

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
August 15, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, August 15, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 3:30

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 the Regular Council meeting of July 18, 2023 starts at 3:48

Approval of the July 18 Minutes will be postponed until the September Council Meeting. Councilmember Atton stated that on the video at 18:57 Councilmember AuWerter mentioned Councilmember Deacon spearheading a group of some sort and he wasn't sure what that was and how that integrated into the historic preservation task force that Celeste McClung is proposed to be leading. Councilmember Deacon stated her group's focus will be zoning and penalties/fines - different from the historic preservation task force. Councilmember Atton wants this clarification reflected in the July 18 minutes.

Councilmember Steinbrink asked if the June 20 minutes could be approved with three votes. Law Director Hunt replied four votes are necessary and the minutes need to be reapproved. Councilmember Deacon moved to approve the June 20, 2023 minutes and Councilmember Turner seconded the motion.

Ayes: Atton, Deacon, Turner, Welsh.

Abstain: AuWerter, Press, Steinbrink

Nays: None

Motion carried.

3. Pay Ordinance # 1276 \$614,183.51 starts at 10:59

Councilmember Welsh moved to approve Pay Ordinance #1276 and Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

4. Financial Statement/Treasurer's Report attached and starts at 11:22

At 18:05 Councilmember Press suggested the Finance and Budget Committee should review (1) the assumptions made roughly a year ago in long range planning and (2) the current Ancora investment strategy. Treasurer Siemborski concurred and suggested a September Budget meeting to address both with Ancora in attendance.

At 19:28 Councilmember Turner asked if the increase in legal fees over matters requiring additional attention were intermittent or ongoing. Law Director Hunt responded that there are currently three lawsuits against the Village. A major one with substantial fees came to fruition Jan/Feb/March of this year. Two other lawsuits are still pending, one we just settled about two weeks ago for a minor amount plus attorney fees. Additional details could be discussed at an Executive Session in September.

At 21:41 Councilmember AuWerter reminded Council three significant expenditures have carried over into 2023 but relate to 2022 - roads cost overrun, income tax rebate, and legal fees - and the Finance Committee will discuss further when they meet. Councilmember Atton stated he could not remember the outcome of the 2022 road program overrun of \$250,000. Were we going to reduce our budgeted level for 2023 by \$250,000, or keep the budget the same and simply absorb the \$250,000? Councilmember AuWerter answered that two meetings ago it was presented that we absorb the \$250,000 and we can still meet the budget for roads because the road bids came in less than what we budgeted. Councilmember Atton rephrased and stated we can absorb the \$250,000 without altering the bottom line.

5. Mayor's Report starts at 23:57

- Clerk DeCapite was complimented on Council Minutes (Thanks Chuck S.)
- Treasurer Siemborski (Mayoral Candidate running unopposed) was included in the selection process for our new Fire Chief. From three terrific candidates who, along with our entire fire department, have the best interests of our residents at heart, the following selections were made:
Tom Majeski, Fire Chief, Rob Jamieson, Assistant Fire Chief, and Mike Feig, Captain/Fire Marshall. All three will be sworn in at the September Council meeting.
- Fire Chief Robinson's Retirement Party will be held September 5 at the Community House.
- Mayor Schneider, Councilmember AuWerter, Service Director Biggert, and the owners of 640 Chagrin River Rd. had a great meeting. We know where they stand and vice versa. The footers have been poured, next is framing and backfill. They hope to have it all under roof before the snow flies.

6. Officer Kimbrew - Service Award starts at 27:00

Chief Minichello presented a meritorious service award and detailed Officer Kimbrew's June 28 single-handed rescue of a semi-conscious driver from a burning vehicle on Mayfield Road in Chesterland.

7. Clerk's Report - None

8. Committee Reports

Positively Gates Mills (Councilmember Turner) starts at 32:24

- New Resident Social at the Community House, Sept 29, 6:30-8:00 p.m.

Planning & Zoning Commission (Councilmember Steinbrink) starts at 32:50

- Earlier this year the Board of Zoning Appeals approved a variance requested by a homeowner. An adjoining homeowner was out of town during the 10-day notification period (via certified mail) and was unaware of the variance request. The adjoining homeowner met with the Planning & Zoning Commission to discuss improvements to the variance process - longer time period to notify adjoining homeowners and/or allow meeting attendance via Zoom or conference call. Councilmember Turner suggested considering different ways of communication - text or email. Councilmember Steinbrink stated Fedex or UPS had been discussed. Any recommendations to change ordinances by P & Z would require Council approval.

Charter Review Committee (Councilmember Press) starts at 35:25

- Final report should be ready for the September Council meeting

At 35:45 Councilmember Atton posed a question to the Real Estate Committee. Is the first floor of Burton Court being looked into as a possible rental opportunity for this year - with the Gromelski's or anyone else? Councilmember Steinbrink answered we are currently having conversations with Sara's Place on using that space and possibly adding a second floor to Burton Court. Once we receive all the second-floor construction bids, the Real Estate Committee will discuss. It doesn't make sense to enter into a short-term lease for the first-floor space, when we have the potential opportunity to expand a capital asset and get more rent for two floors rather than one. Councilmember Atton replied his impression was that Gromelski was probably going to take the first-floor space regardless of whether or not the expansion occurred, so if that's the case, why not have a lease with him right away provided it's a competitive market-oriented lease? Councilmember AuWerter answered the first-floor space required both parties investing to turn it into a more permanent space. That would be silly if we're going to turn around and redo the whole building. Secondly, he pays every time he uses the first-floor facility. In November and December, we'll probably get more rent from his per evening use than we would from a long-term rental. Councilmember Deacon asked what the timing was, and Councilmember Steinbrink replied September/October.

Board of Cemetery Trustees (Councilmember Welsh) starts at 38:32

- Next meeting is Monday, September 11 at 4:00 p.m.

At 39:00 Councilmember Press recalled setting up a task force around the 640 issue. Celeste McClung and Lori Deacon were both on it, plus others, and they were to draft terms of reference, but they never came back. Councilmember Deacon stated they needed to get that out. Mayor Schneider stated it was thought better to get the ARB/HRB committees straightened around (Ordinance No. 2023-23 on second reading tonight) and then go forward with the historic preservation task force.

At 39:57 Councilmember Atton observed the Mayfield City Schools Liaison Committee usually invites the Superintendent of the school district and the Treasurer

to come and talk to Council once a year. Last year it occurred in October. It's not too soon to start thinking about that date.

At 40:23 Mayor Schneider introduced Sean O'Malley of Reid Consulting Group and also Tom Reid via Zoom to provide our Broadband Presentation. Councilmember Deacon reminded Council this Phase One report was commissioned to determine and confirm feasibility for Broadband in the village.

To view the PowerPoint Gates Mills Fiber Financial Analysis, visit <https://www.gatesmillsvillage.com/homepage/news/broadband-fiber-optic-presentation-council> at 42:26

At 59:50 Councilmember Press posed a question to Sean and Tom, followed by questions or comments from other Village Officials:

1:01:59	Councilmember Turner	1:21:58	Councilmember Deacon
1:02:55	Councilmember Welsh	1:24:51	Councilmember Press
1:04:05	Councilmember AuWerter	1:25:50	Engineer Courtney
1:17:04	Councilmember Turner	1:26:36	Councilmember AuWerter
1:18:24	Engineer Courtney	1:28:29	Councilmember Turner
1:18:49	Councilmember Press	1:30:22	Treasurer Siemborski
1:19:43	Mayor Schneider	1:33:09	Councilmember AuWerter
1:20:46	Councilmember Steinbrink		

9. Police Department Report attached and starts at 1:37:00

Councilmember Press believes the distance between the warning signs and the traffic cameras on Mayfield Road is too close and doesn't allow enough time to slow down and avoid a ticket. If it's about safety and not revenue, and we want people to have a chance to slow down, why don't we have the warning sign further away from the actual camera? Chief Minichello answered there are two warning signs before the westbound camera. One large sign is in the median at the entry point to Gates Mills from Chesterland and one smaller sign is on the right side of the road before the camera. We went over this placement with our prosecutor and took a tour. Per Ohio Law photo enforced warning signs must be placed at every entry point into the village.

At 1:40:37 Councilmember AuWerter asked the status of the cameras going live and what has been happening with average speed since data started being collected. Chief Minichello replied that since data collection from the eastbound camera started on May 13, we've seen about a 60% reduction in the amount of speeders going over 60 mph (from an average 375 cars per day down to 125). We've sent out 3150 warning notices. Speed is coming down and that was the intent. Also, traffic is slowing down on other roadways. It is possible that we may turn on the cameras over the next two days and start issuing citations, but they will be held for review until we get the green light from the Court that they are ready - we anticipate that date to be August 22.

Councilmember Turner noted the nice articles in the paper about the speed cameras and congratulated the Chief for good communications to villagers and other communities.

Councilmember Press shared conversation where it was advised to ignore and not pay a speed camera ticket because it's a civil ticket, not criminal. Chief Minichello

stated we are in discussion with the Judge on this subject. It is our expectation that after the second notice is not paid, the Judge will likely file a judgement against the speeder and it will likely go to collections at some point. We have to pay the Court regardless of whether the ticket is collectible (\$15/ticket). The Judge is investing a significant amount of money up front too - \$150,000 for software/equipment, staffing, and training.

10. Service Department Report attached and starts at 1:47:04

Councilmember AuWerter is disturbed that we look bad compared to other communities in the Cuyahoga County Solid Waste District annual recycling report because other communities get credit for leaf and brush collection. He asked if we could request the County have two different measurements - one including leaf and brush pickup and one for all other. Service Director Biggert responded that he would check.

11. Fire Department Report attached and starts at 1:48:57

At 1:49:35 find a video of the joint training session (Gates Mills, Willoughby Hills, and other fire departments) showing the deployment of a vehicle fire blanket and the very quick smothering of the fire. The blanket can also be used for the very different electric vehicle fire where, without a blanket, thousands of gallons of water are necessary and become contaminated and enter the storm sewer. Also unique to an electric vehicle fire parked in a garage is the difficulty in removing it from the house. Gates Mills has the second highest per capita number of electric vehicles in the state. We purchased the multiple use blanket for \$3000 from Germany.

At 1:54:30 Treasurer Siemborski asked if the increase in EMS costs relate to anything abusive or it's just that the numbers are up. Fire Chief Robinson replied the cost has increased because the usage has increased (86 EMS calls at this time last year versus 139 this year). Surrounding communities are seeing the same pattern. It's a product of an aging population and the utilization of EMS services when it's not necessary. Public education of when EMS is appropriate is a struggle due to liability issues. We are looking at high users and seeing if there is any way to bill for the service. High deductible health plans leave large balances due from residents and most communities will not direct bill their residents because they believe tax dollars should pay for those kinds of services.

This is Fire Chief Robinson's final report. They were always interesting and entertaining. We will miss him.

12. Ordinance No. 2023-23 (Second Reading) starts at 1:59:02

Ordinance No. 2023-23 "An Ordinance Amending Section 1313.09(a) of the Codified Ordinances of the Village of Gates Mills to Specify the Procedure for the Architectural Board of Review's Historic District Subcommittee to Review and Make Recommendations to the Board on Applications for Building Permits in the Village's Historic District" was read by Mayor Schneider. Councilmember Deacon explained the goal is to expedite review of historic district applications. Under this ordinance an application would go direct to HRB, and ARB would get a copy, so they know what's

happening. It would speed up the process because the committees meet two weeks apart.

Councilmember Press asked if the HRB is represented on the ARB and Councilmember Deacon replied all stakeholders are in favor of the HRB chairperson sitting formally on the ARB and being a voting member. They would increase communication, streamline the process, make it more seamless, and fortify the understanding on the ARB of things the HRB is considering and what their concerns are. Councilmember Deacon asked Law Director Hunt if we can amend this ordinance to reflect this and have it ready for third reading in September. Yes.

Ordinance No. 2023-23 will be placed upon second reading.

13. Resolution No. 2023-26 (Second Reading) starts at 2:01:35

Resolution No, 2023-26 “A Resolution Authorizing Additional Funds for Professional Services Rendered by CT Consultants Under an Agreement for the Village’s Comprehensive Plan” was read by Councilmember AuWerter. Resolution No. 2023-26 will be placed upon second reading.

14. Ordinance No. 2023-27 (First Reading) starts at 2:02:02

Ordinance No. 2023-27 “An Ordinance to Amend the Annual Appropriation Ordinance No. 2022-42 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2023” was read by Councilmember AuWerter. Finance Administrator Mulh prepared a memo detailing the reasons for the additional appropriation.

Treasurer Siemborski explained we did not know which broadband vendor we would use when we budgeted in December, so we put \$10,000 in the budget. When we chose Reid Consulting their Phase One fee was \$15,000 so that’s the additional \$5,000 appropriated. Reid gave us a Phase Two estimate, which we are not required to award, for a combined (Phase One and Two) fee of \$40,000.

Councilmember Atton asked how much the architectural services for Burton Court cost. Councilmember AuWerter believed \$22,000, or in that range, with an hourly rate provision for additional work.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-27 be placed upon its final passage. Councilmember Press 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. 2023-27 with Councilmember Turner seconding the motion.

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

Nays: None

Motion carried.

15. Resolution No. 2023-28 (First Reading) starts at 2:05:05

Resolution No. 2023-28 “A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund and Wastewater Fund” was read by Councilmember AuWerter. This is basically a subset of what we just approved and is the authorization to move funds from the General Fund to the other two funds. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-28 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Resolution No. 2023-28 with Councilmember Press seconding the motion.

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

16. Council Matters starts at 2:06:34

Councilmember Turner asked Councilmember Deacon to provide in advance of the September meeting some guidance on how the very complex Broadband discussion will progress. She agreed there is a way to map out decision points and will confer with the Broadband committee.

At 2:07:58 Councilmember Press asked where we stand on finding dates for the Comprehensive Plan work session. Mayor Schneider answered neither date worked on which all of Council could attend and Councilmember AuWerter suggested if Saturdays were difficult then give some weeknight options. Councilmembers Turner and Press would like to keep the momentum going and meet in September. Options will be sent out.

At 2:10:16 Councilmember Atton asked when we were getting the bids on the Mayfield Road Culvert repairs and Service Director Biggert answered September 8.

17. Business from the Audience starts at 2:10:36

Leonard Carr, a 50-year resident, has an issue with the interaction of motor vehicles and pedestrians on Andrews and Hillcreek Lanes and West Hill Drive. Pedestrians, by law, should move off the pavement onto the grass when a motor vehicle approaches, yet they are arrogant in thinking they have the right of way and expect cars to cross left of the centerline to avoid them. Mr. Carr provided a four-point plan solution - Pink Sheet, mail delivery independent of the Pink Sheet, signage, and friendly police encounters.

At 2:19:38 Susan Dunsmore, 7019 Hillcreek Lane, the resident whom Councilmember Steinbrink spoke of earlier, came to let it be known how the current construction of a large home on Hickory Lane directly across the creek to her home is affecting her. As an existing homeowner she feels she has not been protected. The variance notice sent out 10 days in advance is vague and contains no information on why the variance was requested and no details on the size of the structure. When the excavation on the creek bank started this spring, she reached out to David Atton and he came out and listened to her concerns. The building is a full three-story walkout probably three times the size of the prior structure. When the leaves are gone this house will leave them under constant observation and completely exposed. There is no opportunity to provide privacy with a fence or vegetation as it is right at the hillside bank dropping down to the creek. It is imperative that Gates Mills prioritize direct contact with homeowners affected by construction. The notification and approval process needs to be addressed ensuring ample time is provided for affected residents input and for concerns to be heard.

18. Adjourn

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Karen E. Schneider, Mayor