

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

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Village Town Hall Council Chambers on Tuesday, April 16, 2024, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was livestreamed on the internet.

1. Roll Call starts at 1:47

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

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

Councilmember Deacon moved to excuse Councilmembers Turner and Welsh. Councilmember Steinbrink seconded the motion.

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

2. Minutes of the Regular Council meeting of March 19, 2024 starts at 2:12

Councilmember Press moved to approve the March 19, 2024 minutes and Councilmember Atton seconded the motion.

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

3. Pay Ordinance # 1284 \$539,616.60 starts at 2:40

Councilmember Deacon moved to approve Pay Ordinance #1284. Councilmember Press seconded the motion.

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

4. Mayor's Report starts at 3:36

- The abundance of volunteers and participants made for a wonderful Easter Egg Hunt.
- Art Show preparation has been going on for several weeks. Of over 300 submissions, about 125 qualified for the show and prizes close to \$4000.

a. Tennis/Pickleball Update - At 6:26 - Nets are paid for and enroute for delivery. Court repair/repave/restripe renovations are expected to occur in May, and the Purcell Fund will be used to make up the difference between planned and actual renovation costs. Later tonight during Appropriation Ordinance No. 2024-10 more funding detail will be presented.

b. Encore Update - At 7:12 - Village residents Jerry Bohinc, Bill Lavigna, and Kristen Castree provided details of the 2024 Encore - Gates Mills Music & Idea Festival, a cultural and educational partnership that suits the Comprehensive Plan goal of promoting a sense of community pride. Events to be held June 2-24 include masterclasses at Gilmour, quartet performances throughout Northeast Ohio and at functions of Village organizations, and on June 23 at Gates Mills Village Green a finale including 74 students and 30 professional musician faculty from around the world. Dates will be put on the Village website calendar.

c. Mayfield Schools Update - At 20:00 - Still in our plans, but not yet scheduled, are two presentations by the Superintendent and Treasurer - one covering the state of the schools and the other about money and the levy if the School Board decides to have a levy. The Mayfield Schools Liaison Committee had a meeting on Friday. Councilmember Atton attended and reported nothing particularly noteworthy; a summary will be circulated in due course.

d. Bike Markings on Gates Mills Blvd. - At 20:40 - Options have been narrowed down to two - do nothing or use bike markings on the road (painted sharrows with signage). Village Engineer Courtney stated the quote received for sharrows every 225 feet and signs every 450 feet was \$15,800 of which half would be reimbursed by the County for material costs. Sharrows indicate that the one lane is shared by cars and bicyclists, not pedestrians, and would be about 11 feet from the curb. The Mayor would like to send communication to and get input from Gates Mills Blvd. residents if Council is agreeable to bike markings. Discussion by all Councilmembers followed, including moving sharrows closer to the curb, driver confusion, inclusion of other roads, and the indication from the Comprehensive Plan that residents don't want change unless there is a clear reason to do so. Service Director Biggert commented that having or not having the sharrows doesn't change what the bicyclists can do - in either case they can ride down the middle of the road. Council decided not to go forward with the bike markings.

- At 30:56 Mayor Siemborski remarked on the number of violations of our ordinances that have come to light this spring - cutting down trees, putting up fences, and tearing down structures. Service Director Biggert spends a lot of time, and residents spend a lot of money fixing or redoing things when they should have known better or just chose to do it their way. We have rules and regulations with a little more teeth that Councils prior and this Council have passed and we want to follow those. The Mayor is of the view republishing the rules that exist in very simple language in the Pink Sheets and on the website should be followed one month later by the enforcement of those ordinances with penalties. Councilmember Deacon remarked that historic district ordinances might follow a similar path.

5. Areas of Strategic Importance - At 34:48 - Mayor Siemborski has not made as much progress on this as he had hoped.

a. Environmental - The Mayor has talked to a resident with a significant amount of knowledge of the environment who he would like to have co-chair the Environmental Committee with him.

b. Broadband - The Mayor would like to go forward with Councilmember Deacon and resident Rick Hymer, retired partner from Ernst & Young Consulting who ran the Oracle practice and most of the IT practice across the country, meeting directly with Reid Consulting, Hunting Valley, other municipalities, and Ohio Gig, and come back to the Committee with conclusions and recommendations. Councilmember Broome requested to be on the Broadband Committee. Councilmember Press asked if there is a resident who works in this field and would be a sensible member to have on the Committee. Councilmember Deacon stated at key points she would absolutely expect feedback from anybody who wants to give it. Ohio Gig is coming through Gates Mills and we don't want to miss the opportunity.

c. Community - The Mayor has talked to a few people very interested including a 12-year resident who has volunteered to be in charge of connecting new families to all the amenities Gates Mills provides. It is amazing the number of people that are speaking up and asking how they can get involved.

6. Clerk's Report starts at 44:20

Clerk DeCapite reported that independent accounting firm Charles Harris is starting the State required bi-annual audit of 2022 and 2023 this coming Monday. Mayor Siemborski added that the last two audits covering the last four years were unqualified audits, so the books have been in good shape, balanced and accurate, and the internal control systems have been viewed as well-established and designed. Hopefully we'll continue to have those results.

7. Financial Report attached and starts at 47:25

Treasurer Dixon Morgan will be at the May `meeting. He has been working with Ancora revising the investment policy statement along the lines that we've talked about in the past. The financial report for the three months ending March was posted to the website earlier today. This report is still being written by Mayor Siemborski. To ease the transition with Treasurer Morgan, the Mayor has agreed to write and publish the report until the Treasurer takes over the responsibility next month.

8. Police Department Report attached and starts at 49:20

Police Chief Minichello, Lieutenant Pollutro, and Officer Jessica Newsome will travel to Dublin, Ohio next Tuesday to receive the Ohio Crime Prevention Association's Partners in Prevention Award. Officer Newsome's hard work on establishing our resident camera database and her active participation with OCPA crime prevention strategies has earned us this recognition, quite an accomplishment for our small village.

Councilmember Atton wondered if we have yet reached an equilibrium point where we are able to better estimate speed camera revenue and more confidently handle our financial projections. Mayor Siemborski answered it takes 18 months to two years before we really have an understanding with that kind of sensitivity. Lyndhurst Court has unilaterally increased their ticket cost to us by \$5 per ticket for every ticket we ask them to process. The Police Chief added the ticket cost was supposed to be \$25 from the beginning, yet the Judge set it at \$15, and now the Judge has increased it to \$20.

9. Service Department Report attached and starts at 55:00

Service Director Biggert announced Fabrizi Construction should be starting single lane closures on Mayfield Road early next week, so please slow down and be careful in those zones.

Councilmember Atton expressed concern over a large mature cherry tree that fell from private land across Chagrin River Road a week ago. Had it hurt someone, whose liability is it? If that tree could be proven to be diseased at the time it fell and hurt someone, who is primarily liable? If there's a notice of violation issued by the Village, then the Village is entitled to remove the tree and charge the property owner for the removal. Councilmember Atton admitted he was confused about how the ordinance passed recently works but is most concerned about liability. Law Director Hunt responded that the private property owner is liable; the Village has immunity under State law for enforcement.

10. Fire Department Report attached and starts at 59:00

Fire Chief Majeski stated we staffed the station one night over the weekend for 12 hours with two firefighters because of the inclement weather and trees and power lines down.

The station duty proposal is still being worked on. A wage study with area Chiefs has been done. Mayor Siemborski added we probably will start with Saturdays only rather than trying to staff three days Friday afternoon to Monday morning. We can choose to expand later or next year. A policy needs to be put in place as to who and when weekend duty would be necessary. A final proposal will come to Council next meeting. Councilmember Atton suggested funding these expenses by the traffic camera revenues because they were put in for safety purposes.

11. Committee Reports starts at 1:02:12

- Budget and Finance Committee is meeting on May 20
- Real Estate Committee Chair Warren Morris and Mayor Siemborski will meet in May and talk about the charter, the duties, the members, and what we have coming up in terms of lease renewals.

12. **Resolution No. 2024-9 (First Reading)** starts at 1:03:00

A Resolution "Authorizing Participation in the ODOT Road Salt Contracts Awarded in 2024" was presented by Mayor Siemborski and a page on salt commitments was provided by Service Director Biggert. Councilmember Steinbrink moved that the rules

requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-9 be placed on its final passage. Councilmember Broome seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-9 and Councilmember Atton seconded the motion.

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

13. **Ordinance No. 2024-10 (First Reading)** starts at 1:05:42

“An Ordinance to Amend the Annual Appropriation Ordinance No. 2023-49 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2024” was read by Mayor Siemborski. We budgeted \$25,000 this year in the Parks and Recreation Fund for the tennis/pickleball renovation. The actual cost was \$34,836. The difference of \$9,836 is being requested to come from the Purcell Fund which has about \$35,000 and has been accumulating over the years to be used for the downtown Village area and recreations - a perfect fit for the request. Also, we had not budgeted for the \$10,860 cost of the nets. The Improvement Society has agreed to pay 90% or \$9,500, making the difference about \$1,300. We need to appropriate the higher amount because we have received the \$9,500 Improvement Society check and then we will write a check for \$10,860 to pay for the nets. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-10 be placed on its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Resolution No. 2024-10 and Councilmember Deacon seconded the motion.

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

14. **Resolution No. 2024-11 (First Reading)** starts at 1:07:55

“A Resolution Accepting a Bid and Awarding a Contract for Sections I, II, III, and IV of the 2024 Road Maintenance Program; and Declaring an Emergency” was presented by Mayor Siemborski and included a walk-through of a page summarizing where we are spending our road money. When we completed the budget process last year agreeing to spend \$1,043,000 (\$1,083,000 with contingencies) per the road program approved several years ago, we did not know that Geauga County was going to

approach us and ask to pave County Line Road. That required us to adjust some of our program for the same budgeted dollars.

Components of the 2024 adjusted road program and bid award recommendations are A) \$314,680 for traditional road program maintenance/repairs and Service Department parking lot paving, B) \$36,000 for SOM Center drainage issue, C) \$42,000 for Riverview Road drainage issue, D) \$45,000 estimate for 50% of County Line culvert #20 replacement, and E) \$575,000 for 50% of County Line Road paving. All components total \$1,012,680 to which Village Engineer Courtney's on-site inspection cost of \$25,000-\$30,000 should be added, totaling roughly what was budgeted.

What does get pushed out to 2025 are Hillcreek and Andrews Lane. We have bids for them (about \$400,000 and \$90,000 respectively). Councilmember Atton questioned why we are delaying streets for another year when we have adequate resources. The Mayor replied we can keep talking about that as the year goes on.

Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-11 be placed on its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-11 and Councilmember Broome seconded the motion.

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

15. **Resolution No. 2024-12 (First Reading)** starts at 1:18:06

"A Resolution Authorizing the Mayor to Enter into a Contract with Nerone and Sons, Inc. for the Riverview Drainage Improvements at 442-443 Project; and Declaring an Emergency" was read by Mayor Siemborski. Councilmember Press moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-12 be placed on its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Councilmember Broome moved to approve Resolution No. 2024-12 and Councilmember Atton seconded the motion.

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

16. **Resolution No. 2024-13 (First Reading)** starts at 1:18:57

“A Resolution Authorizing the Mayor to Enter into a Contract with CA Agresta Construction Co. for the SOM Drainage Improvements Project; and Declaring an Emergency” was read by Mayor Siemborski. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-13 be placed on its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-13 and Councilmember Press seconded the motion.

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

17. **Resolution No. 2024-14 (First Reading)** starts at 1:20:01

“A Resolution Approving the 9-1-1 Plan of Cuyahoga County, State of Ohio, Dated March 6, 2024, and Declaring an Emergency” was presented by Mayor Siemborski. This and the next resolution were prompted by an eleventh-hour email from the County 55 pages in length regarding the County’s requirement to issue a 911 plan to the State on an annual basis with a May 17 deadline. Their plan is to move 911 cell phone calls out of the County’s communication system (CECOMS) and into the dispatch centers saving an average of 1 minute to 1-1/2 minutes off of response time. Each municipality needs to approve or reject the plan at its Council meeting, as well as vote for our mayoral representative on the County’s 911 Program Review Committee. The nominee is Mayor Kirsten Holzheimer-Gail of the City of Euclid. Director DiCicco of Chagrin Valley Dispatch, Police Chief Minichello, and Law Director Hunt are affirmative on this nominee. Chagrin Valley Dispatch, of which both Gates Mills and Euclid are members, would be the first site where the 911 plan is tried.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-14 be placed on its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-14 and Councilmember Atton seconded the motion.

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

18. **Resolution No. 2024-15 (First Reading)** starts at 1:27:35

“A Resolution Voting for a Mayoral Representative on Cuyahoga County’s 9-1-1 Program Review Committee and Declaring an Emergency” was read by Mayor Siemborski. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-15 be placed on its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Resolution No. 2024-15 and Councilmember Deacon seconded the motion.

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

19. Council Matters starts at 1:28:13

Councilmember Press heard Geauga County’s property taxes are going up on the order of 30% and if an increase of that nature were likely to happen to us, he’d rather be in front of it than behind it. Councilmember Atton explained a 30% increase in real estate value would increase residential property owners’ real estate taxes by 3%, because only 10% of our levies are inside levies (levies that stay the same and your taxes go up if your value goes up - as opposed to levies controlled by HB 920 where revenue remains the same and if your value goes up the levies themselves come down correspondingly). The revenues to the Village itself would increase by 10%, because about 1/3 of our Village levies are inside levies. If a new levy of 5 mils 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%. Individual taxpayers will receive a notification in July as to how the property value of their residence will be affected. We still won’t know exactly what the levies are going to be because they have to be adjusted for HB920. It’s very complicated. If someone says your value is going up by 30%, feel good. It means your house is 30% more valuable than you thought, and your taxes will only go up by 3%. The Mayor thanked Councilmember Atton for a good job of simplifying. Finance Administrator Mulh suggested referring to the Tax Attack letters prepared by Bob Reitman when he was Treasurer that can be found on our website. He explains those types of levies very well; they could be edited and republished.

At 1:36:08 Councilmember Press brought up the last discussion about the recommendations of the Charter Committee. He remembers agreeing not to move forward with a charter amendment because we thought the recommended changes were not sufficiently material to justify the effort. Discussion followed about what would make a charter amendment material; it was suggested significant zoning changes should go to the voters; significant was seen as vague and ambiguous. Now Councilmember Press proposes a charter amendment would say it goes to the voters if it affects the 5-

acre spacing, multi-family dwellings, or Section 1160; that's quite specific; example driven, not definition driven. Law Director Hunt advised the timing for the November election is the first Friday in September. Councilmember Atton stated it ought to be discussed on the basis of what came out of the Comprehensive Plan. People were very adamant they don't want to see any change in zoning whatsoever. Councilmember Press added yet the Plan itself contains recommended changes to zoning, so we have a little bit of an awkward situation. Councilmember Steinbrink expressed confusion - the Charter Review Committee was delegated to review the charter and made the recommendation to Council there were not enough changes that were significant. Now it's eight or nine months later, and in the course of another two months we're going to put something together and have in front of the voters? Councilmember Press replied he didn't care whether we do it this year or any year. Many of us have said significant voting changes should go to the voters. Councilmember Steinbrink agreed yet wonders if charter amendment is the best approach or is it to go to homeowners individually and ask for a restriction being put on every individual parcel. Councilmember Deacon stated deed restriction is the best way to go. Councilmember Steinbrink expressed a better forum would be the work that's being done as part of the Comprehensive Plan versus a discussion. Mayor Siemborski reminded Council on the schedule at the last meeting we had sections 1, 2, 3, and 4. Number 4 had this subject on there specifically as something that came out of the planning process. Realistically the Mayor does not see this happening this year and this is something we want to continue to discuss. Councilmember Deacon stated there's places in the Charter where it doesn't conform anymore to statutes that have changed. If you're going to be spending the money for a charter amendment, shouldn't you be doing some of that clean up? Councilmember Atton stated charter changes can be done by initiative from the voters. It doesn't depend on Council.

At 1:44:26 Councilmember Press inquired about the creation of an Investment Committee. The Mayor responded that when Treasurer Morgan provides his recommendations on the investment policy, the Investment Committee will either be staffed or the role will be taken out of the policy language. It was put in the policy before we had an outside advisor. When we put in an outside advisor through Ancora, no one ever took out the language from the policy.

At 1:47:29 Councilmember Press stated we still need a long-term financial forecast.

At 1:47:36 Councilmember Press advised Addie's Cup is planning a Dog Day on May 11th. Councilmember Atton asked if Addie's Cup is going to extend their lease and Mayor Siemborski replied every indication is they are. Councilmember Press suggested taking a look at the LOI signed when we were negotiating over the Burton Court second floor expansion.

20. Business from the Audience starts at 1:49:11

Dennis Leazott wants to create awareness of the public safety issue at the three-way stop at Brigham Road where there is excessive speeding on a regular basis. It has been presented in the past as a noise problem. Noise is an output from someone aggressively driving. So the noise is a secondary problem. What motivates people to drive in a reckless manner at this location is a mystery - maybe it's the rapid acceleration prohibited signs that fire people up. He shared communication from

neighbors validating his concern. The Police Chief has tried some temporary mitigation tactics but some kind of long-term solution is needed. A traffic study is necessary. Village Engineer Courtney has contacted the individual we used to help leverage ODOT and obtain about \$500,000 from ODOT to redo the 322/River Road intersection for safety upgrades and a phone call has been scheduled for tomorrow afternoon. To be discussed from a procedural standpoint, given that it's a state route, are safety concerns, noise concerns, geometry concerns, and any suggestions on how to proceed. The program that we used in order to get that money for 322/River Road required some front-end spend from the Village in order to get a safety study done which we then used to go and ask for the money to actually mitigate the problem. Hoping to obtain some ideas to share with the Police Chief and the Service Director so we can put together a plan of attack that we can stand behind from a couple different city departments and then report back to Council. The Mayor asked if that small group, Mr. Leazott, and the Mayor could meet in three weeks to talk about what was learned. Councilmember Deacon suggested being in the historic district might lend some special treatment.

At 2:02:14 Chuck Spear provided further data on real estate valuation and tax. The least increase of all the communities in Geauga County was 16%, the high end was 40% actual increase in the tax bill. Mass appraisal software is used by the State to come up with the number that they gave Geauga County. The primary ingredient of that is actual transactions sales during the three-year period. He looked at Gates Mills. He looked at the 145 transactions that took place 2021- 2023. He compared the market appraisal on the books to the sale price and discovered that we're up about 30%. He then looked at every suburb in Cuyahoga County and City of Cleveland to see what the appreciation had been in all of those communities because it's a factor in how those allocations are set up. We are about in the midpoint of the County. In 2021 we were very low in the range. The increase that was afforded Hunting Valley was zero. We got a 3% increase and when the whole thing ran out what actually happened on our tax bills was a 5% reduction. This 30% is going to translate into a big number. The annoyed taxpayers of Chester Township came in to pressure Council. Council said we have an idea - let us forego the revenue we're entitled to collect on a levy to help you people out. So that's what can happen if it happens badly. Mr. Spear thinks we get on top of this as a public relations thing; we're very careful about what we publicize when it goes out because telegraphing something bad is really bad.

At 2:05:18 Jerry Bohinc finds it hard to believe the school system is talking about a new levy. They are not aware of the details of what we are starting to talk about. It would be very useful to sit down with their financial guy and say this is what we think, what do you think?

At 2:06:14 Anne Whitney shared that in 1987 the speed limit on River Road was 50 mph and Connie White worked with the State to lower it to 40 mph.


21. Adjourn

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

Respectfully submitted,


Beth DeCapite, Clerk

Approved:


Steven L. Siemborski, Mayor