

**Village of Gates Mills**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**July 16, 2024**

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, July 16, 2024, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was live streamed to the internet.

1. Roll Call starts at 0:57

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 Captain Feig, Finance Administrator Mulh, Village Engineer Courtney, and Law Director Hunt.

2. Minutes of the Regular Council meeting of June 18, 2024 starts at 1:31

Councilmember Broome advised “pollsters and chief” should read “pollsters in chief” on page 6, fifth line down. Mayor Siemborski advised a spelling correction on page 9, first paragraph, third line - Rick Heimer should be spelled Rick Hymer.

Councilmember Welsh moved to approve the June 18, 2024 minutes as corrected and Councilmember Press seconded the motion.

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

3. Pay Ordinance # 1287 \$867,748.57 starts at 3:21

Councilmember Welsh moved to approve Pay Ordinance #1287. Councilmember Steinbrink seconded the motion.

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

4. Mayor’s Report starts at 3:51

a. **Encore** - Facts and figures from the Encore collaboration will be available at our September Council meeting along with a recommendation of how to proceed in years 2 and 3. The Mayor recognized the efforts of Jerry Bohinc to bring the program forward.

b. **Mayfield City School District Town Hall meeting** starts at 6:21 - The Gates Mills Improvement Society will host a Town Hall meeting in September open to all villagers. School District representatives will discuss their report card and the upcoming levy and will answer questions from the audience.

Councilmember Turner arrived at 5:36 p.m.

c. **Continued Discussion of Zoning** starts at 8:09 - We ended the last Council meeting with at least four of the seven Councilmembers expressing the positivity of having a videotaped town hall meeting to provide residents with an explanation of our current zoning regulations and ordinances - with particular emphasis on 1) five-acre minimum lot size, 2) section 1160, and 3) high-density multi-family housing. September dates have been circulated. We will also discuss what has to occur at a Planning & Zoning meeting before any change in a zoning ordinance is recommended or a variance is granted. Notice and posting requirements will be discussed. We will discuss the costs and benefits of a charter amendment. Residents then have a basis of understanding before we ask them for their opinions. Law Director Hunt will be an integral part of the discussion since he has significant knowledge of our zoning laws and ordinances.

At 12:15 Councilmember Press finds it would be appropriate to have a Council zoning workshop to talk about some of the more complicated issues, like 1160, prior to the town hall meeting. He would like to have someone like Bruce Rinker back to talk about the vulnerabilities of our current zoning and options for fixing those. Finally, the risks of undesirable development in the commercial downtown area where current zoning allows dense housing is worthy of discussion by Council.

At 14:56 Councilmember Atton agreed with Councilmember Press' suggestion of a Council workshop before a town hall meeting. Councilmembers Turner, Steinbrink, Deacon, and Broome also concurred. Councilmember Welsh did not comment. Mayor Siemborski noted the consensus on a workshop and a town hall, in that order. The workshop would include an outside perspective to provide objectivity and independence, and perhaps one property would be used as an example to apply current zoning. Councilmember Turner suggested Village Engineer Courtney and a representative of the Health Dept (for septic considerations) attend the workshop. In response to resident Charlie Baker's question, Mayor Siemborski said a Council workshop is open to the public and could be live-streamed.

At 21:57 Councilmember Welsh asked, in view of the property tax reappraisal and school levy on the ballot, would it be appropriate to have a workshop sponsored by the Cuyahoga County appraisal group to show us how to appeal. The Mayor said there already are a number of scheduled locations and dates that we can publicize. He doesn't know if the County has the manpower to come here and speak just to our group but will call the County and ask. Councilmember Atton referenced the calculator on the County website which enables you to enter your old and new values, and it will calculate your increase in taxes. His home increased a lot more in value than the 24% average for Gates Mills, so the impact on his tax bill is large and then he's facing the school levy as well - these are going to be 15% increases. Mayor Siemborski added we have our own Gates Mills operating levy renewing. Law Director Hunt found the literature sent with the reappraisal to be very informative in terms of filing an appeal.

d. **Village Committees** starts at 25:02 - A draft of Village Committees was included in Council's packet - these are last years' committees with some slight changes, a few new committees, and three collapsed committees (have not met for a

few years). Councilmember Welsh moved to approve the Village Committees as listed and Councilmember Broome seconded the motion.

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

Nays: None

Motion carried.

5. Clerk's Report - None

6. Financial Report is attached and on the website starts at 26:37

Mayor Siemborski said the Finance/Budget Committee met a few days ago and covered financial results for the first six months of the year and what the next six-month outlook might be. We looked at long range financial schedules and a few items that could impact that. We talked about the investment policy statement and the levels of our cash and our investment.

The Mayor commented on the Financial Report - we look to be achieving or exceeding our break-even budget; it could be by upwards of a couple hundred thousand dollars. We have had better projections from RITA on what our collections could be for the year. We have also looked at the speed enforcement camera revenue, and there's an opportunity there for some additional funding. Expenses are as expected - we factored in the additional cost of Saturday fire station duty, the Community House fence not budgeted for, and the three HVAC units put on the Mills Building earlier in the year. There is some degree of risk that something unforeseen will be uncovered below the surface when the six-week long County Line Road resurfacing starts July 18. A pretty clear sense of where our road program is for the year could emerge in early September. In the event of a budget surplus, rather than break even, we might talk at the September Council meeting about Andrews or Hillcreek this year.

Mayor Siemborski thanked Finance Administrator Mulh for taking on the job of preparing the Financial Report subject to his review and edits. Councilmember Steinbrink commented that the reference to "margin of 54%" (in terms of what the Village takes versus what Gatso and the Lyndhurst Muni Court get), under the second paragraph of the General Fund section, is not what is in the contract and is not accurate. Not wanting to mislead people, he suggested using wording to convey there's a lag in timing between citation issue, payment to the Court, and our receipt of funds. A "margin of 54%" is not static and will vary by month. The Mayor agreed to adjust the wording. Councilmember Steinbrink asked if we have an inventory of Village owned real estate and other assets for the purpose of planning for and timing of large outlays of capital. The Mayor replied Service Director Biggert and Service Manager Murfello have a good feel of what needs to be done, but putting an analysis on paper would be good.

7. Police Department Report attached and starts at 32:47

Councilmember Atton posed to Mayor Siemborski the question if we are going to be issuing tickets for those people traveling between whatever it is and 60 mph, how many initial citations are we actually going to issue. In June, 5500 people were in the 56 to 59 mph bracket. The Mayor answered we have that number and the Police Chief advised we have some rough numbers pending our one year review and site visit that

is scheduled with Gatso in August. Councilmember Atton understands we won't be issuing these citations until September. The Mayor replied the next step is a meeting with the Lyndhurst Judge on August 16 for a one-year anniversary program review, a second notices progress report, the Court's increased costs and our decreased margin - because we absorbed their increased cost without passing it on. The current plan is on August 31 we would decrease by 2 mph the level at which we issue citations adding, per the Police Chief, 1200-1300 citations. The Police Chief reminded everyone that the onset of the program was all about safety. We didn't know what we were going to experience or administratively how we were going to handle this. After seeing some alarming numbers from ODOT, we started at the 60-mph threshold knowing we would make some tweaks along the way. The numbers have come down and we know how to run the program effectively.

At 36:03 resident Jerry Bohinc spoke, without coming to the microphone, about dropping the threshold. Unfortunately, his words are inaudible, but the Major can be heard saying - It's the first time we're bringing it up. It's the first time we're talking about changes. The council has approved the level at which we can issue citations and the two-mph adjustment is within that threshold. Our safety has already improved, and we want to keep it at that level. It is to raise some additional funds because the costs that have been passed on to us, we've not yet passed on to anybody else. We're not subsidizing the Court. We're paying them for their service. Lyndhurst provides a variety of prosecutorial and legal services and clerk services. It was never sold - it was presented in a variety of vantage points primarily because of safety and the issues that we had. Thank goodness those average speeds have come down and they've stayed at that mid-40 to low 50 area. We aren't doing anything today. Councilmember Press said he thinks what Jerry is getting at is could we use some of the funds that we raised from the traffic cameras on Mayfield to somehow affect a safer situation elsewhere in the village. The Mayor invited Jerry to the September 4 Safety Committee meeting to continue this discussion. Councilmember Turner stated the problem with this conversation is that nobody can really hear it because it's not at the microphone. What you're doing should end now. None of this has been captured. Councilmember Press said he is much more concerned about safety on the roads in Gates Mills than he is on Mayfield Road which is in some ways not a part of the village. There's very little traffic of Gates Mills people on that road and there is a lot of speeding happening on River Road and on County Line Road. Mayor Siemborski will add those to the Safety Committee agenda for September 4.

8. Service Department Report attached and starts at 40:54

Regarding the property at Ashford Court on which a new home permit for \$1,500,000 was issued, Councilmember Atton asked when the house would be lived in. The Service Director answered probably not for a year.

Councilmember Press stated it is his understanding the owner of 640 Chagrin River Road is trying to sell a split off lot, or maybe the lot is already existing. Is 636 Chagrin River Road a viable buildable lot? The Service Director replied the lot already exists. In general, from a zoning standpoint, it is considered a buildable lot. The Mayor added the majority of the land is in a floodplain, requiring the home to be built to floodplain standards or seeking a variance from building it to floodplain standards before the Board of Zoning Appeals. There are seven neighbors to that lot that would all be consulted if a variance is sought. The lot is close to the Chagrin River, so there

could be riparian restrictions that need to be considered. Trees, currently where the driveway would be, need to be cut down requiring adherence to the tree cutting ordinance. Councilmember Press asked if the lot needed variances from P & Z, and the Service Director responded there is no way to know if there would be variances because we don't know what or where someone's going to build. Mayor Siemborski stated the lot is in the historic district, so between Historical Review, Architectural Review, and P & Z approvals, it would take significant effort to build a home there. This is as far as we want this discussion to go.

Councilmember Atton noted not much is going on at 640 Chagrin River Road. The Mayor advised 640 has 2-1/2 months to go on their existing building permit.

The Mayor mentioned the Cuyahoga County 2023 recycling report shows Gates Mills' recycle rate to be 11% compared to the 25% State requirement. We are not doing our share, hence the need to move to the recycling program that will start with the new contract in January.

#### 9. Fire Department Report attached and starts at 46:11

Fire Captain Feig explained a new capital purchase (less than \$1000) - a device that eliminates the need for a key fob or cell phone to turn off an electric or plug-in electric hybrid vehicle, fools the vehicle into thinking it's charging and allows its internal safeties to then disable the vehicle from being able to operate or move. It complements our fire blanket and fire nozzle if we're working on a vehicle or a patient inside a vehicle.

Regarding the first seven weeks of Saturday fire station duty, the Fire Captain reported 11 members of the 22-member fire dept have participated in shifts from 6-24 hours. They have completed 25% of the hydrant maintenance and will have all hydrants completed before this winter, enabling us to get the most points on our next insurance audit. We had our first Saturday fire alarm for an overheated motor at Gilmour. Our firefighter on duty was able to respond immediately and met other responders that came from home likely cutting response time by 7-8 minutes. Station maintenance and training has increased - an item that was budgeted to purchase for \$2500 was built for about \$100. An AED in a big red box was installed on the wall at the rear of the service garage adjacent to the tennis court. It is operational and a session to train the community on its use will happen at a future date.

#### 10. Committee Reports

##### a. Fiber Optic/Broadband Committee (Councilmember Deacon) starts at 52:02

- Friday, July 26 from 10 a.m. to 2 p.m. at Town Hall, Council Chambers  
Public meeting to review RFPs received using scoring tool
- Friday, August 9 from 10 a.m. to noon at Town Hall, Council Chambers  
Public meeting, if necessary, for vendor questions or presentations
- Monday, August 19 at Town Hall, Council Chambers  
Public meeting to finalize recommendation to Council on August 20

##### b. Treasury Investment Board (Treasurer Morgan) starts at 54:00

- Committee met with Ancora. Ancora provided new simplified investment guidelines which the Committee has reviewed and will recommend Council adopt. Ancora is doing a reasonable job and our new Committee is off to a good start.
- There will not be a Committee meeting on the 23rd

Mayor Siemborski stated Star Ohio needs to be added to the investment policy statement, and then the Law Director will work the document into the ordinance and have it ready for the August Council meeting.

c. Finance/Budget Committee (Mayor Siemborski) starts at 56:15

- Committee Report can be found on page 3, item 6, first paragraph
- Our financial schedules for the next 3 years were updated. It shows roughly a million-dollar surplus in each of those 3 years. We have added in the cost of a fire truck spread over those 3 years. These are indicative numbers and just meant to show what our current thinking is on our financial affairs.

d. Safety Committee (Mayor Siemborski) starts at 56:58

- Next meeting is September 4 and everyone is welcome. Discussion topics anticipated at this point are the traffic camera, hiring a full-time officer, Saturday fire station duty, and beginning conversation on a fire truck.

e. Tree Canopy Subcommittee (Councilmember Atton) starts at 58:15

- Councilmember Atton prepared and read a written summary of the meetings held in the last couple weeks. The summary was approved by his Chairman, a copy was provided to Clerk DeCapite and is attached.

f. Cemetery Update (Mayor Siemborski) starts at 1:03:32

- Since the cemetery was reconfigured opening availability of lots, Finance Administrator Mulh has been approaching those on the waiting list from top to bottom to see if they're still interested.
- Councilmember Welsh will hold off on calling a Board of Cemetery Trustees meeting until lot availability is known, probably the end of August.

At 1:04:45 Councilmember Welsh offered that he may be in the position to provide training in an emergency medical technician basic course to the fire dept. Fire Captain Feig with check with Fire Chief Majeski to see if there is interest.

11. **Resolution No. 2024-27 (First Reading)** starts at 1:05:16

“A Resolution Authorizing the Mayor to Execute and Deliver a Subdivision Participation and Release Form to Settle the Village’s Claims and Participate in a Settlement Agreement Against Kroger Co. in the National Opiate Prescription Litigation and Declaring an Emergency” was read by Mayor Siemborski. To participate in the settlement and receive a small amount of dollars, we must submit a form. Councilmember Welsh moved that the rules requiring ordinances to be read on

three different days be suspended and that Resolution No. 2024-27 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. 2024-27 and Councilmember Press seconded the motion.

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

12. Council Matters - None

13. Business from the Audience starts at 1:06:47

Resident Chuck Spear wished to talk about noise. This group over the last several months has talked about a tax increase of 3%, then it was going to be 4%, then today Councilmember Welsh said it's going to be big. Today Mr. Spear received his reappraisals. The value of his home went up 6.9% and his taxes went down 12.3%. The value of his flag lot went down 28.5% and his taxes went down 41%. Let's try and collect actual information before we start scaring people - that's the noise he is worried about. The Mayor thanked Mr. Spear for that perspective.

14. Executive Session starts at 1:08:56

Councilmember Broome made a motion to go into Executive Session for the purpose of soliciting advice from Law Director Hunt regarding the potential acquisition of a property interest for public purposes and other legal issues. Councilmember Turner seconded the motion.

Ayes: Atton, Broome, Deacon, Press, Steinbrink, Turner, Welsh.  
Nays: None  
Motion carried. Entered Executive Session at 6:40 p.m.

Mayor Siemborski reconvened the meeting at 7:35 p.m.

Councilmember Broome made a motion to form a Wastewater System Committee composed of Chairman Scott Broome, Phillip Campanella, and Debbie Moss Batt. Councilmember Atton seconded the motion.

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

**20. Adjourn**

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Steven L. Siemborski, Mayor



**SUMMARY OF TREE CANOPY SUB- COMMITTEE STATUS  
REPORT TO COUNCIL AT ITS JULY 16,2024 MEETING**

- CONSERVED PROPERTY OWNED AND CONTROLLED BY GMLC AND THE VILLAGE COMBINED (500 ACRES) AMOUNTS TO LESS THAN 10% OF THE TOTAL VILLAGE AREA.
- THEREFORE TO MEET THE OBJECTIVE OF PRESERVING AND ENHANCING OUR TREE CANOPY, THE PRIVATE OWNERS OF 90% + OF PROPERTY IN THE VILLAGE WILL NEED TO PARTICIPATE ACTIVELY IN THE EVENTUAL PROCESS.
- THE 7 MEMBER COMMITTEE HAS HAD THREE MEETINGS AND ONE LOCAL FIELD TRIP.
- WE ARE EDUCATING OURSELVES ON THE CHALLENGES OF OUR OBJECTIVE WITH THE ENTHUSIASTIC EXPERT HELP OF ODNR.
- WE ARE WORKING WITH THE COUNTY TO SEE HOW BEST TO UPDATE ITS 2017 TREE CANOPY ASSESSMENT.
- WE ARE CONDUCTING PRELIMINARY DISCUSSIONS WITH THE METRO PARKS, WHICH OWNS 400 ACRES IN THE VILLAGE, TO EXPLORE POSSIBLE COLLABORATION.
- WE ARE IDENTIFYING POSSIBLE EARLY PILOT PROJECTS ON GMLC/VILLAGE PROPERTIES THAT WOULD BE CLEARLY VISIBLE TO RESIDENTS AND TO NON-RESIDENTS.
- WE ARE EXPLORING POTENTIAL ADDITIONAL SOURCES OF FUNDING FROM GOVERNMENT AT ALL LEVELS.
- OUR SHORT TERM OBJECTIVE IS TO PRODUCE A TREE CANOPY PLAN FOR THE VILLAGE OVER THE NEXT 12 -18 MONTHS.THIS WILL ENABLE COUNCIL TO UNDERSTAND THE COSTS AND BENEFITS OF PROTECTING AND ENHANCING OUR TREE CANOPY, AND TO PRIORITIZE WHICH ACTIVITIES COULD BE CONDUCTED WITHIN THE VILLAGE'S OVERALL FINANCIAL CAPACITY. IT WILL ALSO ENABLE RESIDENTS TO SEE HOW THEY CAN ENGAGE AND PARTICIPATE TO ENSURE THE SUSTAINED SUCCESS OF THE OVERALL PROJECT.
- FINALLY, IF WE ARE INDEED ABLE TO PROTECT AND ENHANCE OUR TREE CANOPY AND OUR NATURAL ENVIRONMENT ( INCLUDING THE WILDLIFE AND WATERWAYS ) THE VALUES OF ALL PROPERTIES IN THE VILLAGE WILL ALSO BE ENHANCED.
- BY PRESERVING THE LEGACY THAT NATURE AND OUR PREDECESSORS HAVE PROVIDED WE WILL BE PASSING IT ON TO GRATEFUL FUTURE GENERATIONS FOR THEIR STEWARDSHIP AND ENJOYMENT.

DJA

JULY 16, 2024.

**VILLAGE OF GATES MILLS**  
**FINANCIAL REPORT FOR THE SIX MONTHS ENDED JUNE 30, 2024**  
**July 9, 2024**

**MONTHLY RESULTS AND FINANCIAL POSITION**

The financial statements were provided to the Mayor, Clerk, Treasurer and Council prior to the July 2024 Council meeting.

The Village is halfway through its fiscal year and at this point appears in good shape to achieve or slightly better its break-even 2024 budget. Real estate tax revenues are up slightly, RITA projects a higher level of municipal income, traffic camera receipts are steady and Village expenses are in line with budget. The Mayfield Road culvert replacement is complete with no complications that would require added Village funds.

**GENERAL FUND**

Year-to-date revenue was \$4,107,192 including \$804,190 in traffic camera receipts. Excluding those receipts, revenue would have been \$3,303,002 ahead of last year's amount of \$3,026,513 by \$276,489. Real estate tax collections were ahead of last year by \$67,240. Real estate tax collections are dependent on the county's billing and collection and taxpayer timing of payments. Municipal income tax receipts are up 10.3% at this point. In response to our request for an updated 2024 projection and based on current information, etc., RITA is of the view that our collections will be roughly \$2.3 to \$2.4 million. The Village budgeted \$2.1 million.

The traffic camera enforcement program in combination with Lyndhurst Municipal Court and the vendor started in mid-August 2023, so there were no gross collection receipts in the revenue category nor expenditures last year. Gross collections in 2024 were \$804,190. Expenses to Lyndhurst Municipal Court and to Sensys Gatso appear in the Police Department expenditure categories and were \$372,146 in 2024 for a margin of 54%. Lyndhurst Municipal Court increased its per citation fee by \$5 starting this spring. We do not see a need to increase the violation charge at this time.

Other sources of revenue were \$542,904, above 2023's year-to-date amount of \$452,526. We achieved higher receipts in ambulance income, interest, and SRO reimbursements, and lower receipts in the Mills Building rental income.

Expenditures for 2024 were \$3,844,958 compared to \$3,259,880 in 2023. Excluding transfers to other funds from the General Fund, Village expenditures year-to-date 2024 were \$3,048,458 compared to \$2,763,380 in 2023. Traffic camera expenses accounted for \$372,146 and the new sidearm mower and tractor with attachments were \$175,000. Village expenditures are budgeted and controlled via its four departments - (Administration, Police, Fire and Service) and Transfers from the General Fund to other specific funds such as the Capital Improvement Fund.

The Administration Department incurred \$447,768 in 2024, \$20,549 below the prior year due to legal and professional fees being \$51,954 lower and insurance being \$13,000 higher. Legal and professional fees were due to legal invoicing timing this year, using a broadband consulting firm and other annual services.

The Police Department incurred \$1,264,631 YTD of which, \$372,146 was associated with the traffic camera program. Excluding those costs to discuss comparability, actual expenditures in 2024 were \$892,485

compared to \$870,025 in 2023. The largest difference was in higher personnel costs of \$51,880 and \$9,375 lower dispatch operating costs, along with lower gasoline and training costs.

The Fire Department costs of \$278,921 were below the prior year of \$321,688. Quarterly ambulance and EMS costs are \$40,000 lower this year due to the lower volume of EMS calls. Year-to-date calls are 95 this year compared to 124 last year. Ambulance income was much higher as the data entry and billing backlog from the outside service provider from the third quarter was caught up and billings were collected and remitted to us. Fire Department runs were up this year from 96 to 122, but we have been able to stay close to budgeted dollars so far.

In the Service Department, and excluding capital expenditures, we have spent \$869,172, \$6,799 less than the prior year amount of \$875,971. We spent \$42,705 more on personnel costs, \$23,021 less on salt due to a milder winter and more at the Community House for the new roof and gutter project. We also took delivery and paid for the new sidearm mower and tractor with attachments at a cost of \$175,000.

In summary, for the first six months of the year, the Village operated with a General Fund surplus of \$262,234 compared to a shortfall of \$233,367 in 2023. 2023 included a \$250,000 road program overrun due to unforeseen subsurface conditions that was paid for in January of 2023. For 2024, the largest variance is traffic camera net receipts.

The General Fund cash balance as of June 30, 2024 was \$7,842,658 compared to the beginning of the year balance of \$7,580,424.

#### **OTHER FUNDS**

The Village is required to maintain other special purpose funds by statute or contract. Cash in these special purpose funds amounted to \$1,788,473 at June 30, 2024. The increase from the end of 2023 was due to transfers from the General Fund into certain of these funds. In the first six months, the Village remitted \$65,523 to the Gates Mills Land Conservancy as its share of levy dollars collected. Over the summer months, we expect to expend \$1,000,000 for the Mayfield Road culvert replacement, County Line Road repaving, and the Village road program. Those three projects have started earlier than prior year paving and road projects.

This report will be published on the Village website.

Janet M. Mulh  
Finance Administrator