

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
August 18, 2026

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, August 18, 2026, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was live-streamed to the internet.

Mayor Siemborski recognized the generosity, leadership, talent, and devoted service of Dan Collister, who passed away Sunday evening, and asked for a moment of silence.

1. Roll Call starts at 6:20

Councilmembers present: Broome, Greco, Onysko (via Zoom), Perez (via Zoom), Steinbrink, Turner, Young.

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

2. Minutes of Regular Council Meeting of July 21, 2026 starts at 7:08

Councilmember Turner read the third paragraph of item six Financial Report on page 3 and stated she did not understand that. Treasurer Spear explained the budget process is critically important. He has observed that the budget is presented to Council and there's really no discussion about it at all. As the Treasurer, he would like as many people as possible to be looking at the budget process and determining this is the way we move forward.

Councilmember Turner noted on page 8, second paragraph, "At 1:13:55...There are five Councilmembers appointed by the Mayor who are at every Land Conservancy Board meeting...". It should say "members", not "Councilmembers".

Councilmember Broome moved to approve the July 21, 2026 minutes as amended, and Councilmember Young seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

3. Pay Ordinance # 1312 \$666,462.00 starts at 9:30

Councilmember Steinbrink moved to approve Pay Ordinance #1312, and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

4. Mayor Siemborski administered to the Oath of Office to Robert Hansen, Engineer (Fire) at 10:21

5. GMLC Semiannual Report - Jamie Carracher starts at 12:31

GMLC President Jamie Carracher read the mid-year report distributed to Council in their packet and on the village website.

At 18:10 Councilmember Greco asked if residents have access to the GMLC property with the beautiful waterfall pictured on the first page of the report, or access to any properties GMLC owns or conserves. Mr. Carracher replied the Griesinger Point property off Old Mill Road pictured is extremely dangerous with two very steep ravines on either side of the property. Public access to any GMLC properties by individuals on their own is not allowed. GMLC periodically offers walks on their properties that are guided. The reasons are 1) safety, 2) GMLC is not a park service with resources like parking lots, trash collection, police, and maintenance staff, and 3) some GMLC properties are located very close to neighbors that might not be comfortable with the public walking freely nearby. If residents and Council are interested, the GMLC Board is happy to discuss the topic of public access further. Realize there is a lot more to it than just opening access and letting people walk anywhere.

At 21:11 Councilmember Perez asked Mr. Carracher to speak to the balance that the Land Trust Alliance sets for stewardship and defense, and what the formula is based on. He stated essentially the formula is a set amount that is recalculated based on the properties that we acquire. It's meant to accommodate for monitoring conservation easements, defending them, and maintaining boundaries. We don't draw upon those reserves for stewardship items such as invasives or planting trees. Councilmember Perez asked if the balance needed to be replenished back up to the formula level, if part of it were used. Mr. Carracher believes so, and has been told GMLC Vice President Nat Smith has no recollection of spending from that account.

6. Mayor's Report starts at 23:19

- Band Concert

The August 16th Band Concert on the Village Green was moved inside due to uncooperative weather and was attended by 50-60 people. Thank you to Town Hall Coordinators Robin Berke and Jean Misch, and Fire Captain Mike Feig for taking their time on the weekend to make this tradition continue.

- Town Hall Meeting on the Conservation Levy - starts at 24:31

The July 29th Conservation Levy Town Hall meeting was moderated by Tom Beres with a panel of outside experts to talk about conservation, preservation, what the village has been doing with that, what the Land Conservancy has been doing with that, and participation by the MetroParks and homeowners of contiguous properties. It was intended to be an educational session where information is shared and questions are asked, and we accomplished that. There were those who thought it would be a debate format, and we left with some unanswered questions. The biggest one is - what is the split and why is it no longer 50/50, if that is the case. What should the number be?

- Allocation of Conservation Levy Proceeds - starts at 25:37

A few facts:

Every dollar that is raised by the levy comes to the Village and is under the control of Council.

In the beginning, the levy proceeds were shared 95% to the Conservancy and 5% to the Village. It was done that way because the Conservancy's mission at that time was new, and its goal was to lock down land through easements or deed restrictions or acquisitions. The Village did little with land conservation, relying on the Land Conservancy to do those tasks and roles.

In 2021 it became a different set of dynamics. The Village's financial needs were more acute than in the past, and additional funds permitted by the levy were needed for storm water management and hillside stabilization problems. At the same time the Land Conservancy was doing less acquisitions, and their mission had changed somewhat. The parties agreed on a 50/50 split coupled with a more detailed operating agreement between the Land Conservancy and the Village. The new operating agreement provided for:

- the 50/50 split
- the requirement of the Land Conservancy to report on a semiannual basis to the Village
- the requirement of the Village to receive from the Land Conservancy a financial report
- the requirement of the Land Conservancy to build and maintain a \$700,000 reserve
- the requirement of the Land Conservancy to calculate funds available for possible acquisitions or easements
- the requirement of the Land Conservancy to notify Council of any commitments that it intended to have with respect to acquiring land
- the ability of the Land Conservancy to approach Council to ask for other funding if there were acquisitions that the Land Conservancy itself did not have the reserves for or the capacity to financially take on
- the requirement of the Land Conservancy to put together a fundraising plan

In addition to these provisions, and since the starting days of the levy, the Mayor has the right to appoint five of the fifteen Land Conservancy trustees.

What should the allocation be going forward?

The Village has been able to accumulate in its Land Conservation and Open Space Fund \$490,829 as of the end of July. Why so much? The replacement of the large culvert underneath Mayfield Road was always thought to be a \$500,000 expenditure, and some of the money in the Fund could be earmarked for that stormwater management expenditure. Instead of spending that money, the Village received federal

ARPA funds during COVID. As a result, the money in the Land Conservation and Open Space Fund stayed there and continued to rise and could be used for a variety of things as long as they are within the provisions of the levy and the operating agreement with the Land Conservancy.

What do we need per year? The Village itself needs on the low end \$50,000 per year to maintain the efforts that we've started that we need to sustain - \$40,000 for the invasive species removal program, and smaller amounts for Chagrin Valley Watershed Partners dues, Arbor Day, and an arborist on retainer to advise us on trees and horticultural issues. The low-end amount does not include tree planting going forward once the invasives are removed.

What is the levy worth? The levy is \$268,000 per year; \$1,250,000 over five years. It represents 3.5% of the Village's annual budget, if we kept it all.

How much should each party get? The allocation of funds is Council's decision. It's a detail. The bigger question is are we comfortable with spending that kind of money on conservation and preservation in the Village.

Questions/viewpoints start at 39:50 -

Councilmember Onysko proposed that the purposes for the non-profit Land Conservancy's restricted funds be of an annually recurring nature, rather than less frequent purposes that might come in under budget leaving a residual balance that can only be spent for a single infrequent purpose. He suggested 1) administration, bookkeeping, and accounting fees, 2) legal, 3) a fundraising person's salary, and 4) invasive species remediation, especially on Conservancy-owned properties abutting residents already fighting invasives on their own property. Call these purposes buckets. The fundraising person sets up 6 - 8 buckets and encourages residents to donate \$50 to a bucket and that counts as a vote for that fund. That gives some great statistics as to where we can put our dollars because we're actually hearing back from the community. It's a place to start a discussion.

The Mayor asked what would the buckets be, and Councilmember Onysko replied the four mentioned and maybe purchasing property and planting trees. He really wanted to leave his input at four and then work out four with the Land Conservancy.

At 48:55 Councilmember Greco thinks that is an interesting idea, but we do have to talk about the allocation of funds between the Village and the Conservancy. We are at 50/50, and she doesn't have any idea what anybody else thinks about that split. Councilmember Onysko asked if we actually have to have the split, if we're funding individual buckets driven by empirical evidence that says where the money should go. Councilmember Greco asked if he would want 100% of the proceeds coming to the Village and then the process he described, assuming that the levy gets on the ballot and passes. Councilmember Onysko replied yes.

At 52:14 Councilmember Broome finds the idea interesting and recognizes Councilmember Onysko is trying to give people the ability to express their preferences on what happens with the money. Remember in 2021 when the operating agreement was reached and the allocation came to 50/50 from 95/5 based on discussion of what would be appropriate for the next five years, if the levy passed. Invasive species

remediation had not started in 2021. The information provided by the Mayor about invasive species remediation cost and properties has been learned since that time.

Regarding Village involvement in conservation and preservation efforts, the Village has an outstanding Service Dept that can help when it is needed. The Conservancy has to hire it out. Councilmember Greco asked if the Conservancy wouldn't have to come to Council first if there was a contract involved. Councilmember Broome stated that is what is happening. He believes the Tree Canopy Committee and the Conservancy are trying to work out the separate duties, and that's reflected in this split. If the Conservancy is going to carry more of the water on this, then they should get a little more money to help carry that water. Councilmember Onysko proposed taking some of the Village's accumulated Land Conservation and Open Space funds and putting it in the Conservancy's hands right now to give them a head start on accelerating the invasive species remediation program and only for that purpose. Councilmember Broome expects that as the program expands, it will continue to take resources. If the Conservancy is carrying more of the weight on that program, they are going to require a larger expenditure.

Councilmember Broome has been thinking about the language of our levy. We can't change this language or we lose the rollback. Protecting and preserving the land and management of storm water issues are uses that fit within the language of the levy, whether the funds are with the Conservancy or the Village. There are legitimate purposes for the money accumulated by the Village to be spent on. He is not totally wedded to 95/5 or 100/0 because there are purposes the Village can use some of those funds on that compliment what the Conservancy is doing.

Regarding the bucket idea, the Conservancy has to have the ability to plan. Opportunities that present themselves for conservation easement donations, too frequently at year end, or purchases may require a quick decision. You have to have some dry powder. The Conservancy having a larger share of the funds probably helps the Conservancy accomplish their goal when those goals require short time periods.

At 1:03:06 Councilmember Turner loves Councilmember Onysko's creativity in trying to encourage resident input and come up with a good resolution here, because it may in some ways help to promote the Land Conservancy in the community. The downside and her concern is the extent to which we are imposing our will on a separate 501(c)(3) organization. Councilmember Onysko stated it is tax money and we get to do that. Councilmember Turner would like other legal opinions.

Tree planting efforts date back to the 1920's when Crispin Oglebay brought hundreds of dogwood trees here to the Village. That was followed in the 1930's by WPA who brought truckloads of non-employed workers from Cleveland to plant over 8,000 trees. This was the burgeoning of the Village as we know it today and the replenishing of trees taken down by the sawmills in the 1830's.

Regarding the acquisition of fee-owned properties, in the last four years, only two were purchased by the Conservancy - the Kay Perkins parcel and paying off the debt on the Clark property. Not a lot. Whatever the allocation is, if the Conservancy approaches Council to discuss a potential purchase, executive session has worked successfully.

At 1:06:16 Councilmember Steinbrink finds the history of where the Land Conservancy and the Village have been over the last seven or eight years and where they are now to be important, and cited the Land Conservancy presentation to Council from the July 2019 minutes, two years before the change in the agreement:

“The Conservancy would like one more 5-year levy. The future of the Gates Mills Land Conservancy work will show a pullback in land transactions. The focus will be on educational opportunities, working with the Village, and participating in nature conserving events”.

He cited from the May 2021 Land Conservancy update to Council:

“The future appears to be a turning point for the Conservancy’s objectives. The Conservancy has perhaps served its role from 33 years ago. The objective is less acquiring properties, but to use what they have for education stewardship opportunities. Members of the Conservancy have been talking more about stewardship rather than acquisitions”.

In June 2021 there was discussion of the proposed split, and in July 2021:

“It’s a goal of the Land Conservancy in the next five years of being in a position to go forward in a stewardship mode and not need another levy”.

If we look on a historical basis, the pace of land acquisitions has slowed - the rough numbers are 14 from 1989 to 2000; 10 from 2000 to 2010; and 4 acquisitions in the last six years.

What Councilmember Steinbrink has a tough time with is we’re at a 50/50 split now, and part of that was to get the Land Conservancy with an endowment set aside. In their May meeting, there was actually a pro-forma put together that showed \$700,000 would throw off \$20,000 or \$30,000 in income on a draw basis, potentially more to help fund the Land Conservancy’s operating expenses. He is concerned. We’ve had a lot of turnover in the Village in the last ten years. He worries that people take the Land Conservancy for granted as well as all the work that’s been done over the last 35 years to have the Village look the way it does today. In his mind, things are bucketed out a bit differently, and he does not want to be too prescriptive to the Land Conservancy. That’s the role of their Board to come up with their strategic plan. There should be an endowment - that is up to the Land Conservancy to decide what that is. \$700,000 is probably not enough to fund the Land Conservancy into perpetuity, to provide for defense of property easements, to maintain property, invasives, stewardship, put land acquisition aside. Whatever that number is, it should be put in restricted funds that are only to be used for the operations of the Land Conservancy.

Councilmember Steinbrink views the 2021 operating agreement more as collaboration between the Village and the Land Conservancy that they come to Council. There is nothing in the agreement that says they have to get the permission of Council. Typically, Council consists of the P&Z Chair and another member of P&Z with awareness of parcels pertinent to something the Land Conservancy is talking about. So there is nothing wrong with the acquisition notification piece in the agreement. He is in agreement with Councilmember Turner that executive session works well to keep sensitive negotiations private. He thinks the agreement is sound and a good starting point for negotiation with the Land Conservancy and with the split and with some of the provisions in there.

Lastly is the pass rate of the conservation levy. It was 68% in 2011, 67% in 2016, and in 2021 it was 74%. What caused 7% of the residents that historically voted against the conservation levy to decide they wanted to vote for it? Maybe they feel like Council and the Land Conservancy are working together and the money isn't just going into a charity where they don't have a say.

At 1:13:12 Councilmember Greco asked Councilmember Steinbrink if he would support a continuation of the 2021 agreement that's going to expire at the end of this year, and he responded that should be the starting point for discussion. Councilmember Greco asked should there be any changes to the agreement, and he responded it's up to Council to decide. He worries a one-year agreement is tough to plan around it changing every year.

Councilmember Greco had said at the last discussion she could support that agreement, but there would have to be some differences. It couldn't be adopted just like it is now. One of those differences is the endowment. It would have to be a condition that within a certain amount of time that dollar amount be endowed and put on their 990 as an endowed program. The other thing she would advocate is that this be the last levy that goes on the ballot - at a 50/50 split. It's been ongoing for a long time. The Land Conservancy has \$1,000,000. They are going to get more, if the levy goes on the ballot, and if the levy passes. They have plenty of time to plan for the eventuality that they have to be supported by their own donors.

At 1:15:55 Councilmember Perez, agreeing with some of what's been said and not with some other things, finds we don't know what will happen in the next five years. It is important that we leave ourselves and the Land Conservancy with maximum flexibility. We weren't talking about invasive removal in 2021. We hadn't done the Comprehensive Plan. Secondly, we should not be taking the decision away from the voters. The support they have shown for the levy and the Land Conservancy in prior elections tells her we need to be having these discussions about the agreement and the terms of the agreement and collaborating with the Land Conservancy on those. Ultimately putting the levy on the ballot is really important. Lastly, as we enter the rest of the discussion and regardless of the views people have on the levy, the way the Village looks today in terms of green space and conserved land is a testament to the mission and the role of the Land Conservancy and the collaboration between the Village and the Land Conservancy. Remember the Land Conservancy is a dedicated group of fifteen volunteer residents committed to a mission. The same is true of everybody around this table. She hopes we move forward with respect for each other, not assuming bad intentions or questioning each other's integrity.

At 1:18:58 Councilmember Young stated none of us here know exactly what the villagers want. And in that sense, he thinks Councilmember Onysko's suggestion of a way to poll people is clever and helpful. He is concerned it would reduce the flexibility of the Conservancy, and he is not sure how to address that. He thinks these conversations are terrific, as contentious as they are, to have the opportunity to hear both sides elevates the solution.

We have to let the villagers decide regardless of whether or not we believe in the levy or the mission of the Conservancy. This needs to go on the ballot and we let the villagers decide.

At 1:20:17 Councilmember Onysko asked if we were to agree tonight on a split or some methodology to go forward, can it be included in the ballot language to educate the voter. The Law Director answered we can put a recital in an ordinance - recitals do not appear on the ballot - but we can't deviate from what language we're proposing as a charter amendment. We have to keep the charter amendment the same; otherwise, it could be deemed to be a new charter amendment with a new levy which defeats the rollback. That's pretty significant. Our legislation with the proposed ballot language is sent to the Board of Elections, who weighs in on the issue, and the final say is by the Secretary of State. For 35 years, the Secretary of State has approved this same language. Councilmember Onysko said we could at least educate the voters before this got to the ballot, so they would know what the split was going to be. Law Director Hunt agreed and stated that's how it's been done in the past. In August 2021, Council first voted to put the issue on the ballot and then almost at the same time approved an agreement contingent on the issue passing in November, so that voters knew what allocation was contemplated. The split is not on the agenda tonight, but could be discussed and passed at the September meeting. It would require five votes to pass it with one reading, but could also be done in October.

At 1:25:32 Councilmember Turner addressed Councilmember Greco's point that this be the last levy that goes on the ballot. If Council in five years has the kind of discussion that we're having now, she thinks they could decide what was needed at that point. She cannot support this Council to be prescriptive now about what should happen in five years. Cutting back on the money to the Conservancy is also cutting back on money to the Village. Councilmember Greco replied five years ago was intended to be the last time the levy went on the ballot. The problem with five years is a lot of us may not be on Council the next time, which may be a good or bad thing, but you tend to forget, like people forgot what happened five years ago. It's time for a new day, a new way to keep the Conservancy solid and have enough money to go forward with whatever they need to do but not continue to rely on taxpayers to do it. This has been her thinking from the beginning - give them a runway to start to do what charities do and that is raise their own money. So that would have to be in the agreement. Councilmember Broome asked what if, at the end of five years, flip the split to a higher portion, 75/25 for example, and that way residents don't lose out on the rollback rate on the levy. The levy would be approved to go on the ballot at 75/25, and the lion's share of the funds would be going to the Village and used for purposes that fit within the levy. It would still leave a little for the Conservancy's administrative bucket. Law Director Hunt stated it would be very difficult to bind future Councils. The levy is gone at the end of five years, unless it's renewed through a charter amendment by the voters. Does it make sense to have a shorter than five-year agreement with the Land Conservancy to try to accomplish some of these things that you're talking about? Remember after the last levy passed, we had some significant storm water and riverbank projects, and tonight you'll hear from our Village Engineer a laundry list of projects related to storm water which would conserve, preserve, and restore the land. They are all expensive. Keep in mind that those are the types of projects that will be coming up all the time. Councilmember Broome said ultimately the idea may be we leave it to a vote of the voters to say they want to have it on the ballot again or not, and the way to do that is by putting it on the ballot. Councilmember Steinbrink stated it's his opinion it should absolutely be on the ballot. Council voted to put this charter amendment on the ballot, and it's up to the voters to decide when it comes off. Councilmembers Broome and Perez both agree.

At 1:32:29 Resident Chris Riley stated it is her understanding the Conservancy can purchase land regardless of the Village's position with respect to the purchase. That's not the Conservancy's role to decide the future of the Village. Council should have control of most of the funds. She supports the levy and she will vote for it, but it's Council's job as elected officials to decide how taxpayer money is going to be spent and to decide what's best for the Village. If Council gives all or a large portion of the money to the Conservancy, it's an abdication of what the Village itself should be doing. She thinks there could be a portion of this that's easier to let the Conservancy handle, and she is sympathetic to that, but she doesn't think it's the right answer. Finally, best practice dictates that the Village control the money. She has an easement on her property. The Conservancy doesn't trust her. She doesn't blame them. They come every year to walk her property, because they do not want to rely on her representation that she is complying with the easement. She trusts the Conservancy, but trust and verify.

At 1:35:35 Resident Jerry Bohinc finds it ironic we're talking about these issues when Dan Collister, literally the father of the Gates Mills Land Conservancy, just passed. The Land Conservancy has done a wonderful job, and it's been awarded repeatedly nationally. There are major issues facing the Village over the next x years. The Village Engineer is going to talk about water runoff. There is nothing more important for water runoff than a forest. It's important to manage more development, not exclude it. The Land Conservancy is an effective tool for making that happen. It isn't really broken. We should give it the benefit of what it's earned. If we want to monitor it more closely - a good idea particularly with the greater interest by Council itself with the Tree Canopy Committee - Council and the Land Conservancy will have to work closer together and more vigorously together.

The last two indications from the voters were 1) the last levy election with the 75% passage rate - in his mind, the reason for increased support by the voters was a rebellion against some pressure the voters thought Council put on the Land Conservancy unfairly, and 2) the Comprehensive Plan. The preamble basically says the Land Conservancy is leading the charge for what the villagers want. We have all kinds of signals that the villagers support what the Land Conservancy is doing.

At 1:38:38 Resident Sean O'Hagan appreciates, as do many others, the extent to which Gates Mills has a history of centering its actions and its investments around conserving our natural environment, while acknowledging this is for our enjoyment, the right thing to do, and a sound investment in our property. He also has a healthy respect for expertise and respect for Council and their role, and he thinks the arc of this cycle of discussions this year indicates an increased interest from Council in making sure that our dollars are well utilized. He finds it frustrating but excited that the conversation is happening. We should be making these decisions with input from experts about how to invest in conservation. That means talking to the Conservancy folks. We have to navigate this next five years. We've got to give the villagers the chance to vote on this levy. We have to understand that we are in this period where we can make good strategic investments in conservation and want to deploy our knowledge the best way we can right now while learning about what we're going to do better and how we're going to meet changing needs. The real challenge for this Council and future Councils is how do you get a cadence of understanding what that means. What does that mean as Council to have informed effective oversight about what that mix of conservation activities should be? He does not know. He wants citizens to be excited

and participate, but he also wants to think about the education learning curve for getting citizen directed budgeting on this issue. He doesn't know that he wants that. He likes what we've been doing, yet thinking about what we could do differently. He feels confident and comfortable about what we should do in the next five years. We should pass the levy. You all should figure out an informed balance for the agreement. Let's start thinking about how is Council going to be positioned to make informed decisions in the future about this, because it's going to be dynamic. It's going to be increasingly important that we spend conservation dollars in a strategic and insightful way, and he thinks that's going to get harder for Council to wrap their head around.

At 1:44:22 Councilmember Turner thanked Mr. O'Hagan, and to his point, maybe someone who is an arborist or a conservation specialist should be one of the five appointments to the Land Conservancy made by the Mayor, adding to the expertise that the Land Conservancy has.

At 1:45:15 Councilmember Broome questioned Ms. Riley's statement about the Land Conservancy controlling the direction of the Village. Ms. Riley explained she is concerned the Conservancy's complete autonomy could result in their using taxpayer money for a position that may ultimately be contrary to the interest of the Village as a whole. Councilmember Broome suggested in that event Council could hang on to the money since it comes to the Village first before it goes to the Conservancy, and the Law Director stated you can have any provisions you want in this agreement as a Village. Ms. Riley would like her elected public officials to have some say in how taxpayer dollars are spent, and it would not be hard to include such a provision in the agreement.

At 1:51:17 Resident Barb Sommers appreciates Mr. O'Hagan's comments. She has been hearing so much discussion and everybody's going back and forth about how to solve this problem of the split and what the money is going to be spent on, but nobody's really defined what conservation is for Gates Mills over the next five years. Is land acquisition really something that's going to promote the conservation we need in the Village? She doesn't know the answer to that, but there's got to be a comprehensive understanding amongst the Councilmembers and amongst the leadership in the Conservancy because supposedly they're working together on it. She just doesn't hear that. She hasn't heard how this all overlays with decision making between the two entities. We did all this citizen engagement and everybody agrees that we want the community to stay the way it is. It's not going to if we don't do anything. We know that and it may not do as well as it needs to do going forward if we don't know what needs to happen. She feels there is some missing pieces in the communication on that right now. Does everybody agree on what the definition of conservation for this Village is?

At 1:53:55 Land Conservancy President Jamie Carracher indicated the Board very much values the ongoing collaboration and coordination with Council and other members of the community, and they commit to continue that positive focus. Shared accountability - Village to Conservancy, and Conservancy to Village - is helpful. Keep an eye on simplicity and clarity, so we all understand what we are working towards, what we are being measured on, and to make it manageable going forward.

At 1:55:01 Mayor Siemborski added the Village appreciates the collaboration between the Conservancy, the Tree Canopy Committee, and a lot of other individuals,

especially our outside partners. We have covered this from a lot of different angles, and he appreciates everyone's comments. The Mayor asked for a motion to go into Executive Session for the purpose of taking some legal advice with regard to this issue.

Councilmember Broome moved to go into Executive Session, and Councilmember Greco seconded the motion.

Councilmember Onysko does not think we need to go into Executive Session if we take a motion ahead of time. The Law Director can clarify if that's the case. Mayor Siemborski stated there's a motion on the floor. He doesn't want to cut Councilmember Onysko off. Councilmember Onysko stated we can discuss going into Executive Session because he doesn't know what the reason is for going into Executive Session.

Law Director Hunt believes it is important that he give Council and the Mayor confidential legal advice on the issues that have been raised this evening, and some other issues that have been raised around the charter amendment issue and the levy that's part of that charter amendment. It's his advice to give Council and the Mayor that legal advice and in Executive Session.

Mayor Siemborski called for any other comment. Hearing none,

Ayes: Broome, Greco, Perez, Steinbrink, Turner, Young.

Nays: Onysko

Motion carried.

Executive Session commenced at 7:27 p.m with Councilmembers Onysko and Perez participating by phone.

At 2:35:37 Mayor Siemborski reconvened the meeting at 8:05 p.m.

Moved to Agenda Item No. 13. **Ordinance No. 2026-31 (Third Reading)**

"An Ordinance Providing for the Submission to the Electors of the Village of Gates Mills a Proposed Amendment to the Charter of the Village of Gates Mills to Renew for a Period of Five Years the Existing One Mill Tax Levy for the Public Purpose of Conserving, Retaining, Protecting and Preserving Land, Water, Forest, Open, Natural or Wetland Areas in this Municipality Predominantly in their Natural, Scenic, Open or Wooded Condition or as Suitable Habitat for Fish, Plants or Wildlife, Including the Acquisition of Such Real Property or Interests Therein as may be Necessary to Carry Out That Purpose; and Declaring an Emergency"

Councilmember Young introduced a motion to withdraw the third reading of Ordinance No. 2026-31. He has been made aware that actions contrary to the Open Meetings Act were part of the process in developing our recommendation to Council, and that this may call into question the appropriateness of voting on the ordinance at this time. Therefore, he moved that we withdraw the third reading of Ordinance No. 2026-31 from the agenda and from action tonight. Councilmember Steinbrink seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

At 2:37:54 Councilmember Onysko moved that Council waive the attorney-client privilege as to the Law Director's Memorandum of August 12, 2026 and direct that it be made available to the public. There being no second on the motion, the motion fails.

At 2:38:26 Councilmember Broome made a motion that Council schedule a special Council meeting for the purpose of considering an ordinance to place the charter amendment for the land conservation levy on the ballot for the November election, and that we schedule that meeting prior to September 4, 2026. Councilmember Turner seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

• Road Program Status. - starts at 2:40:11

Village Engineer Courtney's road program update was distributed and he reported we've completed the heavy lifting of the road program this year. We have some minor striping, some road edge restoration, and then the completion of the road edge drainage system on Colvin to complete along with drive apron work. Right now we sit about \$100,000 under budget. The remaining work will be completed under \$100,000. So we'll be able to bring it in on or under budget for the year.

Mayor Siemborski stated there was a bit of valid noise last week about Colvin. Colvin had just been cemented and the storm drains and the drive aprons had not been completed. The heavy rains washed out all the gravel and we've refilled the gravel twice using heavier gravel. The Village Engineer added he walked Colvin and outlined a detailed drainage plan that the contractor will be installing that will resolve any and all problems that have happened over the last couple weeks.

7. Financial Report attached and on the website starts at 2:42:10

Treasurer Spear observed real estate taxes are lower than anticipated in July, but taxes are not due until August 13 this year, so those numbers look fine. Income tax revenue continues to exceed the forecast and is coming in higher than last year - he believes that gap will continue. The Treasurer extends his deep appreciation to the wage earners in the Village. The third critical income component is speeding violations. By the end of July last year, our gross revenue was \$846,000, and this year \$695,000 - a reduction of about 18%. That suggests we're reducing speeding. The Treasurer believes the September quarterly report will show a further decline due to the closing of Mayfield Road in July. That being said, the July revenue numbers look pretty good. If you look at the report Councilmember Onysko turns out as part of the police report, you will see that we've gone from ticketing about 70% of the people who should get tickets to closer to 80% of the people who should get tickets. That's helping us out. And it looks like we're going to be a bit better than the budget on the expense line for the year.

As Heritage Home Chairperson, Treasurer Spear reported a new lender, PNC, joins the program offering a 1/2% reduction from what their normal rate would be. He used the Heritage Home program at the end of last year and found they demand quality work. The work done on his home was rejected twice by Heritage before payment was made.

The Mayor has received a proposal from USPS for the post office lease through Jones Lang LaSalle. They represent the post office, as they did five years ago, and the village pays the fee. The lease increase is decent. The Mayor and the Law Director are looking to engage someone that knows the landlord/postal tenant relationship business to help us negotiate.

8. Clerk's Report - None

9. Treasurer's Report - see Item No. 7 Financial Report

10. Police Department Report attached and on the website - starts at 2:46:42

Multiple questions about Flock cameras in the village were addressed by Police Chief Minichello. We had 6 Flock cameras that do not move village-wide. We have a policy in place, and we are updating that policy considering the nationwide hype going on about Flock cameras. Any policy changes will be sent to the Law Director for his opinion and then to Council so they are aware. Data from the Flock cameras stays here. It's our data. It's purged after 30 days, if we don't flag it for a reason. It's a crime investigatory tool. We had a hit-skip on Berkshire involving property damage two weeks ago, and we were able to identify the vehicle. Regarding law enforcement requests from other communities, we can look at others and they can look at ours. We all work in concert with each other. We have full audit capability. We can see which law enforcement is using it, date and time, and for what reason.

11. Service Department Report attached and on the website - starts at 2:51:59

Service Director Biggert reported we are getting caught up with the tree damage from storms over the last 10 days, and we have no residents without power. The Mayor added we have a couple of homes that have high grass plus, and we're looking at those for compliance with the nuisance ordinance. They receive a phone call from the Service Director, and if that doesn't produce anything, a letter will follow, and that seems to get some action.

12. Fire Department Report attached and on the website - starts at 2:52:51

Fire Chief Majeski reported we received notice of the retirement of Lieutenant Daniel Dixon, who's been with the dept for 24 years.

13. **Ordinance No. 2026-31 (Third Reading)** - see 2:35:37

14. **Ordinance No. 2026-25 (Third Reading)** starts at 2:53:30

"An Ordinance Amending Section 155.04 of the Codified Ordinances of the Village of Gates Mills to Eliminate the Treasury Investment Board" was read by the Mayor, who asked permission of sponsoring Councilmember Greco to hold off for another month.

The Mayor committed to bring to the next meeting a revised Treasury Investment Board including responsibilities of the people that would serve on that Board. At that point it can be decided whether to go forward with the ordinance to eliminate the Board or to keep it now that it's been reconstituted. Councilmember Greco agreed.

Ordinance No. 2026-25 remains on third reading.

15. **Resolution No. 2026-38 (First Reading)** starts at 2:54:40

"A Resolution Authorizing the Mayor to Execute a Contract with Siteworx Unlimited, LLC for the Chagrin River Headwall Repairs and the Carpenter Culvert Repairs and Declaring an Emergency" was read by Mayor Siemborski.

Village Engineer Courtney explained an erosion problem along Chagrin River Road just south of the North Cemetery on the west side of the road undermined the headwall. The headwall and the last section of 48" pipe tipped over and part of the hillside is failing next to the road. We need to take that out, redo the headwall, redo the last couple pipes, backfill the slope, and protect the road, on an emergency basis. If we don't, we'll probably lose a portion of the road in the next couple months.

On Carpenter - narrow road, one way in, one way out - we've got two culverts that go underneath the road, and the water is running around the outside of the pipes and carrying all the soil. The cement slabs are settling. Again, an erosion-based problem. We want to go in there on a temporary emergency basis right now, pop the concrete off, do proper backfilling around the pipes to stop that for right now, and then look at replacing both of them next year.

The contract would be an extension of the work Siteworx is already doing on the bridge abutments and the Arboretum stairs. They've done a terrific job making use of their time and effort. They are still in town to do the Old Mill storm sewer repair, so we're kind of getting an economy of scale with them.

Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-38 be placed on its final passage. Councilmember Steinbrink seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

Councilmember Broome moved to approve Resolution No. 2026-38 and Councilmember Steinbrink seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

16. **Motion** to Bid 519 Battles Culvert Replacement start at 2:57:47

The Village Engineer described a sinkhole encountered by the Service Dept near the 90 degree bend on the edge of Battles Road. An old 30" by 36" stone culvert

with a flat stone top, probably well over 100 years old, has deteriorated to the point where there's holes that have developed along the length of the culvert causing soil movement and subsequent sinkhole formation. We need to remove the culvert and replace it and get proper backfill around it. Otherwise, we'll continue to have a growing sinkhole and may lose one lane of Battles Road. We are seeking right now just to advertise this. We have plans ready. The Village Engineer will bring it back next month for a contract award once we open the bids. \$125,000 is the current cost estimate. If we get a bid back and bring it to Council at the next meeting, it should be done before Halloween. Councilmember Onysko asked if conservation funds can be used for it. The Law Director responded in his opinion, yes.

Councilmember Broome made a motion to authorize the advertisement for competitive bids for replacing the culvert at 519 Battles Road. Councilmember Young seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

17. Ordinance No. 2026-39 (First Reading) starts at 3:00:10

"An Ordinance Authorizing the Disposal by Sale of a Vehicle that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency" was read by the Mayor.

The Police chief stated we have a firm offer of \$3,000 for this 2017 vehicle with 102,000 miles on it.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2026-39 be placed on its final passage. Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Steinbrink moved to approve Ordinance No. 2026-39 and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

18. Resolution No. 2026-40 (First Reading) starts at 3:01:24

"A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund" was read by Mayor Siemborski. Our 2026 capital improvement budget was \$2,000,000. We previously transferred \$1,000,000 and we need to now transfer the remaining \$1,000,000 to the capital improvement fund from the general fund for the 2026 road program, the sidewalk/bridge project, and Broadband payments all coming due.

Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-40 be placed on its final passage. Councilmember Steinbrink seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Broome moved to approve Resolution No. 2026-40 and Councilmember Young seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

19. Ordinance No. 2026-41 (First Reading) starts at 3:03:20

“An Ordinance to Amend the Annual Appropriation Ordinance No. 2025-51 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2026” was read by the Mayor. We need to increase the Cemetery Fund by \$8,000 to pay for tree removal work, and we need to increase the Land Conservation Fund by \$35,000 for the Chagrin River headwall repairs and the Carpenter storm water culvert just reviewed by the Village Engineer.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2026-41 be placed on its final passage. Councilmember Broome seconded the motion.

Councilmember Turner wondered what determines which culvert replacements come out of the Land Conservation Fund and which do not. The Mayor has asked the Village Engineer to weigh in on those culvert problems that are storm water related and comply with language that’s in the levy versus those culverts that are not storm water related. On any expenditure of size going forward, we would ask Village Engineer Courtney to evaluate it for that purpose as well. Village Engineer Courtney further explained the Chagrin River headwall and Carpenter culvert are directly related to erosion problems, as opposed to the Battles culvert which is age related replacement of infrastructure.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Turner moved to approve Ordinance No. 2026-41 and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.
Nays: None
Motion carried.

20. Ordinance No. 2026-42 (First Reading) starts at 3:06:51

"An Ordinance Designating JPMorgan Chase Bank, N.A. as Public Depository for the Funds of the Village of Gates Mills" was read by Mayor Siemborski. Our current five-year depository agreement expires shortly and this ordinance authorizes the Mayor to enter into a replacement agreement.

Law Director Hunt asked that we add an emergency clause to this. It is an ordinance. It's required by state law that Council approves these, and it does need to be in effect by August 22nd.

Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2026-42 be placed on its final passage. Councilmember Greco seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

Councilmember Broome moved to approve Ordinance No. 2026-42 with an emergency clause. Councilmember Turner seconded the motion.

Ayes: Broome, Greco, Onysko, Perez, Steinbrink, Turner, Young.

Nays: None

Motion carried.

Councilmember Steinbrink assumes we have the ability to terminate the agreement, and the Law Director concurred.

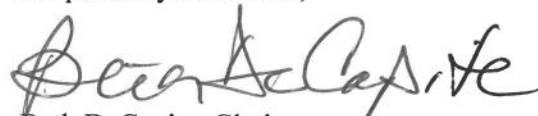
21. Council Discussion - None

22. Business from the Audience - None

23. Adjourn

There being no further business, it was moved by Councilmember Broome, seconded by Councilmember Greco, and unanimously carried, that the Council meeting be adjourned.

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Steven L. Siemborski, Mayor