

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
AUGUST 20, 2024

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, August 20, 2024, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was live-streamed to the internet.

1. Roll Call starts at 2:30

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

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

2. Minutes of the Regular Council meeting of July 16, 2024 starts at 2:45

Councilmember Welsh moved to approve the July 16, 2024 minutes as corrected and Councilmember Broome seconded the motion.

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

Nays: None

Motion carried.

3. Pay Ordinance # 1288 \$588,028.52 starts at 3:10

Councilmember Welsh moved to approve Pay Ordinance #1288. Councilmember Steinbrink seconded the motion.

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

Nays: None

Motion carried.

4. Mayor's Report starts at 3:37

a. **Storm Review and Update** - While there has been a ton of property damage to both the village and private residences, fortunately no one was injured or harmed. Around \$100,000 of storm related labor and equipment costs will be submitted to the County tomorrow and eventually to the White House for possible emergency relief. None of those dollars are guaranteed to come back to the village, and none of those dollars are available to individual residents. 14 homes have been damaged by trees and 352 homes were out of power for at least several days. Thank you Service/Fire/Police Departments for the help offered to our residents. At the Safety Committee meeting on Sept. 4th, suggestions for communicating status updates to residents during this kind of emergency will be discussed. Councilmember Broome reported that some of the residents on Battles Road still are without AT&T service and asked if anyone had an AT&T contact to share. The Mayor or Councilmember Deacon will reach out to our AT&T broadband contact for direction.

b. **Mayfield City School District Town Hall meeting** starts at 9:55 - Ohio Attorney General David Yost has notified all school district employees, officers, and trustees that they are not to take any position with regard to a levy and they shall not participate in anything that would look to promote or advocate passing a levy. Therefore, the Superintendent and his team will have to refrain from commenting on the levy, and instead a Levy Committee will be the one to promote or advocate the levy at the Town Hall meeting. It will likely be on October 10th at Gates Mills Elementary School led by the Levy Committee Chairperson. We will hear about their report card and a rather black and white report about what the levy dollars could be used for, but we won't hear from anyone who works for the school district. The Mayor encouraged everyone to attend. Councilmember Turner added the law has been on the books for a long time and it's never been enforced until this year. Already a Superintendent in a district outside Dayton has been charged with a felony. Councilmember Steinbrink reported the Mayfield Area Chamber of Commerce is holding an annual State of the Schools breakfast where Superintendent Barnes will provide an update on the schools on August 30th from 8:00 a.m. until 9:30 a.m. at Mayfield High School. The Mayor suggested that the 2023-2024 report card expected mid-September be reported on, either ourselves or by someone on the Levy Committee.

c. **Continued Discussion of Zoning** starts at 15:32 - The Council Workshop on zoning will be held on September 11. The focus will primarily be on zoning classifications, how the various classifications tie in with ordinances (hillside, development, riparian, tree cutting), and commercial district zoning. There are some elements in the comprehensive plan document that people found objectionable - we will talk about those to understand factually what was recommended or suggested. It is important for all of us at this table to be on the same level of understanding. The Council Workshop will predate a Town Hall meeting where residents are invited to ask zoning questions.

5. Clerk's Report starts at 17:50

Clerk DeCapite asked if the Cleveland Water Department would reimburse any portion of the road repair cost where the water main broke again on Mayfield Road. Service Director Biggert replied yes, although their process takes a long time. Village Engineer Courtney added the Water Dept. pays a fixed amount of money based on the size of the hole they dig in the road and they pay at below market rates, usually about half the cost. Mayor Siemborski stated the emergency work was approved at a cost of \$29,600 and he estimates 2/3 of the cost will be ours.

6. Financial Report attached and on the website starts at 19:45

Mayor Siemborski reported we are running favorable to budget by about \$300,000. We have identified at least four unbudgeted costs that will need to be addressed over the next two months - Mayfield Road water line break road repair (\$29,600), storm related overtime/equipment/tree service costs net of claim (\$50,000), Lyndhurst Municipal Court semiannual cost evaluation shared over six communities (\$34,000), and unknowns that came up during County Line Road paving (\$34,000). That's over \$100,000 in items that will bring our surplus down.

7. Police Department Report attached and starts at 22:38

The Police Chief thanked the Village Engineer for his assistance in coordinating the repair of the water main break on Mayfield Road.

8. Service Department Report attached and starts at 24:24

Service Director Biggert provided an update on County Line Road paving. The intermediate course has been completed. Once castings in the street are adjusted and driveway aprons are elevated, the final top layer of finished asphalt will be laid, probably within three weeks. Councilmember Welsh asked if there are any more streets planned for repaving. Both the Service Director and the Mayor indicated a recommendation would be made at the September Council meeting dependent on the math. The paving company would be able to get work completed this year on Hillcreek and Andrews if the okay is given at the September Council meeting.

9. Fire Department Report attached and starts at 26:25

Fire Chief Majeski reported 25 storm response calls were logged on August 6. It was an all hands-on situation - 10 members of the Fire Department, 4 crews were sent out, 1 engine was out of service, and all the members of the Service Department that were already out. August 7th through the 11th, we had 14 calls. We assisted the County with their physical damage assessment. Mayor Siemborski participated in the damage assessment and spoke to the impressive manner in which all our safety departments worked together. Members used their own vehicles to respond when there weren't enough vehicles to go around. We thank our dedicated employees. Councilmember Turner was severely impacted by the storm and expressed her gratitude for the coordinated efforts of the fire, service, and police departments and First Energy. Councilmember Broome shared that he and his wife were separately attempting to get to their children alone at home, and his wife was led in by Nick, Armando, and Paul clearing trees as fast as they humanly could. The Fire Chief said it was a good thing to see all the teamwork between all the entities present and he must commend our people for their efforts.

10. Committee Reports

- a. Fiber Optic/Broadband Committee (Councilmember Deacon) starts at 33:53
- July 26: Committee met to review RFPs received using a scoring tool. Additional questions were identified, developed, and submitted to the respondents.
 - August 9: Committee met with each vendor separately to review answers and hear any presentation or other information they wanted to provide. We still needed some additional information, and we requested that from the respondents. We intend to continue discussions to hopefully reach a recommendation on terms to bring to Council.

Mayor Siemborski asked whether an updated survey to the residents would be a wise thing to do at this point. Councilmember Deacon stated the Committee is developing a short survey to residents covering quality of service and what they might be willing to pay for better quality of service especially if it's tied to cell service.

Councilmember Welsh asked if the Gilmour cell tower was operational, and Councilmember Turner asked what was the delay. The Mayor will get an answer.

Councilmember Steinbrink asked for a rough timeframe on when the Committee might be back to Council with a recommendation. Councilmember Deacon replied 30-60 days max while negotiating the best situation for the village.

b. Wastewater Committee (Councilmember Broome) starts at 39:58

- August 1: Committee met for the first time to discuss our scope and the process and timing of a possible extension of the current village wastewater treatment facility to provide service to the Chagrin Valley Hunt Club.
- Two funding sources for the project are being looked at and are available only to municipalities. A nomination process with a short 30-day window that started last Friday, if successful, would be followed by an application for a low interest or no interest loan from the Ohio EPA Water Pollution Control Loan Fund. One step (application) is required for grant money from the Ohio Public Works Commission.
- We have support from local interested parties at Northeast Ohio Regional Sewer District, Cuyahoga County Board of Health, and Chagrin River Watershed Partners.
- The current Hunt Club system is in a condition that at some point it is going to have to be replaced, probably sooner rather than later.
- The current village wastewater system has plenty of capacity as it was originally envisioned that someday the Hunt Club would tie in.
- The best way to ensure the village is repaid is through a real estate tax assessment that would be ahead of any mortgages.
- The Hunt Club has recently been provided with projections of user fees and repayment schedules. They need to have a meeting and sign a letter of intent. We need to hear from them that they do in fact want to go ahead with the project.

At 44:30 the Mayor further explained a resolution of their Board or Executive Committee has been requested before all 30 days of the loan nomination process are expired. We also indicated to them that we would look to negotiate a letter of intent if they are so inclined. The user fee schedules presented to the Hunt Club captured the construction cost, the administrative cost, the ongoing operation and maintenance cost of both their contribution to the village wastewater plant as well as the additional wastewater pumping station that would be built on Hunt Club property for which they would pay for completely and we would operate and maintain. There are a lot of positives - the biggest one is that we're reducing the risk of effluent from private operators into the Chagrin River, an Ohio EPA priority - eliminate private system operators and put those into municipal systems.

At 46:37 resident Charlie Baker asked if the church and museum would be included. The Mayor answered the church is already a participant of the village wastewater system, and the museum has just put in their own new system as part of their improvements to the Kish Gallery.

At 47:09 Councilmember Atton stated he is always very uncomfortable starting a negotiation when he doesn't understand his counterparty's alternatives. We ought to understand what their alternative really is, because in his view this is not an existential investment for the Hunt Club. They will survive one way or the other. There's a deal to be had here which is of great benefit to our villagers and he hopes we negotiate hard. Mayor Siemborski is doubtful their alternatives and costs will be shared. We have been careful to make sure that this is not costing the villagers anything. We passed on the expectation that there could be some upfront down payment so there is some equity put into this by the club.

Councilmember Press questioned whether we are looking at this as a way to make some money for the village, or, are we doing a favor for the Hunt Club which won't cost us anything nor will we make anything off of it. The Mayor replied we have a responsibility to serve all our constituents fairly, honestly, and reasonably. They are constituents. We are looking for a price that's fair.

At 51:35 Councilmember Steinbrink asked if either of the two funding sources provide these no cost loans to residents that need to update their septic system, and Councilmember Broome stated they are only available to municipalities.

At 52:54 Mayor Siemborski, in the spirit of good governance and transparency, introduced a sheet of Frequently Asked Questions that was included in Council's packet and was posted on the village website. Councilmember Steinbrink asked what are the supporting organizations listed on the sheet supporting - fixing the Hunt Club septic system, or, the arrangement that we are talking about where the village will effectively loan money to the Hunt Club to build a solution. Mayor Siemborski answered the four organizations support, in writing, the movement from private system operators to municipal operators, and in particular with respect to this project, they understand and support the Hunt Club/Village of Gates Mills project.

At 54:30 Councilmember Press asked what is our collateral, and Law Director Hunt explained it's the assessment that they will have to agree to. The assessment goes on the tax duplicate. If they don't pay their real estate taxes, we foreclose and we have a priority over any mortgages; so we could foreclose on the whole property.

At 55:28 Councilmember Atton asked why are there no residences attached to this system. Village Engineer Courtney explained the current system is a pump station behind Village Hall that pumps by a pressurized line from behind Village Hall up to the wastewater treatment plant. The shallow pressure line passing in front of homes along the way is not appropriate for connection to a residential system - a system failure can push everything back into the house. Further, the service area that was established for the wastewater treatment plant was specifically identified in all the permitting paperwork that went to the EPA, and it was the downtown area of Gates Mills; not the residential property along Chagrin River Road or anything proximate. It's not just a matter of what properties this pressure line passes; it's what properties were envisioned to be within the service area that are subject to the permit for the wastewater treatment plant. In order to tie in all the homes along Chagrin River Road, there would need to be a gravity sewer that would tie to some point, likely another pump station or a re-envisioned pump station behind Village Hall, and an increased size of the force main up Chagrin River Road. There are many complications based on the system itself and what the permit is that is approved for the wastewater treatment plant.

At 58:14 Councilmember Press continued promoting high density residential properties up and down River Road in the downtown area be on the system as opposed to a bunch of septic systems on relatively small lots. The Village Engineer suggested that's a conversation that should be at the Wastewater Committee level.

c. Treasury Investment Board (Mayor Siemborski) starts at 58:56

- Board has simplified the treasury investment policy and Law Director has updated the ordinance. Both will be discussed at Agenda item 11.

d. Finance/Budget Committee (Mayor Siemborski) starts at 59:33

- Committee will meet in September to review first 7 or 8 months and to forecast what the rest of the year looks like considering the unbudgeted items mentioned earlier.
- Village was not successful in receiving from the State of Ohio the remaining half of the sidewalk grant. Recall the first half was provided through ARPA funds and we need to match those funds to undertake the project. Committee will discuss whether we put up the other \$150,000 this year or next year.

e. Safety Committee (Mayor Siemborski) starts at 1:00:47

- Next meeting September 4th 5:00 p.m. at the Town Hall will cover a variety of police, safety, and fire topics and is open to the public.

f. Tree Canopy Subcommittee (Councilmember Turner) starts at 1:01:57

- Subcommittee agrees it's necessary to have a demonstration project focused on the removal of invasives that we can talk about and gather information and educate, motivate, and engage our residents. People can see results; what is a healthy tree canopy; what is the cost; what is the process; how long does it take.
- Properties identified as visible and appropriate for the project are 1) a 12-1/2 acre property owned by the village and Metro Parks on the west side of River Road north of Mayfield Road, 2) the Village Arboretum, 3) the GM Land Conservancy property on the west side of River Road south of Mayfield Road, and 4) Feller Field. It is estimated the first-year cost for these properties is \$60,000.
- Removing invasives is done best either in the fall or winter because it's not so noticeable. People don't see the brown until spring.
- Typically, people think restoring or maintaining a healthy tree canopy is about planting trees, but, as evidenced by the property owned by Mitch and Baird Bass close to the corner of River and Mayfield Roads, it starts with killing the invasives, followed by a period of brown ugliness, and then clearing it away. It's a 3-5-year project.

At 1:10:55 Councilmember Steinbrink is enthusiastic and thinks the village and GM Land Conservancy should be taking a leadership role in serving as an example for residents and what things could look like. There are those who may consider this to be stripping vegetation and terrible looking, so education is a big component of the project.

Considering some of the tenets in the comprehensive plan, scenic views and such, there should be some line item in our budget for these types of things.

Councilmember Broome would like to add one topic - controlling ants that burrow in cherry trees. Downed trees become the home for these ant colonies. Councilmember Atton suggested the Wildlife Committee could have a voice in that discussion.

Mayor Siemborski expects over the next several weeks the Subcommittee will put together specs on what it would like done and will get estimates for the 3-4 pilot projects and come back to Council. The funds would likely be provided from our Conservation Fund. If we do this, it'll be a 2-3-year kind of commitment. You don't clean everything up in one season. Councilmember Atton added the first year of an invasive control program is very intense - costs money and takes a lot of time. The following year you have to follow up on what you did in the first year and make sure it sticks, and you go a little further. It goes exponentially cheaper over time, but it will be a job forever to make sure they don't come back. This is a very good start.

11. **Ordinance No. 2024-28 (First Reading)** starts at 1:15:00

“An Ordinance Amending Section 155.04, Investment Policy, of the Codified Ordinances of the Village of Gates Mills and Adopting an Investment Policy Statement with Guidelines’ was read by Mayor Siemborski. Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-28 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 Deacon asked for an explanation of the philosophy around the changes. Mayor Siemborski referred to Exhibit A and stated it's a much simpler set of directions on what we want our money invested in. Safety is paramount; no risk of principal as measured by Moody's or Standard & Poor's classifications; five specific eligible holdings with minimum and maximum ranges; overall portfolio shall not exceed five years maturity. Councilmember Atton added the simplification does not alter the ability of the investments to be different risk than we've always had. It's a very conservative and safe approach to investment of village funds. Councilmembers Atton and Press are of the view that we could have some others come in and talk about what they might be able to do and think Treasurer Morgan agrees with this. We could be a little more creative to enhance returns albeit still working inside these conservative constraints,

Councilmember Steinbrink moved to approve Ordinance No. 2024-28 and Councilmember Welsh seconded the motion.

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

Nays: None

Motion carried.

12. **Ordinance No. 2024-29 (First Reading)** starts at 1:19:06

“An Ordinance Amending Section 1131.07 and Enacting New Section 1157.10 of Chapter 1157, “Zoning Uses”, of the Codified Ordinances of the Village of Gates Mills to Prohibit Adult Use Cannabis Operators in the Village” was read by Councilmember Steinbrink. We’ve got a six-month moratorium that’s in place. This was discussed at Planning and Zoning two weeks ago and the vote was unanimous that we move forward with prohibiting adult use cannabis operators in the village.

Councilmember Press is inclined to amend the ordinance, so it only applies to the dispensary end of the business, not a cultivator or a processor. Councilmember Welsh recollects a similar ordinance was approved last year - that dealt with medical marijuana, this is recreational.

Law Director Hunt advised that under state law the process requires this be referred back to the Planning & Zoning Commission, now that we have it in written ordinance form, for review and recommendation back to Council. The next step is Council sets a public hearing because this is a zoning ordinance. You can have a second reading during that period of time, then have the public hearing, and the third reading at a later time or on the same evening you have the public hearing (assuming the public hearing would be at a Council meeting).

Councilmember Turner, concerned over a potential property rights legal claim, asked if other communities have passed similar ordinances. The Law Director answered yes, some have passed prohibitions, and some have passed permissions. The State of Ohio has said communities can do that with respect to businesses that sell or process cannabis.

Councilmember Press made a motion to refer Ordinance No. 2024-29 to the Planning & Zoning Commission for review and recommendation back to Council. Councilmember Broome seconded the motion.

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

Ordinance No. 2024-29 remains on first reading.

13. **Ordinance No. 2024-30 (First Reading)** starts at 1:24:27

“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. Four appropriation increases are requested - 1) \$5,000 donations and GMIS match for a memorial water fountain by the tennis/pickle ball courts, 2) \$100,000 for County Line Road culvert repair (\$13,000), additional subsurface work (\$30,000), and engineering (\$57,000), 3) \$6,500 wastewater treatment plant engineering and data necessary for two loan and grant applications, and 4) \$6,000 tree canopy and small projects. Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2024-30 be placed on its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Ordinance No. 2024-30 and Councilmember Welsh seconded the motion.

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

14. **Resolution No. 2024-31 (First Reading)** starts at 1:28:09

“A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund” was read by Mayor Siemborski. This is \$300,000 that has already been appropriated and approved by Council. We only transfer amounts when we need them. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2024-31 be placed on its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-31 and Councilmember Broome seconded the motion.

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

15. **Resolution No. 2024-32 (First Reading)** starts at 1:29:13

“A Resolution Authorizing a Change Order to the Contract with The Eclipse Companies, LLC for the County Line Road Culvert #20 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. 2024-32 be placed on its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember Deacon moved to approve Resolution No. 2024-32. Councilmember Welsh seconded the motion.

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

Motion carried.

16. Council Matters starts at 1:30:05

Councilmember Press thought it would be helpful if Councilmembers submit to the Mayor what they would like to see covered in the zoning workshop in advance. Mayor Siemborski concurred and requested the same within the next week.

17. Business from the Audience starts at 1:31:03

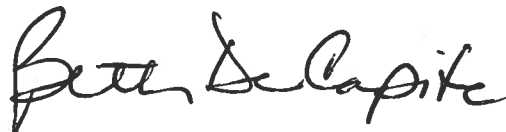
Resident Chuck Spear asked if it was correct when Council says "motion to suspend", are we suspending the three reading rule. Yes. He laments the passing of the simplified investment policy by champions who say Council needs the three reading rule so residents can think about what Council is talking about. Mr. Spear stated he would not be on this Council - the indemnification provision of the investment policy is so weak. He would say to the Law Director strengthen this. He does not like the fact that our Treasurer must come to Council to get an approval to hire an investment manager, but can fire that investment manager without ever asking. He does not like the fact that the Treasurer can take over the money management responsibility himself without asking and can delegate that responsibility to any employee of this village without asking. He has half a dozen other questions with no opportunity to ask them, because this has been passed. Two Councilmembers forever have said protect the three reading rule. Not today. Today was a great meeting but not in this instance.

Mayor Siemborski asked Mr. Spear to send those questions and he will get answers. Councilmember Deacon added the policy does say that it has to be revisited annually, so if there are questions or opportunities for improvement it is going to be looked at every year. Councilmember Atton suggested circulating all the material ahead of the Council meeting and allowing questions from the audience at the beginning of the meeting if they relate to topics on the agenda.

18. Adjourn

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

Respectfully submitted,



Beth DeCapite, Clerk

Approved:



Steven L. Siemborski, Mayor