

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 9, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, May 9, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 2:23

Councilmembers present: Atton, AuWerter, 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.

2. Minutes of Regular Council meeting of April 11, 2023

Councilmember AuWerter noted the word “only” should be replaced with the word “beginning” in the phrase “....AuWerter suggested to change to the third Tuesday only in August....” on page 9, item 16, line 8. Councilmember Welsh moved to approve the April 11, 2023 minutes with Councilmember AuWerter’s correction. Councilmember Steinbrink seconded the motion.

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

3. Pay Ordinance # 1273 \$548,751.95

Councilmember Welsh moved to approve Pay Ordinance #1273. Councilmember AuWerter seconded the motion.

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

4. Financial Statement/Treasurer’s Report attached. Treasurer Siemborski was not in attendance.

5. Mayor’s Report starts at 6:12

- Thanked Peter and Rita Rzepka for their donation to the Police and Fire Depts. Safety Fund.
- Residents Frank Linsalata and Bob Reitman were featured in Cleveland Crains “8 Over 80” article.
- The Historical Society will be selling old Gates Mills street signs at an event at the Community House on June 9.

6. Clerk's Report starts at 7:32

- Urged other residents to take advantage of home continuous circuit smoke alarms and CO2 detectors provided through the Safety Fund and installed by Fire Chief Robinson.

7. Committee Reports

Gates Mills Land Conservancy (Councilmember Turner) starts at 8:43

- Great energy on the Board, membership and revenue up
- 4 Walks & Talks on Sherman Road this month
- Planning is in the works for the 4th of July Parade float
- Educational seminar planned for the fall at the Environmental Center

Councilmember Turner stated she would find out in response to Councilmember Press' question about when the Land Conservancy would next report to Council and in response to Councilmember Atton's question if the Mayfield Schools Focus Forward Initiative would be reporting back sometime this month. Councilmember Press suggested the Land Conservancy's long range plan might be shared with the Comprehensive Plan Advisory Committee in hopes they are not contradictory.

Comprehensive Plan (Councilmember Turner) starts at 11:15

- The two hour April 18 Town Hall meeting was well attended by Villagers who showed diligence and conscientiousness answering questions about priorities. Small table discussions were lively. 78 questionnaires were received from those in attendance and will be analyzed by the Consultant and shared with the Advisory Committee.
- The Advisory Committee will also complete the same or similar questionnaire to reassess their priorities, review those responses at their May 16 meeting, discuss what the mutual agreement is on priorities, as well as what members feel wasn't completely discussed.
- The final report will probably come to Council in June. It is the Council or Mayor's decision whether or not to follow these priorities and whether or not to implement some of the recommendations.

Councilmember Press suggested that before the document is finalized it should be subject to a legal review and edit by a zoning expert (like Bruce Rinker who previously advised the Advisory Committee that a comprehensive plan should reinforce the zoning). Starts at 15:00

Councilmember Press' contention that the document contains two zoning changes, his dissatisfaction with the processes used at the Town Hall meeting, and Councilmember Turner's responses starts at 18:09

Councilmembers Atton and Press' contention that the July 2022 resident questionnaire results should have dictated no further lot size/cluster home/townhome conversation, that the further conversation ignored the will of the people, and Councilmember Turner's responses starts at 24:18

Councilmember Deacon asked if there was feedback from people leaving the Town Hall meeting on whether their questions were answered or if another Town Hall meeting was appropriate. Councilmembers Turner, AuWerter, Atton, Press, and Steinbrink all commented. Starts at 27:17

Councilmember Atton's concerns for video coverage of the May 16 Advisory Committee meeting, concerns for the process to deliver the final plan to Council, and responses from Councilmembers Turner and AuWerter and the Mayor starts at 34:27

Safety Committee-Traffic Cameras (Councilmember Steinbrink) starts at 39:26

- Eastbound has power and camera is being installed this week
- Westbound construction starts next week
- Early July time frame for both cameras to be ready

Real Estate Committee (Councilmember AuWerter) starts at 40:53

- All Coffee Shop work that Village is responsible for completed. Once equipment that is on order is received, shop is ready to open. No specific date but supposed to be sometime this month.
- Architect renderings of Burton Court were reviewed by Architectural Review Board last Thursday. Historic Review Committee sat in. Architect now has sufficient information to proceed to detailed drawings expected by four weeks from last Thursday. Drawings needed for three contractors lined up to bid on the project and for State approval for a permit. Project is just being explored at this point. It is hoped bids will be received mid to late June and then we will know if those amounts are similar to what was anticipated.

Charter Review Committee (Councilmember Deacon) starts at 45:52

- Committee met last week to discuss survey results regarding changes that needed to be made to the Charter that were completed by past and present Mayors and Council Members.
- Discussed changes to declaration of an emergency (30 days is waived for implementation) and suspension of the rules (suspend three required readings). Concluded that it would be difficult to draft something like that and it would be best for Council to consider the circumstances of each measure on its own.
- Discussed the number of Council members. Seven is a good number. If the number were reduced and members were absent, then we would have a small number of members potentially making decisions.
- Still being considered is putting in the Charter that major zoning changes would go to the voters.
- Good ideas deemed not appropriate for the Charter were enforcement of permits, number of committees, and duties of the President Pro Tem.
- A memo written by Law Director Hunt with clean up changes is being reviewed.
- Next step is a final meeting, with legal counsel present, to determine what recommendations to bring to Council. Changes to the Charter need to go on

the ballot and only Council can make a decision to put something on the ballot.

Councilmember Press stated zoning seemed to be the most likely recommendation to Council. Suggestions made that have to do with day-to-day Village operations and unrelated to the Charter should be turned over to Councilmember AuWerter or the Mayor to do with them as they will.

Councilmember Turner asked who was on the Committee. David Hooker, Robert Reitman, Shawn Riley (Chairman), Councilmembers Deacon and Press.

Councilmember Steinbrink suggested a calendar of ongoing administrative items could provide better planning to avoid declaring an emergency/suspension of rules.

Broadband Committee (Councilmember Deacon) starts at 50:38

- Reid Consulting Group Broadband consultant agreement has been signed

8. Police Department Report attached and starts at 51:07

- Councilmember Press asked what are our responsibilities to Gilmour? Chief stated Gilmour has a Director of Security with no arrest powers who handles in-house matters. GMPD gets involved in criminal matters. Councilmember Press asked if there is any way we could end up on the wrong end of a lawsuit because of something Gilmour security should have done better or didn't do? Law Director Hunt stated no, only if there is a violation of an ordinance or state statute that is criminal.
- Chief stated an informational brochure will be mailed to each household hopefully by the end of the month explaining the traffic camera program.
- St. Francis Festival is June 8-11. Since incidents occurred last year, we requested and were granted at no cost the use of a county mobile field camera unit with 3 cameras on it capable of covering the entire festival area. We provide 5 off-duty officers in addition to St. Francis' security patrol.

9. Service Department Report attached and starts at 56:07

- Road salt update-last week 400 tons were delivered and packed into our salt bin. Still have 164 tons that we are committed to buy through the state program. Working on where to store.
- Bids for the 2023 road maintenance program will be opened this Friday the 12th at noon and available at the June Council meeting.

10. Fire Department Report attached and starts at 57:58

- Councilmember AuWerter asked what predicates whether a fire is responded to by only GMFD or by GMFD along with surrounding fire departments? Chief stated we are part of MABAS (Mutual Aid Box Alarm System) and mutual aid is triggered when there is a report by a person (not an alarm) of smoke or fire in a structure. All fire depts participate to make sure the necessary resources are on the scene and for liability reasons.

- Councilmember Press asked for an EMS update. Chief stated we're in our last year of the contract, we are still in discussion with Mayfield Village, and we always look to see what alternatives we might find.

11. Ordinance No. 2023-17 First Reading starts at 1:02:15

Ordinance No. 2023-17 "An Ordinance Amending Section 131.01 of the Codified Ordinances of the Village of Gates Mills to Change the Date and Time for Regular Meetings of the City Council" was read by Mayor Schneider. This is so our Law Director can be in attendance. Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-17 be placed upon its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Nays: Steinbrink

Motion carried.

Councilmember Welsh moved to approve Ordinance No. 2023-17 with Councilmember Turner seconding the motion.

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

Nays: None

Motion carried.

12. Ordinance No. 2023-18 First Reading starts at 1:04:04

Ordinance No. 2023-18 "An Ordinance Amending Section 1313.05 of the Codified Ordinances of the Village of Gates Mills to Change the Meeting Time of the Architectural Board of Review's Historic District Subcommittee" was read by Mayor Schneider. The HRB meeting is proposed to be on the first Thursday of the month following the regular ARB meeting.

There is agreement among Councilmembers on the need to streamline the permit process of historic structures. Options were discussed-reverse the proposed sequence in the ordinance since HRB makes recommendations to ARB (yet ARB initiates the review to HRB if it's in the historic district), or a joint meeting allowing for separate votes. HRB needs time to look at things carefully to provide an adequate review. Further discussion with HRB Chairperson Sara Welsh is necessary. Ordinance No. 2023-18 will be placed on first reading.

13. Council Matters starts at 1:14:28

Councilmember AuWerter distributed a list of committees and community organizations taken off the Village website and requested each Councilmember to answer what do we as Council think we ought to be doing to track or get reports or be aware of the activities of these groups. He would like responses over the next month in order to gather the ideas and report back at the June Council meeting. Councilmember Turner stated a similar list of committees, committee descriptions, members, and when they should be making reports was prepared last year and is on the

Village website. As a first step look at that report and advise Councilmember AuWerter any changes you'd like to make.

At 1:20:43 Councilmember Deacon spoke about the Historic Preservation Task Force Statement of Purpose prepared by Celeste McClung and distributed tonight. Feedback received at the April Council meeting was incorporated into the Statement-the addition of effective communication tools for realtors and buyers, and recommendations for improvement of standards. Any additional feedback is requested before the June Council meeting so the task force can move forward at that time. Celeste was in the audience and thanked the Mayor for bringing this to everyone's attention. The task is viewed as data gathering and research to determine whether our ordinances and processes are aligning with historic preservation. Councilmember AuWerter expressed concern over the balance between historic preservation and excessive expense becoming a burden on the homeowner. Councilmember Turner wants clear boundaries for this task force and its recommendations and the responsibilities of the existing ARB and HRB. Also the first paragraph of the Statement is an opinion-what is the basis of that and is it true? Councilmember Turner is concerned with the end of the Statement about providing key facilitators with the authority to carry out intentions of all oversight groups. That probably is something that would be the responsibility of Council. Celeste stated the reference to authority came about over comments that the Building Dept. didn't feel it had authority to say or do certain things, so what are their roles? Mayor Schneider suggested looking at other communities with bigger older historical districts and how they are doing it, like Boston or Philadelphia.

At 1:32:21 Councilmember Deacon requested feedback on the need to do an assessment of the effectiveness of our zoning and permitting fines and penalties. Many residents are not familiar with key ordinances where there are penalties. Perhaps our enforcement isn't strict enough or maybe our communication isn't extensive enough for people to understand what they can and can not do or what they need a permit for. Mayor Schneider stated a good starting point is meeting with Service Director Biggert. The most common violations are fences, tree-cutting, and maintenance. Councilmember AuWerter agreed we need communications assistance. Karen Morse, a Gates Mills resident, was featured for her social media strategies in the latest issue of Stroll Magazine and we need that resource to help us out.

14. Business from the Audience starts at 1:36:56

Ann Whitney expressed a concern relating to the Comprehensive Plan. A May 4th Chagrin Valley Times article quotes Councilman AuWerter saying that "resident input from the Town Hall meeting will carry weight when Council votes on the final plan". There was also discussion at a previous Council meeting pertaining to voting on the final Comprehensive Plan. When a Comprehensive Plan was originally proposed in Council, it was not represented as a process to produce a document that would be formally adopted or rejected by Council when finalized. I was a Councilmember at the time and would have vigorously objected to any such Plan before the Village hired any consultant. A Comprehensive Plan can be a valuable document to highlight a variety of visions for a municipality. However, the intent of this undertaking was not to accept the final package in totality. The Plan is not and was not portrayed as a process to write

a set of future adopted goals. The Advisory Group's conclusion and resident input is being compiled and translated by the consultant. It ought to be used for what it truly represents—a document covering an enormous scope with suggestions for areas of improvement for the Village. It is my hope that Council will acknowledge receipt of the final Comprehensive Plan rather than entertaining any form of adoption which would likely handcuff the Village's governance and priorities moving forward.

Councilmember AuWerter was surprised he would have said that. He always has understood that it is a document for discussion.

Check Spears lives in an 1841 home. He has heard confusion this evening over ARB and HRB, but he didn't hear anything about the rights and obligations of the people who own houses that are built in 1841 and older. He hopes Celeste will think about those people and make sure they are represented as she puts her group together.

Rita Petty resides at SW corner of Dorchester and Chartley. There are signs indicating surveillance cameras are present, but there are no cameras. Chief Minichello stated the sign is a deterrent. Rita would be much more comfortable if there was a camera installed. Secondly, there is not a lot being done to homes around her that are dilapidated. This does not bode well for neighbors with beautiful homes trying to sell. She would like to see enforcement of maintenance violations on non-historic homes.

15. Adjourn

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

Respectfully submitted,

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

Beth DeCapite, Clerk

Approved:

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

Karen E. Schneider, Mayor