

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
October 17, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, October 17, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 4:34

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. Minutes of the Special Council (Workshop) meeting of September 12, 2023

Councilmember Welsh stated he left the workshop to attend the GM Library Board meeting, not the Library dinner, and would like that correction made on page 3. Councilmember Steinbrink moved to approve the September 12, 2023 minutes as corrected and Councilmember Press seconded the motion.

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

Abstain: Turner

Nays: None

Motion carried.

3. Minutes of the Regular Council meeting of September 19, 2023

Councilmember Press moved to approve the September 19, 2023 minutes and Councilmember Steinbrink seconded the motion.

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

Nays: None

Motion carried.

4. Pay Ordinance # 1278 \$410,451.64

Councilmember Welsh moved to approve Pay Ordinance #1278 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 7:03

Minutes of the Finance and Budget Committee meeting of October 16, 2023 attached and starts at 15:05

At 18:50 Councilmember Deacon asked if there were any suggestions or changes planned given the declining municipal income tax revenue. Treasurer Siemborski responded we are looking to double our investment income from \$150,000 to \$300,000 next year as we are in a position to take advantage of peak interest rates with the liquidity we've maintained. Secondly we will have a full year of speed camera revenue that should be a sizable six figure number.

Treasurer Siemborski expects three Budget meetings will be necessary to prepare for the 2024 annual appropriation ordinance at the December Council meeting. First, Finance Director Mulh and Treasurer Siemborski prepare a high-level balanced budget of overall revenue and expense targets that provides guidance to the department heads in the preparation of their detailed budgets. This will be followed by two meetings of the Finance and Budget Committee - one focused on revenues and one focused on expenses. Councilmember Press presumed we will also update the five-year financial outlook and Treasurer Siemborski agreed.

6. Mayor's Report starts at 21:17

- Councilmember Turner and the Positively Gates Mills Committee hosted a terrific New Resident Social on Sept 29 that was well attended and enjoyed by all. Prizes were given out - of note, the longest distance moved was from the Cayman Islands.
- Council's packet includes a thorough analysis of the District's 2022-23 report card and was prepared by Sean O'Hagan, Co-Chairperson of the Mayfield Schools Liaison Committee. Councilmember Atton commented that school districts throughout the state on average have not yet retrieved the performance they had pre-Covid even though almost every district within the state improved its performance on achievement. Gates Mills Elementary has done better than most and is one of the best in the state. *MCS was ranked 16th out of 31 Districts in Cuyahoga County in terms of Achievement, unchanged from a year ago.* Councilmember Turner added achievement is one of six variables that are considered in the overall rating. Councilmember Press stated Kenston schools have experienced a downward trend in enrollment and has come up with a right sizing plan to right size their assets versus their lower student body. Kenston contends declining enrollment is typical of what's happening throughout Ohio, yet Mayfield schools has not identified an issue with declining enrollment - maybe Mayfield is different than the rest of the state.
- Halloween Party is October 27th, 6:00-8:00 p.m., at the Community House
- GM Players Chili Cook Off is October 22nd, 11:00 a.m.-1:00 p.m.
- Thank you, Improvement Society, for the well done Candidates Night held September 26th. Councilmember Turner stated she also heard positive feedback, and she prays that the tone of the campaign remains the same in the coming three weeks. It is Councilmember Turner's understanding that a current Councilmember has told residents that he and a neighbor are preparing a slideshow of video clips taken out of context to imply that one of our Candidates is not qualified to sit on Council. In order to prevent this from

happening and bring this into public view, Councilmember Turner asked Councilmember Atton directly if he was preparing a slideshow video in opposition to one of the Candidates to be released sometime after this Council meeting. Councilmember Atton replied no, and Councilmember Turner expressed her delight as such a video could cause division in our community that would take years to heal. Councilmember AuWerter asked Councilmember Atton if resident Don McClung intended to make the video and Councilmember Atton replied he did not know.

7. Clerk's Report - None

8. Committee Reports

Gates Mills Land Conservancy (Councilmember Turner) starts at 34:23

- Membership Chairperson Leah Whidden was delighted to announce at the most recent Board meeting that a \$100,000 donation was received from a resident. This brings revenue up to over \$700,000.

At 35:11 Councilmember Press expressed his disappointment with the absence of a Charter Review Commission report as that report has some issues in it that are of potential interest to the voters before the election. Law Director Hunt replied the report is 99% complete and Commission Chairperson Shawn Riley was not available tonight.

Fiber Optic/Broadband Committee (Councilmember Deacon) starts at 36:20

- Broadband Workshop for Council is scheduled for November 16

9. Police Department Report attached and starts at 37:15

10. Service Department Report attached and starts at 38:05

Councilmember Welsh asked if we were set for salt and Service Director Biggert answered yes, we have more than a full bin plus some in storage.

11. Fire Department Report attached and starts at 39:51

Fire Chief Majeski stated he has received the Insurance Services report. We did lose some points overall, but we maintained our rating of two. Fire departments are rated from one, being the best, to ten, being the worst. For a small town fire department to achieve a rating of two is quite remarkable. We have to expand training of our limited personnel to achieve more points. Treasurer Siemborski asked if we are close to a rating of three and Fire Chief Majeski replied we are on the brink. Treasurer Siemborski asked if a rating of three would increase resident's home insurance premiums and Fire Chief Majeski answered yes, slightly.

Councilmember AuWerter read an update on the roads program prepared by Village Engineer Courtney:

- Paving was supposed to start yesterday for Blackberry, Chestnut, and Hawthorne Farms Roads, but the rain pushed it out for a few days. We expect a start by the end of the week and completion by November 9.
- Spot repairs and SOM Center drainage work is scheduled to be complete by November 8.

- Various county road patching and crack sealing will be completed by November 15.
- The Hillcreek Lane culvert work should be starting next week and will take about two weeks.
- The Mayfield Road culvert project, on which the bidding amounts did not come in as expected, will be rebid next Thursday in the Chagrin Valley Times and cleveland.com to reach a larger contractor pool. The cost estimate is being revised up to \$500,000 with a required completion date of August 31, 2024 - part of next year's budget process. This will allow the best opportunity to lower bid prices by providing scheduling flexibility and additional time to procure materials - the two items that drove prices up in the original bids.

Councilmember AuWerter expressed his frustration with again facing snowflakes before our paving is complete. We know our priorities and should go out for bid by February or March next year.

At 44:35 Councilmember Turner asked Village Engineer Courtney if he had follow-up information available after last month's discussion on pavement marking (sparrow) on Gates Mills Blvd in lieu of a bike lane. Village Engineer Courtney replied he will provide additional information next month. If approved, he estimates the cost to be under \$5,000.

12. Ordinance No. 2023-30 (Second Reading) starts at 45:40

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. This is to bring us in line with what other communities are charging for rentals. Ordinance No. 2023-30 will be placed on second reading.

13. Ordinance No. 2023-37 (First Reading) starts at 46:27

Ordinance No. 2023-37 "An Ordinance to Amend Chapter 792 of the Codified Ordinances of the Village of Gates Mills Regarding Municipal Income Tax to Adopt Updates to Conform to Ohio House Bill 33; Amending the Definition of a Pension and Adding a Definition of a Retirement Plan; and Changing References to the Central Collection Agency ("CCA") to the Regional Income Tax Agency ("RITA")" was read by Councilmember AuWerter.

Law Director Hunt summarized. The Ohio Constitution permits municipalities to have an income tax, but we must comply with the General Assembly's provisions on municipal income tax. If they don't have a provision on something that relates to municipal income tax, then we can have something else. However, the state of Ohio has over the years grabbed more and more of the regulations with respect to municipal income tax. This is another example. House Bill 33 imposes certain regulations on municipal income taxing, so we have to adopt those provisions of House Bill 33. He recommended placing the ordinance on first reading. The ordinance needs to be in effect by January 1, 2024, so it would need to be approved within 30 days of January 1 - at the second reading in November. In the meantime, he will have sent out to each Councilmember summaries of House Bill 33 prepared by RITA and the Ohio Municipal

League. It's possible a person from RITA would come to our next Council or Finance/Budget meeting to explain the changes.

Regarding the definitions of pension and retirement plan, Law Director Hunt stated both were adopted a few years ago by the state legislature. We did not adopt at the time, and we need to do that. Pending litigation will not be affected. What is in our Code at the time of a disputed tax year is what governs.

The change of our Tax Administrator from CCA to RITA was done by ordinance and effective January 1, 2017. We did not change the language in our Code, so that clean up needs to be done.

At 50:56 additional questions and comments were made by Councilmembers AuWerter, Deacon, Press, Atton, Mayor Schneider and Treasurer Siemborski. Law Director Hunt will ask the Executive Director of RITA to attend the November Council meeting to address our questions, and the two above-mentioned summaries will be made available to Councilmembers beforehand. Ordinance No. 2023-37 will be placed on first reading.

14. Ordinance No. 2023-38 (First Reading) starts at 57:03

Ordinance No. 2023-38 "An Ordinance Amending Section 1377.05 of the Village Building Code to Revise the Property Maintenance Code at 302.4 to Add the Maintenance of Trees; and Declaring an Emergency" was read by Councilmember Steinbrink. Council adopted the International Property Maintenance Code in 2017, which is Chapter 1377 of the Village Building Code. The Code was developed by a broad-based organization that provides model language for municipalities to use and is supported by the American Institute of Architects and the National Association of Homebuilders. The Code establishes minimum requirements for maintenance of existing buildings through model core regulations that contain clear and specific property maintenance and property improvement provisions. When the Code was approved in 2017, the purpose was to give the Village and the Service Department some enforcement mechanism for those homeowners who were not maintaining their properties - whether that be the existing house, fences, property, or overgrown grass/weeds. The Code did not address anything related to dead, diseased, or dying trees when it was adopted in 2017.

Service Director Biggert stated this ordinance addresses a homeowner's responsibility to maintain dead, diseased, or dying trees just outside the right-of-way on private property with the potential to fall and take out our power grid and/or pose a safety hazard to motorists. Fallen trees in the right-of-way are cleared by the Service Department tree crew or contractor if a crane is needed. During the last storm, the majority of the trees causing the power outage were on private property.

At 1:00:55 various Councilmembers, Service Director Biggert, Mayor Schneider, and Law Director Hunt discussed tweaking the broad language of the ordinance to convey the intent to address only those dead, diseased, or dying trees just outside the right-of-way that pose a hazard to motorists or our infrastructure; the need for an arborist; definition of tall grasses; sensitivity to any mitigating action minimizing the damage to the environment; and remedies for noncompliance with the ordinance. Ordinance No. 2023-38 will be placed on first reading.

15. Ordinance No. 2023-39 (First Reading) starts at 1:15:17

Ordinance No. 2023-39 “An Ordinance to Amend the Annual Appropriation 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. As mentioned earlier in the Treasurer’s Report, an added appropriation of \$21,000 is being requested for additional Fire Department compensation. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-39 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 Atton asked if this is for 3-1/2 months and are we talking about the fact that Fire Chief Robinson retired and we promoted two or three people underneath him. Treasurer Siemborski replied yes, it is anticipating that and related training for the next 3 months. Most of it was service correlated - the record 42 fire calls in July. Our budget was \$130,000 and we’re currently at \$110,000. We’ve got 3 months to go, we’re averaging about \$9,000 per month. This would give us an additional \$21,000 - about \$150,000. If we don’t need the money, we won’t spend it. This just allows us to spend up to that amount.

Councilmember AuWerter moved to approve Ordinance No. 2023-39 with Councilmember Press seconding the motion.

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

16. Resolution No. 2023-40 (First Reading) starts at 1:17:18

Resolution No. 2023-40 “A Resolution Authorizing the Mayor and the Clerk to Enter into an Agreement with Gavi’s River, LLC, for Renovations to the Village’s Burton Court Facility; and Declaring an Emergency” was read by Councilmember AuWerter. For about a year, options for the Burton Court space have been explored both for the benefit of the Village and to address the issues of Sara’s Place with less seating capacity and increased labor costs post-Covid. Bids were sought to put a second floor on Burton Court which would allow for an expansion, the bid came in much higher than anticipated, so it didn’t appear to warrant further pursuit. Last Thursday Dave Gromelski called to say he is ready with a contractor and decorator to move forward with improving the current Burton Court space in hopes of a November completion. Mr. Gromelski estimates replacing the flooring, painting the walls, and improving the lighting could cost up to \$50,000. which he is willing to pay up front and the Village would reimburse 50%. The Village would charge a \$150 user fee for events held at Burton Court and those fees would be kept by Sara’s Place until the fees accumulate to the lesser of \$25,000 or 50% of the renovation cost. Currently Sara’s Place pays a \$100 user fee that generates \$2,900 (approx 25-29 events) in annual Village revenue. Mr.

Gromelski estimates with some sprucing up he could have 75-100 events annually. We don't have to lay the money out now and we get an improved facility that is ours.

At 1:25:21 Treasurer Siemborski discussed the existing Burton Court space is being renovated. This is not any further addition nor upstairs expansion. The footprint stays the same. If Mr. Gromelski is spending \$50,000 of his own money, he will want to market the space. Assuming he doubles the events to 50 a year and a \$150 charge that's \$7,500 the Village would forego for essentially three years. If he does this for three years, it will have paid for itself and we get the space permanently improved. Councilmember AuWerter agreed.

At 1:27:17 Councilmember Press finds the arrangement problematic - Mr. Gromelski has a call on the space but no obligation to use it. He would rather structure the deal with Mr. Gromelski as the Lessor of the Burton Court first floor space and figure out the right rate for that and whether we should participate in the improvements or not to make the numbers work. Mayor Schneider stated this is an interim step to get to an overall plan without giving up our control. Councilmember AuWerter stated a lease was discussed in the spring at rates less attractive than this deal and to turn that space into private dining does not offer additional amenities to Village residents. Councilmember Welsh stated Mr. Gromelski not having to go out to bid the project and the weather setting in behooves letting him do this now. Councilmember Steinbrink, contrary to Councilmember Press, believes the Village has a call on the space. Councilmember Press interrupted and stated the Village also has a call, agreed. It is a very expensive call because it's being used infrequently, and that space is worth \$20 or more per square foot. Councilmember Steinbrink challenged that valuation. Councilmember Deacon asked for the current lease term of Sara's Place existing lease and Councilmember Steinbrink answered the current lease expires in July 2025 with two five-year options and continued. Rather than having the Burton Court space tied up in a lease for five years where we don't have any control over the space, this allows for some productive use of the space while negotiations over putting on a second floor continue. Service Director Biggert added he backed off on maintenance to the space knowing that we might be tearing it or a portion down. If nothing is done, we'll probably need to put \$25,000 in to upgrade it because a lot of things were put off to avoid tearing them out.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-40 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. 2023-40 with Councilmember Welsh seconding the motion.

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

17. Council Matters - None

18. Business from the Audience - None

19. Adjourn

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Beth DeCapite".

Beth DeCapite, Clerk

Approved:

A handwritten signature in black ink, appearing to read "Karen E. Schneider".

Karen E. Schneider, Mayor