

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 20, 2024

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, February 20, 2024, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 1:06

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

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

2. Fire Chief Majeski introduced, and Mayor Siemborski administered the Oath of Office, to Cory Eisenberg, Volunteer Firefighter at 1:54

3. Minutes of the Regular Council meeting of January 16, 2024 starts at 5:47

It was Councilmember Atton's understanding that the Council Pro Tem motion at the bottom of page 6 was approved for one year unless it was changed by Council in advance of that one year. We can't say it's permanent because that would be contravening the charter. The word "permanent" should be dropped.

Councilmember Welsh moved to approve the January 16, 2024 minutes as amended and Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

4. Appointment of Treasurer to fill unexpired term ending 12/31/25:
Dixon W. Morgan, Jr.

At 7:36 Mayor Siemborski provided a bio of Dixon Morgan.

Councilmember Press asked if the Treasurer would perform in the traditional role or in an enhanced role. Mayor Siemborski replied in line with the traditional role that is specified in the charter. In addition, there are some longer term planning things that Dixon can help us with.

Councilmember Deacon moved to approve the appointment of Dixon W. Morgan, Jr. as Treasurer and Councilmember Welsh seconded the motion.

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

Nays: None

Motion carried.

5. Pay Ordinance # 1282 \$712,012.19 starts at 9:20

Councilmember Welsh moved to approve Pay Ordinance #1282 and Councilmember Press seconded the motion.

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

6. **Ordinance No. 2024-2 (First Reading)** starts at 12:18

“An Ordinance Enacting New Section 131.06 of Chapter 131, “Council”, of the Codified Ordinances of the Village of Gates Mills with Respect to the Duties of the President Pro Tem of Council” was read by Mayor Siemborski. The Council President Pro Tem’s primary role is performing all responsibilities of the Mayor when the Mayor can’t serve. Mayor Siemborski and Council President Pro Tem Turner met and put in writing four duties important for performing the Acting Mayor role and for defining the working relationship between Councilmembers and Council President Pro Tem. Comments by various Councilmembers followed. Ordinance No. 2024-2 will be placed upon first reading.

7. **Mayoral Appointments to Boards, Commissions and Committees** starts at 23:08

Gates Mills Land Conservancy Board for term ending 12/31/27:

John Kramer, MD and Mitchell Bass

Councilmember Press asked if the five GMLC mayoral appointees are appointed as individuals to act in their best judgement or as representatives of the Village’s point of view. Mayor Siemborski replied the Village, as taxing authority, historically has the responsibility to the villagers in asking for land conservancy funds to make sure that those funds were spent on conservation matters. Five out of 15 Board members allows for some influence over matters of the Conservancy, not control.

Councilmember Atton moved to approve the Mayoral Appointments to the Gates Mills Land Conservancy Board and Councilmember Broome seconded the motion.

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

Planning and Zoning Commission for unexpired term ending 12/31/24:

Jay P. AuWerter

Councilmember Steinbrink moved to approve the Mayoral Appointment to the Planning and Zoning Commission and Councilmember Press seconded the motion.

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

8. Mayor's Report starts at 29:56

a. Tennis/Pickleball Court Update - We are moving ahead with fixing cracks and low spots, resurfacing and relining the existing courts into 2 tennis courts/4 pickleball courts for a cost of approximately \$31,000 and appropriated for. GM Improvement Society has been asked to cover the \$5,000 to \$10,000 cost of four pickleball nets.

Councilmember Atton asked about additional pickleball courts. Mayor Siemborski answered we would do nothing further this year other than look at the usage on the existing courts. A six-figure expenditure for four additional courts is not something that we have enough data to support, and there are a lot of complications with the location next to the existing courts. After evaluating the usage, possibly in the fall a recommendation will be presented, maybe at a different location.

b. Onsite visit to Chagrin Valley Dispatch - At 33:42 - The Mayor and Police Chief toured CVD operations. Every first responder and piece of equipment is tracked on screen. New monthly statistics are now available. In January, time elapsed from initiation of call to arrival at someone's home in Gates Mills was 8 minutes, 11 seconds.

c. Workshops for Councilmembers to discuss Comprehensive Plan - At 36:14 No workshop dates offered met everyone's availability requiring those dates to be pushed further out on the calendar. It was agreed at the last Council meeting to focus on a few key issues, determined by ranking the 21 priorities on page 69 of the Plan report, for discussion in a workshop environment. There being little follow up response from Councilmembers to priority ranking might suggest there is a more preferred way to proceed.

Key issues for workshop discussion are areas that leverage the work that was done by hundreds of residents, committees, and the Advisory Group in various town hall meetings. Council would not be critiquing the Plan report, going through it looking for approval or disapproval, or wordsmithing it. The Plan report is a guide.

The Mayor provided an alternative for determining key issues. Split the 21 priorities into one of three categories:

- Strategic - Large issues that going forward shape the Village in 2032 and would be the focus of Council workshops
i.e. Tree Canopy
- Operational - Simpler issues manageable by the Mayor and his team to administer with Council input/oversight
i.e. Recycling
- Middle - Issues for Council to group into Strategic or Operational

The Mayor invited Council to comment or offer a third alternate approach to proceeding. Those comments start at 42:42, the most noteworthy being Council's willingness to respond to the categorization approach and reply to the Mayor in one week, and regardless of a Councilmember's opinion of the Plan report or the desired

format of the workshop, residents want to hear Council speak to what it will do with the priorities.

At 58:24 Councilmember Turner made a motion that Council vote to utilize the Comprehensive Plan that it received in July 2023 as a guiding document for planning and decision-making. It is to be voluntarily used by Council. It does not bind the Village to any recommended actions. As a guiding document, this Comprehensive Plan does not, in itself, create or change any laws that govern the use of property. That is the purview of the officials of the Village. Most importantly, as circumstances in the Village change over time, Village officials bear the responsibility for weighing the Comprehensive Plan against current financial considerations, environmental conditions, safety, and other necessary amenities and services. Councilmember Steinbrink seconded the motion. At 1:01:53 Mayor Siemborski asked for comment on the motion. At 1:10:10,

Ayes: Deacon, Steinbrink, Turner.

Nays: Atton, Broome, Press, Welsh.

Motion failed.

d. Discussion with ODNR and GMLC on tree plan - At 1:10:46 - The Mayor and Councilmembers Atton and Turner, GMLC President Nat Smith, and Mitchell Bass met with 2 ODNR Representatives and discussed developing a tree plan that eventually covers the entire Village and the importance of resident education on what tree conservation means while taking our hillside, riparian setback and other ordinances into consideration. A Village/Land Conservancy working document is moving forward so that we're not duplicating efforts, not operating as silos, and developing a common tree plan that would involve both Boards and both resources.

At 1:14:36 Councilmember Press asked if it is our intention to make an official committee out of this. Mayor Siemborski envisions a Natural and Scenic Resources Committee that includes tree canopy, things we do with Chagrin Valley Watershed and other partners, scenic and riparian ordinances, and issues that touch on the environment.

Councilmember Atton asked if the working document had been discussed at the Land Conservancy meeting last week and Councilmember Turner answered it was mentioned, not discussed.

9. Clerk's Report starts at 1:17:07

- Post office is no longer providing recycling bins in the lobby for unwanted mail. You need to take it home for recycling.
- Asked if the GMLC land at Sherman and County Line would be accessible to view the solar eclipse on April 8. Councilmembers Broome or Turner will ask GMLC Board.

10. Financial Report starts at 1:19:10

The financial report is published on the website. A few people suggested "we can read it if you just publish it". The Mayor reported January is the first month of the year and not indicative of what a full 12 months will look like.

Councilmember Press asked if a collectability percentage on traffic camera revenue is available or is it too early, and Mayor Siemborski stated it was too early. Even though we have seen at least average, if not better than average, success on the first collection, there has been computer difficulty with getting the second notices out and therefore getting second collection data. All parties are working aggressively to correct the issues.

11. Police Department Report starts at 1:21:42

The Police Chief provided the credentials of Francis McManamon who has been sworn in as a part-time officer and will start his duties upon retirement from the Cleveland Police Department in several months.

Reportable vehicle accidents reported to the State of Ohio each year dropped to 40 in 2023, compared to 85 in 2022 - a 50% decrease. As the number was about 80 in 2021, this is a good trend and allows our officers to do more patrolling on the side streets. Probably 90% of our accidents are on Mayfield Road. Possible factors contributing to the decrease are the widening of the intersection and establishment of turning lanes at Mayfield and River Roads, traffic cameras and signage slowing people down.

Councilmember Atton's analysis of the traffic camera data indicates the volume of traffic is way down, speeds are going down, and the over \$800,000 number we have in our budget is probably too optimistic. Councilmember Steinbrink commented that the potential citations at 61+ mph during the 3-month warning period compared to December went from 17,000 to 1,500 and illustrates the success of the program - success in slowing cars down on Mayfield Road, not about revenue. He is pleased to see the results after all the hard work that went into getting the program up and running the right way.

12. Fire Department Report starts at 1:29:47

The Fire Chief reported that the mobile radio installation project is completed. The LED lighting upgrades to fire dept. vehicles has commenced and the project is about 50% complete. The Governor's and State Fire Marshall's offices have implemented a program to get rid of the old foam concentrate used by fire depts. for environmental reasons. We have been housing some of this stuff for as long as ten years and weren't allowed to destroy it. Mayor and Council will be kept informed as we eventually turn it all over to the State.

Mayor Siemborski remarked on the tremendous volume of calls in January and thanked the Fire Chief and his team for responding to all those calls. Following Councilmember Press' query on three open burning calls to the same address on the same day, the Fire Chief took the opportunity to advise all residents that there is no open burning in any municipality in Northeastern Ohio. The only allowance is small cooking fires or ceremonial fires, and you have to get a permit.

13. Service Department Report starts at 1:36:13

Councilmember Atton asked the status of 640 Chagrin River Road. Service Director Biggert replied he has sent the homeowner a violation notice regarding the lack of maintenance on the property with a specific timeframe and an appeal process. Law Director Hunt, the prosecutor and the Mayor were copied on the violation notice.

The Service Director reported we recently started a trial period and furnished 50 residents with Rumpke totes for recycling only. The trial is coming to an end. It appears totes are a popular option compared to blue bags and totes provide more and better recycling. We will soon approach the time to go out to bid rubbish and recycling collection for another term and one of the alternates requested will be to provide a tote service throughout the Village.

Mayor Siemborski asked if we had the okays from the property owners on access for the Mayfield Road Culvert. The Service Director has met and is working with the homeowner to provide a clear boundary in which the contractor will be working. No trees need to be taken down.

Councilmember Broome asked for a ballpark figure for renovation of Marston Park women's restroom and Service Director Biggert said around \$35,000. Councilmember Broome suggested it could be a good fundraising project and Mayor Siemborski added remaining ARPA funds would be used if the Mayfield Road Culvert comes in on contract.

Councilmember Atton was very impressed with the renovated first floor at Burton Court.

14. Committee Report - Charter Review Commission starts at 1:43:11

The Charter Review Commission delivered their report to Council recently and no action has been taken. At the next Council meeting, the Mayor would like to decide whether we want to accept the report, whether we want to go forward and vote on it, whether we want to take it to the voters to change the Charter. Councilmember Broome thought a referendum process existed in the Charter and Law Director Hunt substantiated. This item will be on the agenda in March.

15. **Resolution No. 2023-54 (Third Reading)** starts at 1:45:05

"A Resolution Authorizing the Mayor to Enter into a Professional Services Agreement with Reid Consulting Group for Procurement of an Internet Service Provider for Village-Wide Broadband Service" was read by Councilmember Deacon. The contract will not exceed \$40,000 on an hourly basis for the six items to be completed. This is in addition to the \$15,000 for the feasibility study. If at any point we determine that we don't want to move forward, we will only be billed for the time they've spent thus far. Hunting Valley has not yet finalized their plans. While it would be interesting and informative to know how their transaction is being structured and proceeding, they are not able to share details while in the confidential negotiating stage. We should move forward with looking at the potential RFP and what those specifications would be. Councilmember Deacon moved to approve Resolution No. 2023-54 and Councilmember Steinbrink seconded the motion. Discussion by various Councilmembers starts at 1:48:10

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

Nays: None
Motion carried.

16. **Ordinance No. 2024-3 (First Reading)** starts at 1:50:46

“An Ordinance Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2024 Energized Community Grant” was read by Councilmember Turner. This is an application that is completed every year for a NOPEC energy grant. In the past we’ve used the money for a new oven in the Community House, new refrigerator, new lights on the tennis courts - all energy related. This year’s grant is for \$6555 and we have \$8000 from last year that we did not spend. That \$14,000 will be used to pay for 1/2 of the two new HVAC units installed in the Mills Building on top of Sara’s Restaurant. Both units failed in January and were replaced a few days later for a total cost of \$28,000. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-3 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Turner moved to approve Ordinance No. 2024-3 with Councilmember Broome seconding the motion.

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

17. **Resolution No. 2024-4 (First Reading)** starts at 1:52:50

“A Resolution Authorizing an Expenditure of Funds from the Federal Local Fiscal Recovery Fund for the Contract with Fabrizi Trucking and Paving Co., Inc. for the Mayfield Road Culvert Replacement Project” was read by Mayor Siemborski. One requirement associated with federal money is the declaration by Council that the funds are being spent on specific purposes, and this document satisfies that requirement.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-4 be placed upon its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-4 and Councilmember Turner seconded the motion.

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

18. **Ordinance No. 2024-5 (First Reading)** starts at 1:54:37

“An Ordinance to Amend the Annual Appropriation Ordinance No. 2023-49 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2024” was read by Councilmember Turner. Section 2 of the Ordinance covers the replacement of the furnaces on the roof of the Mills Building, Sections 3 and 4 cover funds for D.A.R.E, and Section 5 covers the purchase of rifles. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-5 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Ordinance No. 2024-5 and Councilmember Atton seconded the motion.

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

19. **Motion to authorize the Village Engineer to competitively bid the following public improvement projects for 2024:** starts at 1:56:12

- a. 2024 Road Maintenance Program
- b. Quotes for SOM Center Drainage Improvements
- c. Quotes for replacement of County Line Culvert #20

Mayor Siemborski read the motion. Item (b) improvements run between Cedar and GM Blvd. between the circle and Gilmour driveway. Item (c) is part of the County Line repaving program. Councilmember Deacon asked where and Village Engineer Courtney answered 1120 County Line Road north of Mayfield Road.

Councilmember Turner moved to authorize the Village Engineer to competitively bid the three projects listed and Councilmember Deacon seconded the motion. Councilmember Atton asked if fixing Andrews Lane would be bid on this year and Village Engineer Courtney replied yes, Andrews Lane will be in the road program bid.

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

20. Council Matters starts at 1:58:44

Gates Mills Boulevard Bike Lane discussion

Following the identification by various Councilmembers of the many considerations that go into designing a bike lane - cost, right-hand lane or left-hand

lane, compatibility with pedestrians and vehicles, ODOT and County regulations, crosswalks, striping, signage, maintenance, road width - it was decided that Village Engineer Courtney would put together an estimate for sharrows.

At 2:12:15 Mayor Siemborski stated the Village has been approached by Encore Chamber Music Institute, an ensemble of prodigy students that are taught by mentors in the summer months at Gilmour, to seek participation in their event by naming it the Gates Mills Music and Arts Festival or similar. Their final concert would be on the Village Green the last Sunday in June at no cost to residents. Their initial request of \$25,000 was too aggressive and we indicated a slower approach was more likely. After outside pledges that have already been raised and a potential contribution from the Improvement Society, that leaves somewhere between \$5000 - \$7500 for the Village to put in for this year - either cash or in kind (tables, chairs, equipment rental). This fits in with resident comments on wanting to have more connectivity through cultural engagement that was heard at town hall meetings during the Comprehensive Plan. We would need to decide if this is something we want to do at the next Council meeting.

21. Business from the Audience starts at 2:16:50

Resident Charlie Baker commented on the dangerous amount of bikes on River Road and is in favor of a right-hand bike lane on Gates Mills Blvd.

At 2:19:32 Chuck Spear finds it ludicrous the Comprehensive Plan has sat for seven months, and nothing has happened. Today Council made a decision to make no decision at all.

At 2:21:07 Jerry Bohinc stated there was an exceptionally negative article regarding traffic cameras in the Chesterland paper, yet our data shows accidents have decreased. We need a positive news release.

At 2:22:29 Councilmember Steinbrink updated the activity at the Gilmour cell tower. Verizon is the first tenant to go on the tower and is supposed to be on the tower second quarter of this year, followed closely by T-Mobile. AT&T is still talking.

22. Executive Session starts at 2:23:05

Councilmember Atton made a motion to go into Executive Session to consider the acquisition of property for public purposes and obtain legal advice from the Law Director. Councilmember Press seconded the motion.

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

Nays: None


Motion carried. Entered Executive Session at 7:53 p.m.

Mayor Siemborski reconvened the meeting at 8:25 p.m.

23. Adjourn

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Beth DeCapite".

Beth DeCapite, Clerk

Approved:

A handwritten signature in cursive script that reads "Steven L. Siemborski".

Steven L. Siemborski, Mayor