

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 21, 2024

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, May 21, 2024, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was livestreamed on the internet.

1. Roll Call starts at 0:39

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

Other Village officials present were Treasurer Morgan, Clerk DeCapite, Service Director Biggert, Police Chief Minichello, Fire Chief Majeski, Assistant Fire Chief Jamieson, Village Engineer Courtney, and Law Director Hunt.

2. Mayor Siemborski administered the Oath of Office to Treasurer, Dixon Morgan, Jr. at 0:55

3. Minutes of the Regular Council meeting of April 16, 2024 starts at 2:17

Clerk DeCapite proposed the following revisions on page 8, item 19:
Line 4 ...would increase our residential property owners 'real estate taxes...
Line 8 ...would increase to by 10%...
Line 9 If a new levy of 5 mills were passed for Mayfield City Schools that would mean a 7% real estate tax increase to residents and a 10% real estate tax revenue increase to the School District, whereas the 30% revaluation would only increase the School District's real estate tax revenues by 3%.

Councilmember Steinbrink moved to approve the April 16, 2024 minutes and Councilmember Broome seconded the motion.

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

4. Pay Ordinance # 1285 \$678,386.84 starts at 4:39

Councilmember Steinbrink asked if payment by the Village to American Security for monitoring of resident security systems was being reduced or eliminated as previously discussed by the Finance and Budget Committee. Mayor Siemborski added that when the dispatch service was stopped, the Village agreed to pay for monitoring the security systems of approximately 75 homes that had been covered. To end that agreement and push the cost to the resident would be 3-4 times what the Village is currently paying. So, the Village continues to pay the monitoring cost, and as those homes are sold or those individuals leave, that same service will not be provided to the successive owners. Englebrook Construction and Charles Harris payments were also discussed.

Councilmember Welsh moved to approve Pay Ordinance #1285. Councilmember Steinbrink seconded the motion.

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

5. Mayor's Report starts at 8:15

a. Brigham/River Road - Residents concerned with safety/noise/speed in the area have requested 1) to meet with ODOT directly, 2) a study of the area be done, and 3) a committee to work through the issue. The ODOT meeting has been scheduled for the end of next week.

b. Fire Department - Station Duty Proposal - starts at 11:04 - Fire Chief Majeski and his staff were asked to look at staffing the Fire Station with one individual over the period of time when Service Dept firefighters are not present - from 4pm on Friday when they leave until 7am on Monday when they return. Response time to emergency calls outside of weekday business hours has gotten longer. Firefighters live further from the Fire Station. There are fewer volunteer firefighters. Paid-on-call volunteer firefighters respond from home or wherever they are when available.

The Fire Chief and his team put together a proposal that would cost \$25,000 for the remaining six months of this year and provides for one firefighter on call Saturdays 8am until Sunday 8am and six holidays (Phase 1). In 2023, the majority of emergency incidents occurred on Saturday. In addition to manning the Station, over 700 fire hydrants need to be tested and maintained, and training requirements can be fulfilled. This may be something that we expand next year (Phase 2 would be more like \$80,000) or if it doesn't work well, we don't do it again.

At 15:10 Councilmembers commented positively and asked questions. Fire Chief Majeski and Assistant Fire Chief Jamieson provided detailed responses. At 34:00 Councilmember Welsh made a motion to approve full weekend coverage with a firefighter to respond to emergency calls (Phase 1 and 2). There was no second motion.

At 34:36 Councilmember Turner moved to approve **Station Duty Proposal Phase 1 - 2024 Saturday and Holiday Coverage**. Councilmember Broome seconded the motion.

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

c. Tennis/Pickleball Update - At 35:27 - The nets are here, and Service Director Biggert's team will put the nets together when poor weather keeps them inside.

d. Encore Update - At 35:56 - Flyers listing the different things being done within the Village to support the Music & Ideas Festival are available tonight and, on the website, - June 6, June 10, June 21, and June 23 Festival Finale. An internal Village meeting was held to talk about chairs, audiovisual equipment, and staging.

- e. Mayoral Appointments Subject to Council Confirmation: starts at 37:00
 - i. **Budget & Finance Committee** - Charlie Baker
 - ii. **Investment Board** - Dixon Morgan, Jr., Chair,
David Atton, Michael Press
 - iii. **Tree Canopy Subcommittee** -
David Atton, Sandra Turner, Nathaniel Smith, Mitchell Bass,
Erick Carlson, Holly Matthews, Lucy Chamberlain
 - iv. **Service Committee** - Trina Nemastil

Councilmember Welsh moved to approve the Mayoral Appointments to the Board and Committees discussed. Councilmember Deacon seconded the motion.

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

6. Areas of Strategic Importance - Bridging Plans into Action - At 40:00

a. Environmental - May 13th Special Council Meeting - Workshop - The Mayor reported the discussion focused on a structure and the steps to move forward to address the protection and preservation of our natural and scenic environment. The need to reach out to citizens and see if they are interested in participating in some way was also discussed. One Committee will oversee three subcommittees - the tree canopy subcommittee is now fully staffed and will be meeting hopefully over the next two weeks. Post-workshop feedback indicates a very aggressive and comprehensive plan was put forth that will take a number of years to complete; we likely will need outside professional or consultant help.

7. Clerk's Report - None

8. Financial Report attached and starts at 41:57

Mayor Siemborski presented the report for the last time as Treasurer Morgan will be doing this going forward. A Finance and Budget Committee meeting was held yesterday. At one-third through our fiscal year, we appear to be on course to achieve or do slightly better than our break even 2024 budget. The Mayfield Road Culvert Replacement project is almost complete and is coming in on budget with no large overages.

9. Police Department Report attached and starts at 44:24

The Police Chief added a speed camera record was set by a car going 97mph westbound on Mayfield Road. Proof positive for his support of the traffic camera program - no ridiculous chase to stop the car.

10. Service Department Report attached and starts at 45:15

The Mayor commented on the early start to the road programs this year.

11. Fire Department Report attached and starts at 46:36

The Fire Chief added first aid jump kits and oxygen equipment were upgraded, supplies were purchased for the hydrant project, and some of the department attended updated classes on electric vehicles and lithium-ion battery disposal. Mayor Siemborski noted during the first four months of 2024, our fire calls are up from 70 to 85, and our EMS calls are down from 82 to 54.

12. Committee Reports

Finance and Budget (Mayor Siemborski) starts at 48:00

- a. YTD Review - year end probable at budget or more favorable
- b. Municipal Income Tax Projection - probable \$100,000-\$200,000 to the good
- c. Levy Renewal - unanimously approved as a necessary revenue source
- d. Long Range Financial Schedule Update - numbers to be rerun to reflect comments, add some narrative, and report back at next meeting

Broadband (Councilmember Deacon) starts at 49:00

- RFP was sent out May 15 and so far, receipt has been acknowledged by five different vendors. RFP also went to Broadband Ohio, an agency we hope will forward to their statewide ISP list and generate interest from someone not currently operating in our area. We're asking for vendors 'intent to respond by May 24, and then the response is due June 14th.
- Hunting Valley has now discussed due diligence, the process they went through, and specifications.
- All on track

13. **Resolution No. 2024-19 (First Reading)** starts at 50:34

"A Resolution Accepting the Bid of Rumpke of Ohio, Inc. for Refuse Collection, Disposal and Recycling Services, Authorizing a Contract Therefor, and Declaring an Emergency" was read by Mayor Siemborski. Service Director Biggert explained that of the three bidders at the bid opening, only Rumpke submitted a bid.

Councilmember Welsh suggested renegotiating since it's a 30% increase and the Service Director advised a bid needs to be accepted or declined. Councilmember Press suggested curbside pickup would generate more bidders and better prices - currently the price is 32.21 per month and the bid price is 43.00 per month for the first year. The contract is for a three-year term with two additional one-year options. Councilmember Atton lamented our requirements are so specific that now we attracted only one bidder - doing it ourselves might not be out of the question. Councilmember Turner noted the bid price was the same for blue bag or tote method of recycling. Responses from a survey of the 50 households in the tote pilot would be helpful in making a decision.

Joe Schoffstall, Rumpke's Municipal Sales Specialist, was introduced and stated recycling with totes is favored by people and cleaner. Residents have two frequency options - weekly service or bi-weekly service at a lower price. Totes are provided at no additional cost. Councilmember Turner asked if Rumpke tracked recycling for use in preparing our County report, and Councilmember Deacon asked if communication

around acceptable recyclable items was provided. Mr. Schoffstall replied in the affirmative to both questions. Resolution No. 2024-19 will be placed on first reading.

14. **Resolution No. 2024-16 (First Reading)** starts at 1:07:34

“A Resolution Declaring it Necessary to Renew an Existing 3.5 Mill Tax Levy for the Purpose of Current Expenses Pursuant to Ohio Revised Code Sections 5705.19(A) and 5705.191, Requesting the County Fiscal Officer to Certify the Total Current Tax Valuation of the Village and the Dollar Amount of Revenue that would be Generated by that Renewal Levy, and Declaring an Emergency” was read by Mayor Siemborski. This will provide no increase in taxes. The Village has three levies - a 3.5 mill levy, another 3.5 mill levy, and a 3-mill levy. Every two years those levies are up for discussion and renewal. The levy that we are asking to be renewed was first approved in 2005. It's been approved three previous times. This would be the fourth renewal. It's generating \$703,650 annually - roughly the same amount it generated in 2005. Law Director Hunt explained this is step one of two, and this step is to ask the County Fiscal Officer to get the information. There'll be another piece of legislation if this is passed this evening. That is why the emergency clause is here - so we don't have to wait 30 days to file. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-16 be placed on its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember Welsh moved to approve Resolution No. 2024-16 and Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

15. **Resolution No. 2024-17 (First Reading)** starts at 1:10:33

“A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund” was read by the Mayor. The expenditure and contracts for County Line Road resurfacing have previously been approved. We never asked for approval to transfer the money. This resolution allows us to move \$600,000 from the General Fund into the Capital Improvement Fund. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-17 be placed on 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 Resolution No. 2024-17 and Councilmember Turner seconded the motion.

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

16. **Resolution No. 2024-18 (First Reading)** starts at 1:12:10

“A Resolution Approving and Adopting the Tax Budget for the Village of Gates Mills for Fiscal Year 2025; and Declaring an Emergency” was read by Mayor Siemborski. The County Budget Commission requires us to submit information to them every July so they can calculate their tax budgets. Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-18 be placed on its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember Welsh moved to approve Resolution No. 2024-18 and Councilmember Press seconded the motion.

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

17. **Resolution No. 2024-20 (First Reading)** starts at 1:13:45

“A Resolution Authorizing the Mayor to Enter into a Contract with the Eclipse Companies, LLC for the County Line Culvert #20 at 1120 Project; and Declaring an Emergency” was read by Mayor Siemborski. Village Engineer Courtney stated this is the award of County Line Culvert #20, the culvert we are splitting the cost with Chester Township, located by address 1120, about 1500 feet north of Mayfield Road. His estimate was \$75,000. This proposal is for \$70,000 - our share is \$35,000. We were able to do it through soliciting quotes from contractors and not through a public bidding system. His history with Eclipse in other communities is good. Gates Mills had some issues with Eclipse in the past, but they have been sold and grown and they’re a completely different company. They need to be out of the way of the paving contractor by July so suspension of the rules is being requested. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-20 be placed on its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Resolution No. 2024-20 and Councilmember Deacon seconded the motion.

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

18. Council Matters starts at 1:16:43

Councilmember Turner advised of the tree planting dedication in honor of Paula Nock, our Gates Mills Post Office clerk who passed away in December. It will take place on the Green at the Post Office on Saturday, June 29th at 1:00 p.m. Her family will be there, and refreshments follow at Addie's Cup.

At 1:17:57 Councilmember Press addressed Charter Amendment one last time. Doing something with a Charter Amendment would be consistent with the Comprehensive Plan as well as with the advice by zoning expert Bruce Rinker to the Advisory Committee. It's going to take a while. We don't want to rush a Charter Amendment. It's a big deal, but I propose a resolution that Council agrees that they'll proceed with the design and implementation of a Charter Amendment such that any zoning ordinance that either a) change the five-acre spacing, b) modify Section 1160, or c) otherwise encourage higher density housing or multi-family housing shall be submitted to the voters for resolution. Councilmember Welsh stated I'll second it.

At 1:20:12 the Law Director advised this should be a motion rather than a resolution. Councilmember Press acknowledged that, and advised he is not concerned with the timing of going on the ballot - he is concerned that we get it right and not feel pressured or rushed. Better wording might prevail. A decision needs to be made one way or the other. The Law Director advised the next step in the process would be to put together an ordinance with a specific Charter Amendment suggested ballot language. The ordinance would have to be passed by Council and then go to the Board of Elections at least 60 days before the election. Councilmember Atton added Council would need 75% of the vote, i.e. five members, to vote in favor.

At 1:21:50 Councilmember Turner thanked Councilmember Press for continuing to bring up this unfinished issue. After her review of the Charter Review Commission Report and presentation Shawn Riley made at the November Council meeting, she found the Commission recommended, if Council is considering a change to the zoning code, holding a public meeting at which residents would be able to weigh in on the changes and then proceed with a vote. After that, if the change that was decided by Council was unacceptable to the villagers, 10% of the citizens would be able to gather a petition in an initiative to repeal that zoning change. Councilmember Turner noted the Commission's recommendation applied to any zoning change. She supports going back to the Charter Review Commission with a Council recommendation indicating whether or not we want to pursue the language as proposed by Councilmember Press. Councilmember Press sees no point in sending it back to the Commission. Under their mechanism, there's no assurance that it will go to the voters unless the voters do their own referendum. Many of us at this table and beyond have all said any significant zoning changes should go to the voters. Yet the Commission did not achieve that - it says we're going to have a public hearing and then Council decides whether or not to take it to the Charter. Councilmember Press thinks we go with his language, or not and move on and forget about Charter Amendment.

At 1:25:02 Councilmember Steinbrink indicated he did not receive the email and he did not see the draft of this resolution, and Councilmember Press responded we don't have to pass it tonight. Councilmember Steinbrink prefers to be thoughtful and not make snap judgements. He is concerned with boundary realignment and lot split requests made to Planning & Zoning on a regular basis whereby P & Z effectively approves a new lot less than five acres - are we creating something that takes away that flexibility from P & Z? Councilmember Press has no interest in taking away flexibility from P & Z; he wants to agree to do it and then take our time to work out the wording.

At 1:26:44 Councilmember Atton suggested not getting too caught up in the specifics of the language. We are trying to react to the Comprehensive Plan process which, in his view, had two primary findings - to protect the environment we live in and everything that goes with it, and we don't want any significant changes in zoning. Zoning is fundamental to the lifestyle we have here. The question really is - is Council prepared to trust the residents to make decisions like this? He thinks yes. How we do it is a separate question. We should be asking residents for their views on decisions of this kind. The wording is a technical matter.

At 1:27:55 Councilmember Broome discussed any change to the minimum lot zoning would not change the flexibility that P & Z has in boundary realignments. Councilmember Atton concurred the role or flexibility or authority of P & Z is not affected - we are talking about switching the role of Council to the voters. Councilmember Turner supports looking into the concept but does not want to be restricted by the language. Language is important and this resolution has language that is going to bind us going down the road.

At 1:30:38 Councilmember Deacon spoke to a number of items in the Charter that do not conform with existing statute. There are technical changes that need to be made and if we are going to the voters with this, we really should do a cleanup. She supports conferring with the expertise of the Commission if people are worried about the language. Councilmember Press contends referring to committee is synonymous for killing something.

At 1:32:10 Councilmember Steinbrink discussed the importance of process - public hearings and town halls affording the opportunity for explanation. He prefers something of this magnitude be thought out by a committee like everything else has been done. Our neighboring communities have not done any of this and we already have a five-acre minimum lot size in our ordinances. What does this do for us over and above what we already have? Councilmember Press responded it boils down to if we're going to make a significant zoning change, is Council going to do that or are we going to let the residents do that.

At 1:34:08 Councilmember Broome attempted to clarify. Who goes first is the question we're talking about. Under the current Charter, if there were a change, Council would make the change and the residents could by referendum overrule that change. What we are talking about is the change would have to go to a vote of the residents to make the change; Council wouldn't have the ability to make the change and then have it subject to a referendum effort by the voters. Any change would have to go to the voters first. Councilmember Press did not agree and tried another angle. He believes his colleagues around the table would do the right thing if a zoning change were put

before us and he thinks this Council would take it to the voters. But he is not sure what some future Council would do. Law Director Hunt stated this circumvents the referendum petition process where signatures equal to 10% of the electors at the last municipal election are necessary to put it on the ballot. Councilmember Broome added it makes it so that if Council wants to make a change in these areas, Council has to go to the voters after voting for it. Councilmember Press made one last comment - there are residents in the village who are talking about putting a voter initiative through on their own to modify the Charter if we don't do anything. Councilmember Broome felt it would be better to have Council recommend the change, because we want to make sure the change gets the eyes of our Law Director and the eyes of everybody, so we don't change something that later hamstrings something that is a good and useful flexibility. It's better that Council look at the Charter Amendment and to propose it ourselves. If someone is going to propose it, it would be better that Council study it and do it first.

At 1:38:39 Councilmember Press wanted to vote on the motion and the Mayor requested a second. Councilmember Atton seconded the motion.

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

Nays: Steinbrink, Turner.

Motion carried.

At 1:40:32 Councilmember Atton requested the names of the members and chairperson of the Broadband Committee. The Mayor will get that.

19. Business from the Audience starts at 1:41:00

Jerry Bohinc can't think of any politician who hasn't said that a zoning change of some consequence would go to the voters, and he congratulated Councilmember Press for proposing a perceived two-step process - 1) Council reaffirms that general principle, which they have done, and 2) determine the best way to embed that through some heavy lifting into the Charter making it more permanent. He concurred with Councilmember Steinbrink that some heavy thinking is necessary to change the Charter. We've got to start with a report, but Council has to get comfortable with that. As an interim step, this is a great night, and I salute you all.

At 1:42:40 Chuck Spear recalled there was some conversation a while ago around giving the audience an opportunity to input early in the discussion rather than later. That has not happened. We have lost a member of the audience, Mark Shoag, and Chuck extended his condolences to his wife, Betsy, and to his family. The Fire Chief's proposal was an amazing piece of work, but an EMT/fire/police levy should be considered as the matter of safety is addressed. To Councilmember Atton in regard to the statement a 30% increase in appraised value will translate to a 3% increase in taxes, I want to hear from you that the 145 new residents in the last three years will get a larger increase because it is really wrong to say it's just 3%. Councilmember Atton replied you misunderstood a very general statement - if all property values were increased by the County by 30% and that's the only thing that happened, their real estate taxes would go up by 3-4%. I don't know about those 145 people who paid more for their house than appraised value - they have to figure it out themselves. Finally, congratulations to

the Mayor regarding Ancora, investment strategy, and the appointment of Councilmembers Atton and Press and Treasurer Morgan to serve on the Treasury Advisory Board.

At 1:49:25 Councilmember Broome responded to Jerry Bohinc's comment on "the dust up on River Road" (Glynos property) by making it really clear there was no chance the Payne & Payne proposal was going to get approved by P & Z. Nobody in the prior administration or anybody else came to me to say this thing should get approved. Payne & Payne was looking for an advisory opinion from P & Z, which we don't give, but they were trying to see whether there was an appetite for that. They came in with something completely different compared to the thing submitted initially. Out of politeness and respect and the way we carry ourselves, we didn't ask them to just leave without hearing what they had to say because their proposal was very different. It had no chance. With that being said, Councilmember Press 'concern that there could be different Councils after us that might view things different than we do and preserving the place and leaving it to the residents to decide what their community is going to be like - I think it's a good proposal. We just have to make sure that we don't jam up any of the day-to-day things done to keep everything working and flowing by passing something that interferes with those. I want to calm everyone's fears that there is not this boogeyman of a development push out there. I don't think anyone around this table or anyone on P & Z would be inclined to push that.

21. Adjourn

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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Steven L. Siemborski, Mayor