging Reid Consulting Group to study the feasibility and potential options of village-wide broadband (Phase 1 at a cost of up to \$15,000). Once we have the results of Phase 1, Council will decide whether or not to proceed with seeking bids and negotiating with providers (Phase 2 at a cost of up to \$25,000). Treasurer Siemborski advised that \$10,000 for this kind of consultant expense was put in the budget at a time when scope and timing were unknown. Councilmember Turner reminded Council it was discussed last month that the consultant should provide a support function, not negotiation, during Phase 2, if that occurs. Councilmember Deacon stated that the Statement of Work will be changed to reflect the support function of the consultant.

Councilmember Press asked if Reid has the expertise to cover the full range of options available to us and Councilmember Deacon replied yes but Reid would not be able to

get investors if we went the route of the loop being privately owned. Councilmember Press shared that Hunting Valley has narrowed their broadband search down to two alternatives - either a deal with Spectrum, a much better deal than Spectrum offered us in the RFP last year or owning/operating their own loop. Councilmember AuWerter said the study will answer the following question - if one of the options we want to consider is to proceed to put fiber in our community, would it be feasible, would it work. For \$15,000 we'll have a lot better understanding of what's entailed if we want to pursue fiber. Councilmember Deacon stated that if we don't look at this and come up with a solution for the village, what will happen is other providers will come in and likely carve up the village. We will lose our ability to have options and make sure everyone who wants it has it because areas that are harder to get to will be left behind. Councilmember Welsh wants to press Spectrum to fix the maintenance issues, like the Illuminating Co did, rather than spending so much money. Councilmember Deacon said the existing cable is aging, is going to degrade and degrade at different rates affecting different parts of the village differently.

Councilmember Steinbrink asked Ann Whitney, Broadband Committee chairperson, to summarize the results of the survey sent to residents in 2021. Ann stated the indication was residents needed help with better broadband as they could not do their day-to-day work. It wasn't everyone in the village that had terrible service. There are pockets that are bad. Many comments were made about the unresponsiveness of Spectrum. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-14 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2023-14 with Councilmember Turner seconding the motion.

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

Councilmember AuWerter wanted it to be clear that we just voted for the \$15,000 expenditure for Phase 1. Another resolution would have to come back to Council for approval of Phase 2.

14. Resolution No. 2023-15 First Reading starts at 1:38:10

Resolution No. 2023-15 "A Resolution Approving the Action of the Planning & Zoning Commission to Approve the Grant of a Permit to Gilmour Academy to Construct a Cellular Tower at 34599 Cedar Road" was read by Councilmember Steinbrink. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-15 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules. Councilmember Atton asked if the immediate neighbors were advised of the P & Z meeting and encouraged to attend. Councilmember Steinbrink replied yes.

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

Councilmember Steinbrink moved to approve Resolution No. 2023-15 with Councilmember Welsh seconding the motion.

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

At 1:39:33, Councilmember AuWerter added that with this approval Gilmour immediately is going to order the material and their goal is to have the cell tower up in four months. Verizon will have their equipment up virtually at the same time. It could be operational by September. T-Mobile is likely to follow closely behind. This coverage will benefit more than just the Gilmour campus - Dorchester, Chartley, Woodstock and Berkshire.

At 1:40:55 Councilmember Welsh asked Ron Gainar, representative from Gilmour, how many companies can put equipment on the tower. Ron replied four carriers - Verizon (the anchor), then T-Mobile, AT&T in 2024/2025 and Dish Wireless in 2025/2026. Regarding the potential cell tower site at the Mayfield School Environmental Center on County Line Road, Verizon and other carriers have been alerted to its existence. Ron thinks that once the Gilmour cell tower moves forward, the village might move up Verizon's priority list giving more complete coverage to the village. Councilmember Welsh asked how many carriers are on our tower (Carpenter Road). At best it's a mystery but Ron went up the tower and believes T-Mobile and Verizon. Councilmember AuWerter thinks AT&T also.

15. Ordinance No. 2023-16 First Reading starts at 1:43:33

Ordinance No. 2023-16 "An Ordinance to Amend the Annual Appropriations Ordinance No. 2022-42 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2023" was read by Councilmember AuWerter. This is housekeeping/not increasing expenditures. Treasurer Siemborski explained the \$250,000 item is ARPA funds received and when we conferred with the State it was required those funds be accounted for in the Local Fiscal Recovery Fund not in the Capital Improvement Fund. The \$19,160 item has to do with the timing of the receipt of an invoice that will be paid from funds donated to the Safety Fund last year.

Councilmember Press asked if we move the money and don't spend it all, can we put it back in the General Fund or is it trapped. Treasurer Siemborski answered in this case we're already committing to spending the dollars. Councilmember AuWerter still would like to pursue by what means funds can be brought back into the General Fund if we've overfunded a special account.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-16 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 Ordinance No. 2023-16 with Councilmember Welsh seconding the motion.

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

Nays: None

Motion carried.

16. Council Matters starts at 1:46:45

Councilmember Turner brought up last month's discussion on changing the council meeting to the third Tuesday of each month to allow more time for the preparation of the agenda and to ensure the Law Director can attend the full meeting. Mayor Schneider was not able to put this item on the April agenda without first talking to the Fire Chief about training schedules. The technical people that make our council meetings possible are also on the Fire Dept and have an important role in training. She talked with him today and the item will be on the May agenda for vote. Councilmember AuWerter suggested to change to the third Tuesday commencing in August, where the first of the month is a Tuesday. Councilmember Steinbrink commented that the meetings were moved from 6:00 p.m. to 5:30 p.m. because of the Law Director. Do we want to move the meetings back to 6:00 p.m. if we move to the third Tuesday?

At 1:50:28 Councilmember AuWerter reported that everyone provided suggestions when tasked with providing ideas of what Council ought to focus on over and above our day-to-day matters. Those suggestions that are not already underway nor expected to be in the comprehensive plan are tree canopy education, website and marketing/communications. We need to be thinking about these things. Another common thread heard is we have many village committees and it's not clear if their goals have been refreshed. It might not be the Council's role to decide.

17. Business from the Audience starts at 1:56:53

Charley Baker commented that throughout the 32-page interim comprehensive plan, there is only one mention of cost. How can we prioritize if we have no idea of the costs, if we are going to hire an outside consultant or if we could do internally? Councilmember Turner responded that the Advisory Committee did address attaching dollar amounts to the different objectives and goals or not. As the list and the discussions grew, it was decided for this plan that it would be according to the priorities of the village and the Advisory Committee and up to the Mayor and Council as to how they wanted to approach it based on the budget. Mr. Baker would like to see costs in the final plan.

Ann Whitney advised the comprehensive plan survey on the website is a draft survey and not close to what residents actually did fill out. Some of the minutes are not available.

Chuck Spear advised there are no Architectural Review Board or Historic Review Committee minutes on the website since February 2022. Service Director Biggert is working his way back and eventually the minutes will get on the website.

18. Adjourn

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Beth DeCapite". The signature is fluid and cursive, with a large initial "B" and "D".

Beth DeCapite, Clerk

Approved:

A handwritten signature in black ink, appearing to read "Karen E. Schneider". The signature is cursive and flows across the line.

Karen E. Schneider, Mayor