

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 14, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, February 14, 2023, at 5:44 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call

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

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

2. Minutes of Council meeting of January 10, 2023

Councilmember Welsh moved to approve the January 10, 2023 minutes with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

3. Minutes of the Special Council meeting of February 1, 2023

Councilmember AuWerter moved to approve the February 1, 2023 minutes with Councilmember Steinbrink seconding the motion.

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

Abstain: Welsh

Nays: None

Motion carried.

4. Pay Ordinance # 1270 \$633,578.66

Councilmember Welsh moved to approve Pay Ordinance #1270. Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

5. Financial Statement/Treasurer's Report attached and starts at 2:41

6. Mayor's Report starts at 18:04

- \$869,000 to the general fund from real estate taxes will be received Feb 15th
- April Council meeting will be held in Town Hall Council Chambers

- Two County grants have been applied for

7. Clerk's Report starts at 23:58

- A perceived traffic increase on westbound Old Mill Rd could be a negative for the speed camera program if the increase is displaced Mayfield Rd traffic. Comparing the fine for ten miles over the speed limit on Old Mill Rd (non-camera ticket) versus Mayfield Rd (camera ticket) resulted in \$190 and \$135, respectively.

8. Committee Reports starts at 25:17

In his recently elected capacity as Council Pro Tem:

- Councilmember AuWerter thanked Finance Administrator Mulh for her efforts in providing the monthly Council agenda one week in advance of the meeting. The goal is for the agenda and all contents to be available one week in advance.
- Councilmember AuWerter stated per Charter the only defined responsibility of the Council Pro Tem is to conduct Council Meetings in the Mayor's absence. He would like to add more substance to the role over the balance of the year, then compare ideas with Councilmember Turner (previous Council Pro Tem), and recommend to the Council and Mayor refinements to the responsibilities of the Council Pro Tem role.

Comprehensive Plan Status and Process (Councilmember AuWerter) starts at 29:19

- The 1/9 and 1/31/23 Advisory Committee meetings focused on the elements of the draft plan where there is not consensus, as defined by the Consultant, among the Advisory Committee members. The next meeting at Gates Mills Elementary School on 3/7/23 will focus on new housing and development. One or two additional meetings are anticipated, followed by a Town Hall meeting in early/mid April or late April/early May. The Advisory Committee will meet following the Town Hall meeting and prepare a report to present to Council at the June or July Council meeting.
- What will Council do when presented with the report of the Comprehensive Plan? starts at 34:22 Council will acknowledge receipt of the report. Law Director Hunt explained Council is not legally required to act on it. Most communities that go through a comprehensive planning process have their Council either 1) accept the plan report as is to be used as a guide, or 2) approve the plan report. Approval assumes there will be a review before the approval and in reviewing it perhaps it is decided to make some adjustments. A formal document entitled Comprehensive Plan is not required in terms of putting together your zoning and land use regulations in Ohio, but it is a very helpful document to make sure your zoning and land use regulations comport with or at least do not conflict with what is in the comprehensive plan.
- Backbone of the Comprehensive Plan continues to be preserving our rural character, not development
- Consultant has been asked to provide a current billing to compare with budgeted amount of \$57,500
- Various Councilmember comments starts at 39:49

Broadband Committee Status (Councilmember AuWerter) starts at 50:58

- Interviewing consultants, staying in touch with other communities regarding their Broadband plans, attending webinars on public funds and the processes involved to apply
- Next meeting is 2/15/23 to craft a consultant recommendation to present to Council at the March or April Council meeting

Charter Review Committee Status (Councilmember AuWerter) starts at 51:58

- Todd Hunt's report of suggested changes to make the charter consistent with state law and consistent internally has been reviewed. Charters of nearby similar cities/villages are being reviewed to determine if they have provisions that Gates Mills might want to consider. Possible changes will begin to be identified and discussed at their next meeting and made ready to present to Council late summer.

Cell Tower Update (Mayor Schneider) starts at 53:17

- Gilmour rebid their 2019 cell tower project. All 3 bids came in at double the previous price. Another bid is being sought. Refiling with the FCC for a new permit is in process. Hopeful for late fall. Terrible cell service in the Gilmour area is a safety issue and might help speed the process along.

Safety Committee Update-Traffic Cameras (Councilmember Steinbrink) starts at 55:43

- The eastbound electric power is ready. Camera foundations should be completed late April/early May. Potential go live date of June/July. Lyndhurst Municipal Court will meet later this week with their case management software vendor over pricing and timing of the data integration with Sensys Gatso.

Planning & Zoning Commission-Solar Panels (Councilmember Steinbrink) starts at 56:57

- Councilmember Steinbrink had a discussion about solar panels on roofs that face the street with 3 of the architects that are part of the Architectural Review Board. The input received was shared with Planning & Zoning and the consensus was P & Z did not want to have any significant changes for solar panels on roofs that face the street. Aesthetics are a concern along with property values.
- Councilmember AuWerter wanted Council to be aware this means street-facing roof solar panel variances will not be granted.

Various Councilmember comments regarding diversion of Mayfield Rd. traffic through the Village start at 1:00:03

- "Local Traffic Only" signs
- Establish baseline traffic numbers on Mayfield and Old Mill Rds, at least
- Query Mayfield Village about their traffic camera start up strategies

Mayfield Schools “Focus Forward Mayfield” Initiative Update
(Councilmember Turner) starts at 1:05:10

- This five year strategic plan focuses on experiences of the student, employee, family, and community as well as organizational excellence. The steering committee has 30 members who are elected officials, parents, administrators, teachers, staff, students, business leaders, and alumni. Our Village is represented by parent Megan Perez, Jim Stafford, and Councilmember Turner. The planning process began on 2/1/23 and will be completed by the end of the school year in June in order for improvements to be implemented in the new school year in the fall.

Councilmember Press asked if Council was going to make a recommendation for or against the Mayfield Schools levy. Starts at 1:07:27

9. Police Department Report attached and starts at 1:10:25

Councilmember AuWerter wondered what the Village’s position was in regard to deer culling. Mayor Schneider stated we are part of a culling venture within the confines of the Metroparks at North Chagrin reservation.

Councilmembers Press and Atton find the number of housechecks amazing and time intensive, respectfully. Chief Minichello replied that while doing housechecks up/down driveways we patrol about every street in the village. This allows the department to combine two goals.

Chief Minichello addressed baseline traffic data on Old Mill Rd. We have data collected in December 2021 from Old Mill Rd, data will be collected next week using the portable speed counter, and when we go live we can do it again. The Police Chief had earlier this week compared travelling Mayfield Rd. with the alternate Old Mill route and found the Old Mill route took one minute longer. Councilmember Steinbrink mentioned increased traffic seems to be common in many places given post pandemic getting out and being called back to work.

Regarding Shaker Heights traffic control signage, they use “do not enter” signs between 4-6 pm and anyone, resident or non-resident, is subject to a violation citation.

Our new yellow Tasers are meant to be more visible to a resistor and might help him/her think twice.

10. Service Department Report attached and starts at 1:18:02

The minimum quota of road salt will be purchased. Any salt that will not fit in our 700 ton bin will remain at the salt yard and charged a storage fee.

11. Fire Department Report attached and starts at 1:20:02

12. Councilmember AuWerter moved to authorize the Village Engineer to competitively bid the following public improvement projects for 2023 and Councilmember Welsh seconded the motion:

2023 Annual Road Maintenance Program;
Mayfield Road Culvert Replacement; and
Hillcreek Culvert Repair/Rehabilitation/Erosion Repair starts at 1:21:24

Councilmember AuWerter explained this is just an authorization to go out for three separate bids on the total scope that was budgeted for this year. Once we get the numbers we will discuss whether we want to proceed and how to fund the Mayfield Road culvert replacement.

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

13. Ordinance No. 2022-27 (Three readings and Public Hearing are completed) starts at 1:24:41

Ordinance No. 2022-27 “An Ordinance Amending Zoning Code Section 1157.03, ‘Accessory Uses in U1 Single-Family House District; New Standards’ to Adopt a New Subsection (n) to Permit the Keeping of Chickens and Certain Other Domesticated Fowl as an Accessory Use in Residential Zoning Districts and Amending the General Offenses Code to Adopt a New Section 518.18, ‘Backyard Chickens and Certain Other Domesticated Fowl’” was read by Councilmember Steinbrink.

Councilmember Steinbrink and residents close to this issue started last summer to whittle down a prescriptive ordinance into a reasonable ordinance. At the time individuals with chickens on their property in our rural and pastoral community were in violation of our zoning code because things not prescribed in the zoning code are effectively prohibited. If a neighbor called to complain about chickens, the chickens had to go. A provision in this ordinance gives the building official in nuisance cases the right to order the chickens removed from the property and the homeowner has recourse to go to Planning and Zoning to have that heard. We’ve had extremely good input from residents close to this who came away supporting this ordinance. A no vote on this matter effectively is Council telling residents that chickens are not permitted. Councilmember Steinbrink moved to approve Ordinance No. 2022-27 with Councilmember Deacon seconding the motion.

Councilmember Turner acknowledged Councilmember Steinbrink’s good work, promoting community involvement, and recognizing the difficulty for Planning & Zoning when there aren’t ordinances to undergird the decisions made; this serves people who want to have chickens and people who are concerned about the downside. Councilmember Deacon said the pastoral nature of the village is preserved by making it clear chickens are permitted. Councilmember Welsh said the intent was good but it’s so incomplete and inconclusive. Councilmember Atton hoped people would talk to each other and resolve it themselves. Councilmember AuWerter stated we would have a framework for Planning & Zoning variance requests, realtors now would have an answer to the chicken question, and we’re recognizing what is out there—a lot of chicken owners in the village. Councilmember Press said there was improvement from the first to final versions.

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

Motion carried.

14. Ordinance No. 2023-1 Second Reading starts at 1:32:14

Ordinance No. 2023-1 “An Ordinance Amending Section 318.07, “Civil Penalties”, to Increase the Civil Penalty for a Violation for 10 to 19 Miles Per Hour Over the Motor Vehicle Speed Limit” was read by Councilmember Steinbrink. A Supreme Court ruling mandates an advanced administrative ticket charge for all traffic camera citations issued and we’re increasing the amount in the first level of penalty to collect that cost. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-1 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Ordinance No. 2023-1 with Councilmember Turner seconding the motion.

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

15. Ordinance No. 2023-5 First Reading starts at 1:33:54

Ordinance No. 2023-5 “An Ordinance Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2023 Energized Community Grant” was read by Councilmember AuWerter. Mayor Schneider stated the \$8,000 grant would be used for an energy saving project, most likely windows in Town Hall. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-5 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-5 with Councilmember Welsh seconding the motion.

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

16. Ordinance No. 2023-7 First Reading starts at 1:37:09

Ordinance No. 2023-7 “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 Mayor Schneider. This is the Fire Chief’s vehicle. Councilmember AuWerter moved that the rules requiring ordinances to be read on three

different days be suspended and that Ordinance No. 2023-7 be placed upon its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-7 with Councilmember Steinbrink seconding the motion.

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

17. Ordinance No. 2023-8 First Reading starts at 1:39:08

Ordinance No. 2023-8 “A Resolution Authorizing an Agreement with the Law Firm of Roetzel & Andress, LPA for Law Director and Other Legal Services” was read by Mayor Schneider. The last time we reviewed proposals and interviewed for Law Director was upon Chuck Riehl’s retirement from Walter Haverfield prior to 2016. We stayed with Walter Haverfield and have been charged the same hourly rate since the 1990s to present.

Law Director Hunt and his entire Public Law Group moved from Walter Haverfield to Roetzel Andress in December 2022 because Roetzel has a better platform for public law, they have the biggest public law practice in the state, and there was pressure from Walter Haverfield to increase public entity rates. Our current effective hourly rate of around \$118 for regular services is no longer sustainable. Under the new agreement of a \$42,000 retainer (current \$32,000 plus \$10,000 increase) there is not a cap on the number of hours to be put in. Law Director Hunt is willing to back off on the new proposal being retroactive to January 1, 2023 and will put the new rate into effect March 1, 2023. The new agreement can be terminated with a 30-day notice.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different dates be suspended and that Ordinance No. 2023-8 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-8 with Councilmember Welsh seconding the motion.

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

Councilmember Atton asked if the village owns the records of Walter Haverfield’s work. Law Director Hunt replied yes. There are 30 boxes of records going back to 1988 that are ready to be picked up.

18. Council Matters starts at 1:49:22

Councilmember Steinbrink announced a Special Council Meeting is set for 8 a.m. on 2/17/23 in Council Chambers to approve a lease for a coffee shop in the space formerly occupied by Cindy Halle. They will be open 6 a.m. to 3 p.m. and will offer coffee, pastries, prepared salads, sandwiches, and soup. Feedback from the Comprehensive Plan suggests this is something villagers have actively been seeking. The reason for the Special Meeting is to allow sufficient time for the build out of the space as they'd like to be open as soon as possible. This is being done in conjunction with Sara's.

Councilmember AuWerter asked all Councilmembers to send him a list of 3 to 5 items that should be a Council priority. Tree canopy was an example.

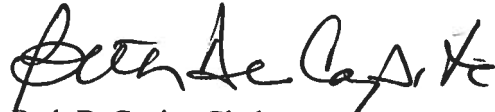
Councilmember Atton stated the Charter Review Committee is not moving very quickly. If we are going to have some Charter changes, it would be good to synchronize the work of the committee with the November election schedule

19. Business from the Audience - None

20. Adjourn

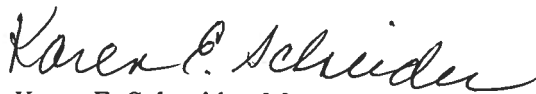
There being no further business, it was moved by Councilmember AuWerter, seconded by Councilmember Steinbrink, and unanimously carried, that the council meeting be adjourned.

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen E. Schneider, Mayor