

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 14, 2022

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, June 14, 2022 at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

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

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

The minutes of the May 10, 2022 Council meeting were presented by the Clerk. Councilmember Turner moved to approve the May 10, 2022 minutes, with Councilmember Press seconding the motion.

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

Pay Ordinance #1262 in the amount of \$410,374.55 was presented by the Clerk. It was moved by Councilmember AuWerter to approve Pay Ordinance #1262. Councilmember Press seconded the motion

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

Treasurer Siemborski read his report for the five months ending May 31, 2022. The report is attached.

Mayor Schneider read a thank you note from Dan Collister for the Memorial Day event that honored his service to the Village. She informed Council that a local Girl Scout Troop visited Town Hall today and brought treats for the Police and Fire Departments.

The Mayor asked Council to approve the appointment of a Charter Review Commission. The members are Shawn Riley (Chair), Laurie Deacon, David Hooker, Michael Press, and Robert Reitman. Councilmember Turner moved to approve the appointments, with Councilmember Atton seconding the motion.

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

Mayor Schneider introduced State House Representative Daniel Troy. Mr. Troy noted that if the redistricting is approved, he will be the representative for the western third of Lake County along with Gates Mills and two other Cuyahoga County municipalities. If approved, the district will be number 23.

Clerk DeCapite did not have a report.

Councilmember AuWerter provided a Comprehensive Plan update. Postcards were mailed to all households in the Village. The postcards provide a code for residents to use to complete the online questionnaire. The code provides for two adults to complete the survey. If additional adults are in the household and need a code, please email a code request to comprehensiveplan@gatesmillsvillage.com. Seventy submissions have been completed at this time. Yard signs, flyers, Gates Mills Connect, and a “thermometer” sign with our submission goal and percentage received will be utilized as well. A second, larger postcard will also be going out next week. The survey takes approximately 20 minutes to complete. Hard copies are available at the library and Town Hall if needed. After the July 4 deadline to submit responses, the Advisory Group is scheduled to meet on July 19 at 6:00 p.m. in the Community House. Issues will be framed from the feedback that is received. A public forum and neighborhood meetings should take place in early August. Additional neighborhood captain volunteers are still needed in some areas. The Advisory Group will meet 5-6 times to discuss issues and recommendations. Another public forum and neighborhood meetings will follow. The final report will be submitted early next year. The contract amount was \$57,500. Additional work has been authorized, however, which included a council workshop, an additional 23 interviews conducted, and help with the outside perspectives group interview analysis. We are likely to have \$14,000-\$15,000 of work performed in addition to the contract amount.

Councilmember Press, on behalf of the Broadband/Fiber Optic Committee, reported the Committee has met with four companies. Chairperson Whitney will submit a report for Council at its July meeting.

Councilmember Atton, member of the Mayfield City Schools Liaison Committee, reported he attended the recent school board meeting. The Board approved 6 separate labor union agreements. They are providing front-end stipends in the beginning of the contracts and less in later years. In the district’s five-year financial projection, they are looking for up to a 5-mill tax increase in 2024.

Councilmember Atton commented the Village has a lot of committees now and he believes they are required to post meetings, have public meetings, and produce minutes.

He did not provide examples, but stated meetings are happening that are not posted and some committees are not meeting when they should.

Police Chief Minichello, in response to a question about the Uvalde, Texas school shooting, noted our department is well-trained. In August we are sending two officers to a “Train the Trainer” rapid response situation with an active shooter program. Those officers will then train the remainder of the staff. He noted he wants to purchase two ballistic shields for each cruiser. When asked to report on the St. Francis Festival, Chief Minichello stated groups of juveniles showed up on Saturday evening and started to fight. The festival closed early due to the activity. It took about 45 minutes to clear out the venue. The situation was handled and no arrests were made. Mayfield Heights and Hunting Valley police assisted.

Prosecutor Mike Cicero provided an update on the automated traffic camera project. The Ohio Supreme Court upheld the law, in a 7-0 vote, that affects municipalities who utilize automated traffic camera systems such as the one the Village is working toward implementing. The law requires municipalities to pay a nonrefundable filing fee to the court for each automated traffic citation issued and will reduce a municipality’s Local Government Funding by \$1 for every \$1 it makes in automated traffic camera fines. The program the Village enacted is legal and is different than the program in Mayfield Village. Mayfield’s program utilizes handheld cameras with the officer initiating the photo. Village representatives have been meeting with Judge Coletta of Lyndhurst Municipal Court to work out logistics and the filing fee. The judge is receptive and wants to make the program work. The Village received \$68,000 from the Local Government Fund in 2021, which would be recovered with 570 tickets. Mr. Cicero noted the Village’s program should help eradicate the court’s deficit and eliminate the need to invoice communities for court services. The fine can be raised to accommodate the filing fee, as the \$100 fine is low in the area. Parma Municipal Court is charging a \$20 filing fee and Garfield Heights is charging \$25 per citation. Eleven dollars of the filing fee is to be remitted to the Indigent Fund, so the courts keep between \$9-14 per citation. Councilmember Press noted Councilmember Welsh voted against the program in January because there were too many moving parts with the program. He asked if we should send a letter to suspend the contract with Gatso for now. Law Director Hunt stated we can amend the contract, but we cannot suspend the contract. He added that the Mayor, Prosecutor, Chief and he can figure this out going forward and Council has to give the administration time to get started. Councilmember Press moved to suspend the implementation of the traffic camera program until further information is received. Councilmember Welsh seconded the motion. Councilmember Steinbrink commented that Gatso is working with us and making accommodations. Councilmember Turner added that we should have an amendment once the issues are resolved.

Roll Call: Ayes: Atton, Press, Welsh.
 Nays: AuWerter, Deacon, Steinbrink, Turner.
 Motion not carried.

Chief Minichello stated that from his standpoint there is so much traffic coming through on Mayfield Road and the officers cannot do anything about it. There isn't a place to run traffic or to stop cars. The department needs this technological help.

Service Director Biggert had provided his report in the Council packets. In response to a question about guardrail replacements, Service Director Biggert noted the guardrail on Brigham Road has posts that are rotting out. The guardrail on Chagrin River Road is being replaced due to damage caused by an accident. The expense should be reimbursed by the driver's insurance company. The traffic signal repair at West Hill and Mayfield Road has been sent in for reimbursement as well.

Fire Chief Robinson reported on the fatality that occurred on Riverview Road. The tree fell while a tree company worker was cutting up in the tree. The tree fell across the street and the man fell on the pavement. OSHA is investigating the accident.

Councilmember Turner moved to advertise a Public Hearing for Tuesday, July 12, 2022 at 5:30 p.m. to hear comments on the 2023 Tax Budget. Councilmember AuWerter seconded the motion.

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

Ordinance No. 2022-12 "An Ordinance Amending Section 572.10 of the Codified Ordinances of the Village of Gates Mills to Prohibit the Discharge, Ignition, or Explosion of Fireworks at All Times and Dates, Including Certain Days Each Year Pursuant to State Law" was read for the third time by Councilmember Steinbrink. Councilmember Steinbrink moved to declare an emergency, with Councilmember AuWerter seconding the motion.

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

Councilmember Steinbrink moved to approve Ordinance No. 2022-12, with Councilmember Turner seconding the motion.

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

Resolution No. 2022-17 "A Resolution Declaring it Necessary to Renew an Existing 3 Mill Tax Levy for the Purpose of Current Expenses Pursuant to Ohio Revised Code Sections 5705.19(A) and 5705.191, and Requesting the County Fiscal Officer to Certify the Total Current Tax Valuation of the Village of Gates Mills and the Dollar

Amount of Revenue that Would be Generated by that Renewal Levy, and Declaring an Emergency” was read by Councilmember Turner. She noted this levy produces over \$446,000 in revenue for current expenses. Next month, legislation will be presented to put the issue on the ballot in November, which provides two more opportunities to put it on the ballot if necessary. Law Director Hunt added the approved legislation will need to be submitted to the Board of Elections by August 10. Today’s legislation is a precursor to putting the levy on the ballot. Councilmember Atton asked why the legislation was not prepared and presented earlier in the year to allow for three readings as our ordinances state. Councilmember Press asked if we should wait until the results of the Comprehensive Plan are known to put it on the ballot as we may need to ask for more or less millage. This is a renewal levy, which is based on the valuations when it was first passed. New millage would be at current valuation levels.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2022-17 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

Roll call: Ayes: AuWerter, Deacon, Press, Steinbrink, Turner, Welsh.
Nays: Atton.
Motion carried.

Councilmember Turner moved to approve Resolution No. 2022-17. Councilmember AuWerter seconded the motion to approve Resolution No. 2022-17.

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

Councilmember AuWerter noted that Pavement Management Solutions completed the road survey and issued a Pavement Condition Report. They use a pavement condition index (PCI) to rate roads. A PCI of 70-75 is a good rating and our roads are at a PCI of 60. We would like to develop a plan that gets us to a 70-75 PCI over the next ten years. He is proposing a Council work session to have Village Engineer Courtney propose options. Councilmember AuWerter moved to advertise for bids for the 2022 Road Program. The road work to be completed will be shaped once we know how much per linear mile we will be paying. It is possible the recommendation will be to do up to \$135,000 more in paving this year than originally planned. Councilmember Press seconded the motion to advertise.

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

Council then decided to have a special meeting for a work session on Tuesday, June 28, 2022 at 5:30 p.m. in the Community House.

Resolution No. 2022-18 “A Resolution Authorizing the Mayor and the Clerk to Enter into a Revised Amended and Restated Lease with Gavi’s River, LLC, and Declaring an Emergency” was read by Councilmember Steinbrink. He put the Resolution on First Reading and noted private dining is the intended purpose for the room along with having coolers and equipment for sandwiches and to-go items. There will be some changes made for the July meeting.

Councilmember Press noted people would like to get coffee or a light lunch and leasing to Sara’s is blocking the opportunity for someone to offer coffee or ice cream. Councilmember Steinbrink noted the covered patio currently leased by Sara’s, blocks the visibility of the available space. With Sara’s having exclusive use of the patio area, it makes the area less appealing for a new business. He stated the current employment environment is making it difficult for Sara’s to open for lunch, but they are planning to offer lunch items from the new area. He also noted that, because of the pandemic, private dining rooms are in demand and Sara’s intends to utilize this space for private dining. Councilmember AuWerter stated the lease does not specify what the use of the room is. The way the lease is written, it could be used for storage. He asked what other options there are, if we have reached out to others who have coffee shops, can Burton Court be a coffee shop or the Ohio Bell building? He would like to see an enhancement for the Village. The current lease expires in July 2025. There is a formula in the contract for the renewal rates. When asked how the lease relates to the market, Councilmember Steinbrink noted that the Village is not Pinecrest. Retail traffic feeds off of the other businesses. If he is being asked if this is a fair rental rate, then yes. We are not Pinstripes at Pinecrest. We can’t compare to that market. Sara’s is a great tenant and the Village is better because the restaurant is there.

Council Matters:

Councilmember Turner noted an updated committee list was in everyone’s council packet. There are 31 committees including 6 subcommittees. Some committees are a function of other groups. The Animal Welfare Committee is an Improvement Society group. Chagrin River Watershed Partners is a partner with the Village. She has noted on the list how we engage with the committees and which committees have council representatives. Council representatives can bring back information to Council. She plans to have some committees report at different times and in different ways.

Councilmember Press stated he and Councilmember Atton have been following the Planning and Zoning Commission meetings. There is a larger property in town that came in for a subdivision and their land valuation is low. Mayor Schneider noted the property has a CAUV on it and the owner has to meet requirements to receive the deduction or tax break. Councilmember Press stated he has a woodland assessment on his property and his land is valued at \$21,000 per acre; whereas, the property at Brigham and County Line is \$1,000 per acre. Councilmember Steinbrink clarified that the proposal is for a lot split, not a subdivision and nothing was approved at the Planning and Zoning Commission meeting.

Mayor Schneider noted the Village received a retainer refund in excess of \$76,000 from RITA. She also noted there will be a unicycle event in the Village on Wednesday, June 29.

Councilmember Press said that it seems to him that Council should set the terms of reference for the Charter Review Committee. The Law Director had submitted charter items that could be cleaned-up, but Councilmember Press wants to compare the Village's charter to other community charters. He asked if the scope of work should be a broad remit or a narrow remit. He also wants to look at the strength of the executive branch versus the legislative branch of government. Councilmember AuWerter responded the Law Director's memorandum is based on changes to the current charter. Councilmember AuWerter does not see a need to rebalance the branches of government, as our current structure works. Councilmember Turner noted concerns about having the charter review done during the same time as the comprehensive plan. It is overwhelming with everything going on at once and energies will get diffused. It may be better to wait until after the plan is done. Mayor Schneider stated the review does not have to be completed in the short term. Mr. Riley, Chair for the Charter Review Commission, stated we have had a strong mayor for years. We can poll people that have been involved in in the government and see what thoughts are out there. The system works and is driven by volunteers and a good mayor in a small village. If there are changes that make sense, they can be considered.

Business from the audience: None.

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

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen E. Schneider, Mayor

Treasurer's Report for 5 months ended May 31, 2022

Financial statements were distributed to the Mayor, Clerk and Council in advance of the Council meeting.

The Village is in a solid financial position and is able to address the economic pressures of inflation, rising costs and supply chain disruptions without adversely impacting our service levels to Villagers. That said, the Village is not immune to the economic effects around us and we need to look at our next six months with a sharp focus. More on that topic later.

MAY 31 RESULTS and CASH POSITION

In May, the Village received \$513,000. Revenue from municipal income taxes was \$453,000. For the year, real estate taxes collected are \$1,369,000, \$100,000 above prior year of \$1,273,000. For the year, Municipal income tax revenue was \$1,371,000 down from 2021 when the Village received a non-recurring receipt of \$2,177,000. Excluding that large receipt, the 2022 figure of \$1,371,000 is quite favorable. Overall, the tax receipts to date are stronger than were budgeted in December.

Other revenue of \$333,000 for the five months, was \$74,000 less than prior year of \$407,000 due to decreases in Other Source categories—Notably, permits and licenses, interest income, Mills Building rental income and Misc. income. Permits and licenses are a function of building and commercial activity. Interest is down as expected and budgeted.

Expenditures were \$402,000 for the month and \$2,571,000 for the year which includes \$451,000 of transfers from the General Fund to Other special purpose funds. Departmental expenses were \$402,000 in May. The Departmental expenditures are the operating costs to run the Village. Compared to prior year to date, there were some notable differences. In Administration, legal and professional services were doubled compared to last year, income tax collection expense was down due to lower receipts this year and personnel costs were up as budgeted. The Police Department is generally in line with last year except for higher personnel costs as budgeted. We also purchased a police vehicle this month as planned. Dispatch operating costs are within \$5,000 of budget, and we look forward to the results of the study that reviewed these costs and the allocations to municipalities. In the Fire Department, our EMS costs continue to run higher than budget. As a partial help, we have been able to collect \$24,000 in ambulance income this year so far, compared to 3,000 for all of 2021. The Service Department is running \$50,000 over last year's pace—some of that was the tough winter weather in January and February.

As the books of the Village are maintained essentially on a cash basis, there can be large variances based on when cash is received, and expenses are paid. Month-over-month, and year-over-year, it is not uncommon to have a surplus one period and a shortfall the next period.

At month-end May 31, 2022, General Fund cash was \$7,925,000 and cash in other funds was \$1,540,000 for a total cash position of \$9,466,000. We ended 2021 and started 2022 with combined cash of \$8,266,000. The Village has no debt.

OUTLOOK FOR SECOND HALF

As mentioned, we need to take a sharp look at the second half of 2022. The Budget and Finance Committee will meet in July and using June 30th six-month numbers will review the results, evaluate

variances, and determine an outlook for the second half of 2022. Areas to review include our recurring tax revenue sources, other sources of income, departmental expenses and capital improvements. We will report our outlook and any recommendations for operating in the second half of 2022 which will be a tougher fiscal environment. We expect to have a levy renewal on the ballot this November that generates \$450,000 for General Fund operating costs. We need to continue to demonstrate good financial stewardship to the Villagers.

This report will be posted on the Village's website.

Steven L. Siemborski

Treasurer, Village of Gates Mills

Chair, Budget/Finance Committee

June 14, 2022