

**VILLAGE OF GATES MILLS
COUNCIL AGENDA
FEBRUARY 14, 2023
5:30 p.m.**

**COMMUNITY HOUSE, 1460 CHAGRIN RIVER ROAD
(Livestream available on YouTube – click the link on
www.gatesmillsvillage.com to watch)**

1. Roll call.
2. Minutes of Council meeting of January 10, 2023. Clerk.
3. Minutes of the Special Council meeting of February 1, 2023. Clerk.
4. Pay Ordinance # 1270 \$633,578.66 Clerk.
5. Financial Statement/Treasurer's Report. Treasurer.
6. Mayor's Report. Mayor.
April Meeting Location
7. Clerk's Report. Clerk.
8. Committee Reports.
Comprehensive Plan Status and Process (AuWerter)
Broadband Committee Status (AuWerter)
Charter Review Committee Status (AuWerter)
Cell Tower Update (Schneider)
Safety Committee Update – Traffic Cameras (Steinbrink)
Mayfield Schools "Focus Forward Mayfield" Initiative Update (Turner)
9. Police Department Report. Minichello.
10. Service Department Report. Biggert.
11. Fire Department Report. Robinson.
12. **Motion to authorize the Village Engineer to competitively bid the following public improvement projects for 2023:**
2023 Annual Road Maintenance Program;
Mayfield Road Culvert Replacement; and
Hillcreek Culvert Repair/Rehabilitation/Erosion Repair.
13. **Ordinance No. 2022-27 (Three readings and Public Hearing are completed) Steinbrink.**
An Ordinance Amending Zoning Code Section 1157.03, "Accessory Uses in U1 Single-Family House District; New Standards" to Adopt a New Subsection (n) to Permit the Keeping of Chickens and Certain Other Domesticated Fowl as an Accessory Use in Residential Zoning Districts and Amending the General Offenses Code to Adopt a New Section 518.18, "Backyard Chickens and Certain Other Domesticated Fowl".
14. **Ordinance No. 2023-1 Second Reading Steinbrink.**
An Ordinance Amending Section 318.07, "Civil Penalties", to Increase the Civil Penalty for a Violation for 10 to 19 Miles Per Hour Over the Motor Vehicle Speed Limit.

15. **Ordinance No. 2023-5** First Reading AuWerter.
An Ordinance Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2023 Energized Community Grant.
16. **Resolution No. 2023-6** First Reading Steinbrink.
A Resolution Authorizing the Mayor to Enter into an Amendment to the Master Services Agreement with Sensys Gatso USA, Inc. for an Automated Photo Traffic Enforcement System.
17. **Ordinance No. 2023-7** First Reading Mayor.
An Ordinance Authorizing the Disposal by Sale of a Vehicle that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency.
18. **Ordinance No. 2023-8** First Reading Mayor.
A Resolution Authorizing an Agreement with the Law Firm of Roetzel & Andress, LPA for Law Director and Other Legal Services.
NOT IN THE PACKET - TO BE EMAILED BY THE LAW DIRECTOR.
19. Council Matters.
20. Business from the Audience.
21. Adjourn.

Proposed Ordinances and Resolutions on the Agenda may be obtained by calling Village Hall, 440-423-4405.

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
January 10, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, January 10, 2023, at 5:00 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call

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

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

2. Executive Session (allowing 30 minutes for discussion)

Councilmember AuWerter made a motion to go into Executive Session to discuss the disposition of unused and unneeded Village property, matters to be kept confidential by state statute, and to receive legal advice from the Village legal counsel. Councilmember Turner seconded the motion,

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

Mayor Schneider invited Shawn Riley and Warren Morris to Executive Session which commenced at 5:04 pm.

Mayor Schneider reconvened the Council meeting at 5:43 pm.

3. Election of Council President Pro Tem for one-year term starts at 45:14

Councilmember Turner nominated Chip AuWerter to be the Council President Pro Tem for the term of one year. Councilmember Welsh seconded the motion.

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

4. Mayor Schneider administered the Oath of Office to Council President Pro Tem Chip AuWerter.

5. Mayor Schneider made the following appointments to Administrative Offices:
Robert S. Reitman, Income Tax Administrator

R. Todd Hunt of Roetzel & Andress, Law Director
Michael Cicero, Prosecutor
David Biggert, Service Director, Building Official & Building Inspector
Trevor Murfello, Service Manager
Janet Mulh, Finance Administrator and Assistant Tax Administrator
D. Gregg Minichello, Chief of Police
P. Thomas Robinson, Fire Chief

Councilmember Welsh moved to approve the appointments to administrative offices, with Councilmember Steinbrink seconding the motion.

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

6. Mayor Schneider made the following appointments to Boards, Commissions and Committees: starts at 49:33
Planning & Zoning Commission for Term Ending 12/31/2026. *Craig Steinbrink (Chair) and Chip AuWerter (Council Rep.)*
Architectural Board of Review for Term Ending 12/31/2025. *John Spirk (Chair) and Judi Embrescia*
Historical Review Committee for Term Ending 12/31/2025. *Sara Welsh (Chair), Laurie Deacon, Jane Lindmark, Greg Nosan, Anne Steele, and architects David Ellison, Joseph Giglio and William Childs (alternate)*
Gates Mills Land Conservancy for Term Ending 12/31/2026. *Jamie Carracher and Sandra Turner*
Volunteer Fire Fighter' Dependents Fund Board for Term Ending 12/31/2023. *David Atton and Ed Welsh*
Real Estate Committee for Term Ending 12/31/2025. *Warren Morris (Chair)*

Councilmember Welsh moved to approve the appointments to Boards, Commissions and Committees, with Councilmember Steinbrink seconding the motion.

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

7. Gates Mills Land Conservancy report (attached) presented by Nat Smith starts at 52:47
- Discussion by Councilmember AuWerter that the operating agreement between the Village and the Gates Mills Land Conservancy encourages the Land Conservancy to come to the Village if additional acquisition funds are needed and observations about membership and transparency by Councilmember Atton starts at 1:02:30
8. Minutes of Council meeting of December 13, 2022

Councilmember Welsh moved to approve the December 13, 2022 minutes with Councilmember Steinbrink seconding the motion.

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

Abstain: Atton, Press.

Nays: None.

Motion carried.

9. Pay Ordinance # 1269 \$1,352,518.82

Councilmember Welsh moved to approve Pay Ordinance #1269. Councilmember Steinbrink seconded the motion.

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

Nays: None.

Motion carried.

10. Financial Statement/Treasurer's Report attached and starts at 1:10:38

- Discussion of the effect of the 2022 Ronyak road program cost overrun on the 2023 budget and long range plan by Councilmembers Atton, AuWerter and Press starts at 1:16:58

11. Mayor's Report starts at 1:24:57

- Blair Whidden sent a note commending the high standards and dedication of the Service Dept keeping our roads clear during the holiday snow storm
- Holiday Light Contest winners will be on the web and Pink Sheets

12. Clerk's Report - no report

13. Committee Reports

Comprehensive Plan (Councilmember Turner) starts at 1:26:03

- 18 of 25 Advisory Committee members met 1/9/2023. A checklist provided by the Consultant was previously completed by the members and helped identify agreement or disagreement with objectives and strategies. This checklist provided a plan for which goals needed further discussion over the next few meetings. The Village Center and Housing brought on much debate and will be discussed later in the process.
- Questions and comments from Councilmembers about meeting noise levels, timeline (findings will be presented to the Mayor and Council after an April Town Hall meeting) and integrity of the process start at 1:28:34

Safety Committee (Councilmember Steinbrink) starts at 1:39:20

- Traffic cameras-Lyndhurst Municipal Court continues to work with their case management software vendor over pricing and timing of the data integration with Sensys Gatso. Ohio is the only state where our Supreme Court requires cameras

be run through the Courts. Construction on the camera foundations has been approved and construction will start in the next few weeks.

Real Estate Committee (Councilmember Steinbrink) starts at 1:40:39

- A formal proposal for the former Cindy Halle space and Burton Court has been received and is being evaluated. There will be an update at the February Council meeting.

Planning & Zoning Commission (Councilmember Steinbrink) starts at 1:40:54

- Solar panels that face the street have been prohibited since 2014. Current solar panels are black and less reflective than those in 2014. In the last six months two residents have requested variances. The discussion was tabled and referred to the Architectural Review Board. Council should revisit the issue and discuss. A draft document will be presented to Council in the next few months.
- Outgoing member Nancy Sogg's legal background, insights and love of the Village will surely be missed.

School Liaison Committee (Councilmember Atton) starts at 1:44:25

- 10 of 13 members met 1/9/2023 for an organizational meeting. Individuals were appointed to be liaison with a particular school (GM Elementary, Mayfield Middle School, Mayfield High School and Horticulture Center). Committee members will visit the four schools over the next few months. A Committee member will cover Mayfield City School Board meetings and report back to the Committee and Council.
- Mayfield City Schools latest phone satisfaction survey of 300 households (25 households were from Gates Mills) shows residents are very comfortable with the quality of education and value for the dollar. The survey as part of our Comprehensive Plan is less enthusiastic but relatively comfortable.
- Why do we have so few people in our Village going to Mayfield City Schools?

14. Police Department Report attached and starts at 1:52:26

Councilmember AuWerter heard there was an increase in traffic during morning and evening rush hours on Gates Mills Blvd, presumably in order to avoid Mayfield Rd. Extra police attention might be warranted.

Councilmember Atton asked when the traffic cameras would be installed. The invoice from First Energy has been received and must be paid before First Energy will build the infrastructure on 322, then Sensys Gatso will take over with their contractor. No specific date.

Councilmember Atton commented that 3000 housechecks in December was very time intensive.

15. Service Department Report attached and starts at 1:59:23

16. Fire Department Report attached and starts at 2:00:21

17. Ordinance No. 2022-27 (Three readings and Public Hearing are completed)

Councilmember Steinbrink asked to keep the chicken ordinance tabled as we have a full agenda. Discuss at the February Council meeting.

18. Ordinance No. 2023-1 First Reading starts at 2:02:24

Ordinance No. 2023-1 “An Ordinance Amending Section 318.07, “Civil Penalties”, to Increase the Civil Penalty for a Violation for 10 to 19 Miles Per Hour Over the Motor Vehicle Speed Limit” was introduced by Councilmember Steinbrink.

Since passing the safety camera Ordinance in January 2022 establishing three speed and penalty tiers, the Ohio Supreme Court mandated in May 2022 a per citation charge to be paid in advance by the Village to Lyndhurst Municipal Court whether the fine is paid or not. Lyndhurst Municipal Court set the amount to \$25 per citation. The Safety Committee approved an increase of \$35 in the Tier 1 penalty, where the vast majority of citations are expected, to cover the court mandated fee and to cover citations not paid. Sensys Gatso will not share in the increase. Councilmember Atton stated the \$35 increase should apply to all three tiers.

Ordinance No. 2023-1 will be placed on first reading. Law Director Hunt reminded Council that the ordinance goes into effect 30 days after passage.

19. Resolution No. 2023-2 First Reading starts at 2:07:45

Resolution No. 2023-2 “A Resolution Authorizing the Mayor to Enter Into a Grant Agreement with the Ohio Department of Natural Resources (“ODNR”) for Funding the Village’s Project for Americans with Disabilities Act (“ADA”) Improvements at the Village Community House” was read by Councilmember Turner. The \$39,200 grant applies to the expected \$40,000 total cost for renovating the Community House lower level restrooms, making the restrooms handicap accessible, and installing automatic doors at the rear exterior entrance door. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-2 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember Turner moved to approve Resolution No. 2023-2 with Councilmember Steinbrink seconding the motion.

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

20. Resolution No. 2023-3 First Reading starts at 2:10:43

Resolution No. 2023-3 “A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund, Mayor’s Fund, Wastewater Fund and Police Pension Fund” was read by Councilmember AuWerter. This is normal procedure now that the budget is in place. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-3 be placed upon its final passage. Councilmember Turner seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Resolution No. 2023-3 with Councilmember Deacon seconding the motion.

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

21. Resolution No. 2023-4 First Reading starts at 2:11:43

Resolution No. 2023-4 “A Resolution Authorizing a Change Order to the Contract with Ronyak Paving, Inc. for the Village’s 2022 Road Program; and Declaring an Emergency” was read by Councilmember AuWerter. Village Engineer Courtney stated the \$251,084.62 Change Order is the final negotiated amount. It started at a larger number and was negotiated down. Future provisions have been put in place so this event does not occur again, including an earlier in the year road program start. Councilperson AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-4 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Resolution No. 2023-4 with Councilmember Deacon seconding the motion.

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

22. Council Matters starts at 2:15:47

Councilmember Atton asked if the use of the Village's portion of Land Conservancy funds for partially funding the Mayfield Road culvert has been discussed and approved by Council. Although stormwater management is a compliant use of Land Conservancy funds, it might not be compliant with expectations of Villagers. Treasurer Siemborski stated the total culvert project is estimated to be between \$400,000-\$500,000. Funds will come first from the District 6 grant (\$220,000), then ARPA funds (\$160,000) and if the total cost is on the lower end of the estimate, Land Conservancy funds might not be necessary. If the cost is on the higher end of the estimate, then it is planned to use up to \$75,000 of the Village's portion of Land Conservancy funds. Mayor Schneider stated that once we have figures, Council will discuss. Councilmember Atton stated this a conceptual question not specific to just the Mayfield Road culvert project. Councilmember Press stated we should plan for the \$500,000 village portion of funds to be received over the next five years rather than fund something we would do anyway.

23. Business from the Audience - None

24. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

To: Gates Mills Village Council

From: Nathaniel T. Smith, Director

Subject: Year-end Report from Gates Mills Land Conservancy (GMLC)

Date: December 21, 2022

Since last August 9th when Rob Galloway presented an update to the Village Council, the following activities have transpired at the Gates Mills Land Conservancy:

Stewardship: During the third and fourth quarters, GMLC directors completed inspecting and documenting the status of most of the fifty-eight properties in the Village with conservation easements, deed restrictions, or that are owned by the Conservancy. The remaining 2-3 properties will be inspected by year-end.

In September, a figure-eight path was mowed at the Sherman Road Preserve to facilitate planned educational tours in October. A group of Hawken School students also participated in the removal of invasive species on the Preserve in late September.

Community Outreach: GMLC launched its second newsletter on September 14th to 740 villagers. It explored the history of several nature preserves in the River Corridor and was read by 58% of its recipients.

During October, four nature walks were conducted on the Sherman Road Preserve. Thirty-five individuals attended these walks including several GMLC directors. Nick Fletcher, a teacher at Hawken School, led the final nature walk and discussed the challenges of managing invasive species and new tree diseases such as the blight that is infecting beech trees.

Fund Raising: As of the end of November, \$31,000 in membership contributions had been raised from 153 donors compared to 105 donors in 2021. Membership donations are on track to be at or above the highest level in thirteen years.

Levy Receipts: In December, GMLC received its second tax levy payment for 2022 in the amount of \$48,000 bringing the total amount of levy proceeds for the full year to \$110,000.

Governance: On October 19, the Conservancy's annual meeting was held at the Community Center. Forty-five individuals attended including fourteen for the first time. Dr. Peter Wiest was elected as a new director, filling the last open seat on the Conservancy's fifteen-person board. Three directors were re-elected to new terms including Leah Whidden, Nancy McGuinness, and Cindy Zins. New officers were also elected: Nathaniel Smith as president, Jamie Carracher as vice president, Cindy Zins as treasurer, and Rob Galloway as secretary.

After comments by the outgoing president Rob Galloway and the conclusion of official business at the Annual Meeting, an informative presentation about preserving tree canopies was given by Erich Carlson, an environmental science teacher at University School.

Long Range Planning: On December 10th, GMLC's directors held the first of a series of long-range planning meetings to begin the process of updating its strategic plan which was originally prepared in 2015 and partially reviewed in 2018.

Financials: In mid-November, the independent auditor's review of GMLC's 2021 financial statements was completed by its certified public accountants, Bercheck & DeChellis. The accountants also completed and filed the Conservancy's Form 990 (Return of Organization Exempt from Income Tax) with the Internal Revenue Service.

As of the end of November 2022, GMLC's Statement of Revenues & Expenses and its cash position were as follows:

Statement of Operations	November YTD Actual	Full Year 2022 Budget
Revenues	\$ 55,200	\$ 25,700
Expenses	<u>\$ 23,200</u>	<u>\$ 28,800</u>
Net	\$ 32,000	\$ -3,100

Revenues were significantly higher than the full year budget due to near record membership donations of \$33,000 and a bequest of nearly \$22,000. After expenses of \$7,150 for rent and professional services are recorded in December, the full year 2022 surplus is projected to be in excess of \$25,000.

Cash reserves at the end of November were as follows:

Operating Funds	\$ 288,000
Levy Funds	\$ 335,000
Stewardship Reserves	<u>\$ 197,000</u>
Subtotal	\$ 820,000
Less: Clark Preserve Note	<u>\$ 273,000</u>
Net Cash Reserves	\$ 574,000

VILLAGE OF GATES MILLS
FINANCIAL REPORT FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2022
January 10, 2023

DECEMBER RESULTS AND FINANCIAL POSITION

The financial statements were provided to the Mayor, Clerk and Council in advance of the January council meeting.

The Village ended the fiscal year in a solid financial position. We generated a modest surplus in line with our intent to operate on a balanced budget. We have good liquidity and no debt. The Village was able to continue the level of police, fire, service and administrative services as planned and budgeted for 2022, despite the economic uncertainties in the markets and persistent inflation. Further, we made good progress in tackling the road program, having completed year one of a six-year program to bring all roads to a good condition. We benefitted from the hybrid work environment as work-from-home (WFH) villagers are paying taxes to Gates Mills as their work city rather than other municipalities. Municipal income tax revenue is also benefiting by a subtle shift in wage earners moving into the Village and replacing villagers who paid less in tax.

GENERAL FUND

Revenue for the twelve months was \$6,450,000. The month of December included \$45,000 of municipal income tax revenue. For the year, income tax revenue was \$3,110,000, favorable to the full year budget by \$1,011,000. Real estate tax revenue was \$2,436,000, 72,000 or 3 % above prior year. Other Sources Revenue was \$788,000, \$90,000 less than prior year due to a non-recurring \$50,000 BWC refund in 2021 and less rental income at the Mills building due to tenant movement and payment timing. In December 2022, the Village received reimbursement of \$108,933 from the County for 2021 road materials. All Other Source revenue was reasonably in line with budgeted amounts, except for Fines and Costs which were below budget as the camera enforcement program was not operational. We continue to work with Gatso and the Lyndhurst court to operationalize the billing and collection procedures.

Expenditures for the twelve months were \$6,005,000, \$593,000 above the prior year. This overage is due to higher personnel costs (by \$233,000), legal and professional fees (by \$89,000), EMS (by \$110,000) and Service Dept. vehicles (by \$90,000). For the month of December, departmental operating costs were \$469,000, a fairly typical month. For the year, the Police Department costs were \$1,706,000 under budget of \$1,790,000. The Fire Department costs were \$658,000, right at budget of \$655,000. The Service Department costs were \$1,745,000, slightly unfavorable to budget of \$1,705,000. The Administration operating costs were \$791,000, \$41,000 above budget of \$750,000. Legal and professional fees accounted for \$26,000 of this overage and tax collection expenses accounted for \$37,000 of the overage.

For the full year 2022, the Village operated with a General Fund surplus of \$444,000.

The General Fund cash balance at December 31 was \$7.8 million compared to the beginning of the year balance of \$7.4 million.

OTHER FUNDS

The Village is required to maintain other special purpose funds by statute or contract. Cash in these special purpose funds amounted to \$1.4 million.

2023 BUDGET

The 2023 budget for expenditures and revenues has previously been reviewed. As we enter 2023, it is worth mentioning a few highlights.

1. It was determined that our compensation levels for the different positions were competitive and that a 4% increase would be appropriate for 2023.
2. We have developed a balanced budget with \$6,050,000 of revenue and \$6,032,000 of expenditures.
3. We have increased expenditures on roads to accomplish the Road Program over a six-year period.
4. We expect to tackle the Mayfield Road culvert replacement at a cost near \$500,000 through grants received and other revenue sources.

LONG RANGE FINANCIAL SCHEDULES

With the 2022 books closed, the long-range financial schedules developed in late 2020 will be updated for the five-year period 2023 through 2027. The financial picture is good and will be presented to Council at the next meeting.

This report will be published to the Village website.

Please direct any questions or comments to Treasurer@gatesmillsvillage.com.

Steven L. Siemborski
Treasurer, Village of Gates Mills
Chair, Budget and Finance Committee

Village of Gates Mills

*Division of Police
1470 Chagrin River Road
Gates Mills, Ohio 44040-9703
Phone: (440) 423-44505 Fax: (440) 423-2002
www.gatesmillsvillage.com*

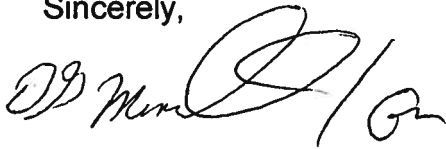
January 2023 Council Meeting (December Report)

- 1) Our Body Worn Cameras (BWC) are now in service. Grant funding paid for the majority of the project.
- 2) One police car has been out of service for about a month due to an electrical problem. The vehicle has been at the dealership and technicians are continuing to troubleshoot.
- 3) Sgt. Day was recognized as the 2022 Police Employee of the Year. Congratulations to Mike!

Monthly Totals:

- 55 Traffic Citations.
- 21 Warnings.
- 21 Incident Reports.
- 5 Accident Reports.
- 3,122 House Checks
- 7,335 Patrol Miles.
- Total Fines \$6,836.00 YTD 95,952.00.

Sincerely,



Gregg Minichello
Chief of Police
Gates Mills Police Department
gminichello@gatesmillsvillage.com
440.423.4405 x 112

Gates Mills Service Department

"Yours in service since 1920"

TO: Mayor
and Council Members

FROM: Dave Biggert, Service Director

RE: SERVICE DEPARTMENT REPORT – DECEMBER 2022

1. In December 6 building permits were issued for a total construction value of \$1,201,319. This includes a permit for a new home on Chagrin River Road.

A total of 76 permits had been issued for 2022. The total construction value for the year was \$7,561,494.

2. In December 2021, 7 building permits had been issued for a total construction value of \$771,566.

A total of 83 permits had been issued for 2021. The total construction value for the year was \$11,525,453.

3. The October Planning and Zoning Commission meeting minutes are included for review.

I hope this information is helpful. If you have any questions or need any additional information, please feel free to contact me at (440) 423-4405, X127.

Respectfully Submitted,



David L. Biggert, RBO, RBI, PI, MI, EMT-B
Service Director/Building Official

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, OCTOBER 04, 2022**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, October 04, 2022 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Scott Broome, Nancy Sogg, Emily Hamilton, and Jeannine Voinovich.

Members absent: Chip AuWerter and Jim Deacon.

Also present: Chris Courtney, Village Engineer
Todd Hunt, Law Director.

1. Roll call.
2. The minutes of **Tuesday, September 06, 2022** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Steinbrink stated the word "roaster" should be changed to "rooster".

A motion was made to approve the minutes as *revised*.

Motion by: N. Sogg 2nd: J. Voinovich

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

3. A review and discussion of the proposed revised ordinance regulating fences was held.

Mr. Hunt advised the new regulation is also working its way through Council. A public hearing is required before Council can approve the new legislation.

Mr. Biggert asked Mr. Hunt if the new regulation should also apply to the current "old standards" section.

Mr. Hunt suggested it should. He will revise the final version to include the fence regulation to the "old standards" section.

After further discussion, a motion was made to approve the new fence ordinance as amended and recommended adoption to Council.

Motion by: N. Sogg 2nd: E. Hamilton

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. Motion to adjourn the regular meeting of the Planning and Zoning Commission and convene a meeting of the **Board of Zoning Appeals**.

Motion by: N. Sogg 2nd: S. Broome

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. Permission to expand a current non-conforming structure and rear setback variance request for the **GATES MILLS HISTORICAL SOCIETY** at **7580 Old Mill Road** was heard.

David Ellison, Architect and Marcia Anselmo, GMHS President were present.

Mr. Ellison reviewed the request for the Commission. He indicated the current building is too small to meet the needs of the Historical Society. They are proposing to build a small addition of the rear of the existing building which will increase their display space. He stated the existing building conforms with all the requirements of Section 1157.06 other than the rear setback for the new addition. A 23' rear setback variance is necessary.

Ms. Anselmo stated the building is completely out of additional display space. Many items that have been donated by residents cannot be displayed. She tries to rotate items so the history of Gates Mills can be shown.

Mrs. Hamilton asked if any trees would need to be removed.

Ms. Anselmo stated a few of the smaller decorative trees will be relocated. Once all the work is completed, the new addition should not be visible from the street or side.

Mr. Ellison stated part of the project is to install a ramp which will improve handicap accessibility. The new addition is approximately 400 square feet. He also stated the GMHS property is probably one of the most valuable pieces of property in the Village.

Mr. Hunt stated it appears the cost of the new addition is not more than 60% of the fair market value of the property so it meets the requirement as stated in Section 1157.06(b).

Mr. Broome reviewed the *Variance Worksheet* for the Commission. He stated the existing building already does not meet the required rear setback and the new addition is not changing the building's use.

After further discussion, a motion was made to approve a 25' rear yard setback as submitted.

Motion by: S. Broome 2nd: N. Sogg

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

There being no further business the meeting was adjourned at **5:26 P.M.**

Craig Steinbrink, Chair

David Biggert, Secretary

Gates Mills Fire Department

December 2022 Council Report

DATE	NFIRS #	Address/Location	Description of Incident
12/1/22	2022-162	3425 Roundwood Rd. H.V.	Provide mutual aid to Chagrin Falls FD.
12/2/22	2022-163	1728 Berkshire Road	Natural Gas line cut and leaking.
12/2/22	2022-164	SOM Center N. of Cedar	Motor vehicle crash without injuries.
12/2/22	2022-165	789 Village Trails	Fire alarm due to burnt food.
12/3/22	2022-166	1279 West Hill Drive	Energized power lines down across the roadway.
12/3/22	2022-167	1870 County Line Road	Power line down.
12/3/22	2022-168	1176 Hillcreek Lane	Tree down on the power lines.
12/3/22	2022-169	1030 Hillcreek Lane	Carbon Monoxide in the home due to exhaust from a generator.
12/5/22	2022-170	1279 West Hill Drive	Telephone/Cable lines down.
12/5/22	2022-171	Sherman Rd. E. of C.R.R.	Motor vehicle crash without injuries.
12/9/22	2022-172	1800 Berkshire Road	Odor investigation.
12/13/22	2022-173	1620 Chagrin River Road	Fire alarm due to cooking.
12/16/22	2022-174	2075 Woodstock Road	Public service/smoke detector check.
12/18/22	2022-175	34001 Cedar Road	Fire alarm at the Gilmour dormitory due to dust from vacuuming.
12/20/22	2022-176	7301 Wilson Mills Road	Public service/smoke and C.O. detector installation.
12/23/22	2022-177	1380 Echo Glen	Remove a fallen tree that was blocking the roadway.
12/23/22	2022-178	7845 Old Mill Road	Main electrical panel buzzing.
12/24/22	2022-179	2045 SOM Center Road	Fire alarm at Gilmour Academy due to water from a frozen pipe.
12/25/22	2022-180	2045 SOM Center Road	Shut down the fire sprinkler system at Gilmour Middle School Bldg. due to a frozen sprinkler head.
12/26/22	2022-181	1700 Epping Road	Carbon Monoxide alarm due to "end of life" alert.
12/26/22	2022-182	1010 West Hill Drive	Tree leaning on telephone/cable lines.
12/30/22	2022-183	7621 Old Mill Road	Public service/smoke detector installation.

CURRENT MONTH TOTAL		2022 YEAR END TOTAL	2021 YEAR END TOTAL
G.M. FIRE	22	183	201
M.V. EMS	11	193	182

The December training topics were:

December 6, 2022 Year end call review.

December 20, 2022 Discussion on staffing changes in 2023. Gilmour Academy campus site walk-through and preplan reviews/familiarization for fire operations and active shooter responses.

December employee anniversaries: Captain Rob Jamieson – 31 years Firefighter Tim Byrne – 18 years

Village of Gates Mills
MINUTES OF A SPECIAL MEETING OF COUNCIL
February 1, 2023

A special meeting of the Council of the Village of Gates Mills, Ohio was held at the Village Town Hall Council Chambers on Wednesday, February 1, 2023 at 5:00 p.m. with Mayor Schneider presiding.

1. Roll Call

Councilmembers present: Atton, AuWerter, Deacon (via Zoom), Press, Steinbrink.

Other Village officials present were Treasurer Siemborski, Clerk DeCapite, and Law Director Hunt.

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

Ayes: Atton, AuWerter, Press, Steinbrink.

Nays: None.

Motion carried.

2. Executive Session

Councilmember Steinbrink made a motion to go into Executive Session to discuss the disposition of unneeded Village property by lease and to obtain legal advice from the Village's legal counsel. Councilmember AuWerter seconded the motion.

Ayes: Atton, AuWerter, Press, Steinbrink.

Nays: None.

Motion carried. Entered Executive Session at 5:03 pm

Mayor Schneider reconvened the meeting at 6:10 pm.

3. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

2/2/2023 2:42:31 PM

UAN v2023.1

Payment Listing

January 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
1-2023	01/03/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$294.23	C
2-2023	01/03/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$414.13	C
3-2023	01/05/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$344.13	C
4-2023	01/06/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$264.09	C
4-2023	01/26/2023	01/26/2023	NEG ADJ	CLEVELAND ILLUMINATING CO.	-\$264.09	C
5-2023	01/06/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$156.11	C
6-2023	01/06/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$135.51	C
7-2023	01/06/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$96.91	C
8-2023	01/10/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$93.28	C
9-2023	01/10/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$488.34	C
10-2023	01/13/2023	01/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$88.59	C
11-2023	01/05/2023	01/13/2023	CH	DIVISION OF WATER	\$280.39	C
11-2023	01/26/2023	01/26/2023	NEG ADJ	DIVISION OF WATER	-\$280.39	C
12-2023	01/09/2023	01/13/2023	CH	DOMINION EAST OHIO	\$255.00	C
12-2023	01/26/2023	01/26/2023	NEG ADJ	DOMINION EAST OHIO	-\$255.00	C
13-2023	01/09/2023	01/13/2023	CH	DOMINION EAST OHIO	\$179.00	C
14-2023	01/11/2023	01/13/2023	CH	DOMINION EAST OHIO	\$39.79	C
15-2023	01/11/2023	01/13/2023	CH	DOMINION EAST OHIO	\$593.22	C
16-2023	01/05/2023	01/13/2023	CH	THE HARTFORD	\$192.39	C
17-2023	01/09/2023	01/13/2023	CH	DELTA DENTAL	\$1,716.91	C
18-2023	01/10/2023	01/13/2023	CH	PRIME PAY	\$71,468.19	C
19-2023	01/10/2023	01/13/2023	CH	PRIME PAY	\$484.21	C
20-2023	01/11/2023	01/13/2023	CH	EQUIVEST	\$1,488.00	C
21-2023	01/11/2023	01/13/2023	CH	OHIO DEFERRED COMP	\$5,735.46	C
22-2023	01/10/2023	01/13/2023	CH	HOME DEPOT CRC	\$1,182.08	C
23-2023	01/11/2023	01/13/2023	CH	TIME WARNER CABLE-NORTHEAST	\$62.09	C
24-2023	01/11/2023	01/13/2023	CH	AETNA HEALTH INC. (OHIO)	\$35,291.18	C
25-2023	01/11/2023	01/13/2023	CH	CINTAS CORPORATION #259	\$3,133.68	C
26-2023	01/17/2023	01/17/2023	CH	MAYFIELD VILLAGE	\$12,144.80	C
27-2023	01/17/2023	01/26/2023	CH	CLEVELAND ILLUMINATING CO.	\$91.25	C
28-2023	01/17/2023	01/26/2023	CH	CLEVELAND ILLUMINATING CO.	\$494.47	C
29-2023	01/17/2023	01/26/2023	CH	CLEVELAND ILLUMINATING CO.	\$687.45	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

2/2/2023 2:42:31 PM

UAN v2023.1

Payment Listing

January 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
30-2023	01/19/2023	01/26/2023	CH	CLEVELAND ILLUMINATING CO.	\$378.76	C
31-2023	01/17/2023	01/26/2023	CH	TREASURER OF STATE	\$1,320.00	C
32-2023	01/17/2023	01/26/2023	CH	OPERS PUBLIC EMPLOYEES	\$19,256.87	C
33-2023	01/17/2023	01/26/2023	CH	VERIZON WIRELESS	\$611.16	C
34-2023	01/26/2023	01/26/2023	CH	CUYAHOGA COUNTY TREASURER	\$14,139.18	C
34-2023	01/26/2023	01/26/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$3,062.10	C
34-2023	01/26/2023	01/26/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$626.72	C
35-2023	01/24/2023	01/26/2023	CH	PRIME PAY	\$67,394.78	C
36-2023	01/27/2023	01/27/2023	CH	OHIO DEFERRED COMP	\$5,780.00	C
37-2023	01/27/2023	01/27/2023	CH	EQUIVEST	\$1,653.00	C
38-2023	01/25/2023	01/27/2023	CH	DIVISION OF WATER	\$67.20	C
39-2023	01/23/2023	01/27/2023	CH	SAM'S CLUB	\$363.32	C
40-2023	01/27/2023	01/27/2023	CH	FIRST COMMUNICATIONS, LLC	\$2,679.78	C
41-2023	01/30/2023	01/31/2023	CH	CHASE CARD SERVICE	\$3,309.86	C
42-2023	01/31/2023	01/31/2023	CH	BWC	\$2,954.00	O
43-2023	01/31/2023	02/02/2023	CH	ANCORA ADVISORS	\$5,055.27	C
44-2023	01/31/2023	02/02/2023	CH	STATE TREASURER OF OHIO	\$1,350.00	C
45-2023	01/31/2023	02/02/2023	CH	REDSS	\$180.00	C
46-2023	01/31/2023	02/02/2023	CH	LYNDHURST MUNI COURT	\$54.00	C
47-2023	01/31/2023	02/02/2023	CH	LYNDHURST MUNI COURT	\$260.00	C
6473	01/17/2023	01/17/2023	AW	ABATE LANDSCAPING FLORIST	\$564.50	C
6474	01/17/2023	01/17/2023	AW	ADVANCED MEDICAL SERVICES	\$355.00	C
6475	01/17/2023	01/17/2023	AW	AKE ENVIRONMENTAL, INC.	\$4,815.00	C
6476	01/17/2023	01/17/2023	AW	THE BALDWIN GROUP, INC.	\$755.00	C
6477	01/17/2023	01/17/2023	AW	BAUER SUPPLY	\$308.95	C
6477	01/26/2023	01/26/2023	NEG ADJ	BAUER SUPPLY	-\$251.80	C
6478	01/17/2023	01/17/2023	AW	CARGILL, INCORPORATED	\$9,716.58	C
6479	01/17/2023	01/17/2023	AW	CHAGRIN VALLEY DISPATCH	\$23,964.73	C
6480	01/17/2023	01/17/2023	AW	CHAGRIN VALLEY TIMES	\$90.00	C
6481	01/17/2023	01/17/2023	AW	CERNI MOTORS	\$1,417.31	C
6482	01/17/2023	01/17/2023	AW	MICHAEL E. CICERO	\$850.00	C
6483	01/17/2023	01/17/2023	AW	CINTAS CORPORATION #259	\$113.29	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

2/2/2023 2:42:31 PM

UAN v2023.1

Payment Listing

January 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6484	01/17/2023	01/17/2023	AW	COMDOC, INC.	\$30.15	C
6485	01/17/2023	01/17/2023	AW	CUYAHOGA CO MAYORS & MGRS	\$1,056.69	C
6486	01/17/2023	01/17/2023	AW	DISTILLATA COMPANY	\$76.25	C
6487	01/17/2023	01/17/2023	AW	DOMINION ENERGY OHIO	\$7,663.06	C
6488	01/17/2023	01/17/2023	AW	DUSTBUSTER	\$510.00	C
6489	01/17/2023	01/17/2023	AW	EUCLID HYDRAULICS, INC	\$29.40	C
6490	01/17/2023	01/17/2023	AW	FRONTLINE PUBLIC SAFETY SOLUTIONS	\$848.92	C
6491	01/17/2023	01/17/2023	AW	GAME TIME	\$4,503.38	C
6492	01/17/2023	01/17/2023	AW	W. F. HANN & SONS	\$337.50	C
6493	01/17/2023	01/17/2023	AW	HILLCREST COUNCIL OF COUNCILS	\$300.00	O
6494	01/17/2023	01/17/2023	AW	DYLAN HOOKER	\$252.44	O
6495	01/17/2023	01/17/2023	AW	VILLAGE OF HUNTING VALLEY	\$900.00	C
6496	01/17/2023	01/17/2023	AW	CLEVELAND RESTORATION SOCIETY	\$1,910.00	C
6497	01/17/2023	01/17/2023	AW	J & L DOOR SERVICE, INC.	\$843.00	C
6498	01/17/2023	01/17/2023	AW	KEN'S WINDOW CLEANING	\$320.00	C
6498	01/26/2023	01/26/2023	NEG ADJ	KEN'S WINDOW CLEANING	-\$160.00	C
6499	01/17/2023	01/17/2023	AW	KOLSOM TIRES	\$60.00	V
6499	01/17/2023	01/17/2023	AW	KOLSOM TIRES	-\$60.00	V
6500	01/17/2023	01/17/2023	AW	LEXIS NEXIS RISK SOLUTIONS	\$600.00	V
6500	01/17/2023	01/17/2023	AW	LEXIS NEXIS RISK SOLUTIONS	-\$600.00	V
6501	01/17/2023	01/17/2023	AW	LEXIPOL	\$7,169.35	V
6501	01/17/2023	01/17/2023	AW	LEXIPOL	-\$7,169.35	V
6502	01/17/2023	01/17/2023	AW	RICK LOCONTI	\$300.00	V
6502	01/17/2023	01/17/2023	AW	RICK LOCONTI	-\$300.00	V
6503	01/17/2023	01/17/2023	AW	KOLSOM TIRES	\$60.00	C
6504	01/17/2023	01/17/2023	AW	LEXIS NEXIS RISK SOLUTIONS	\$600.00	C
6505	01/17/2023	01/17/2023	AW	LEXIPOL	\$7,169.35	C
6506	01/17/2023	01/17/2023	AW	RICK LOCONTI	\$300.00	C
6507	01/17/2023	01/17/2023	AW	MARSHALL POWER EQUIPMENT	\$81.28	C
6508	01/17/2023	01/17/2023	AW	JANET M. MULH	\$349.79	C
6509	01/17/2023	01/17/2023	AW	MULLET'S HARNESS SHOP	\$230.50	C
6510	01/17/2023	01/17/2023	AW	JESSICA NEWSOME	\$27.71	O

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

2/2/2023 2:42:31 PM

UAN v2023.1

Payment Listing

January 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6511	01/17/2023	01/17/2023	AW	NICHOLAS & SON, INC	\$375.00	C
6512	01/17/2023	01/17/2023	AW	NORTHEAST OH MAYORS & MGRS	\$250.00	C
6513	01/17/2023	01/17/2023	AW	OHIO POLICE & FIRE PENSION	\$25,427.21	C
6514	01/17/2023	01/17/2023	AW	OHIO MUNICIPAL LEAGUE	\$610.00	C
6515	01/17/2023	01/17/2023	AW	PUBLIC UTILITIES COMM OF OHIO	\$35.00	C
6516	01/17/2023	01/17/2023	AW	JOHN RICHARDS	\$1,555.49	C
6517	01/17/2023	01/17/2023	AW	SHUTTLE'S UNIFORM INC.	\$168.95	C
6518	01/17/2023	01/17/2023	AW	KEN SIMMONS	\$2,228.01	C
6519	01/17/2023	01/17/2023	AW	SITEONE LANDSCAPE SUPPLY	\$477.75	C
6520	01/17/2023	01/17/2023	AW	STAPLES BUSINESS ADVANTAGE	\$194.56	C
6521	01/17/2023	01/17/2023	AW	T A C COMPUTER INC	\$5,315.20	O
6522	01/17/2023	01/17/2023	AW	TREAS OF STATE (FUND 83F)	\$750.00	C
6523	01/17/2023	01/17/2023	AW	TURNKEY HOME & AUTO	\$215.55	C
6524	01/17/2023	01/17/2023	AW	ULLMAN OIL COMPANY	\$12,489.68	C
6525	01/17/2023	01/17/2023	AW	UNIQUE PAVING MATERIALS CORP.	\$325.00	C
6526	01/17/2023	01/17/2023	AW	VALLEY FREIGHTLINER	\$49.75	C
6527	01/17/2023	01/17/2023	AW	VERDIN	\$795.00	C
6528	01/17/2023	01/17/2023	AW	WEATHER LOCK ROOFING	\$2,500.68	C
6529	01/17/2023	01/17/2023	AW	WICHERT INSURANCE SERVICES	\$91,734.00	C
6529	01/26/2023	01/26/2023	NEG ADJ	WICHERT INSURANCE SERVICES	-\$114.00	C
6530	01/17/2023	01/17/2023	AW	MAYFIELD VILLAGE	\$88,485.20	C
6531	01/17/2023	01/17/2023	AW	IRON MAN SUPPLY LLC	\$261.99	C
6532	01/17/2023	01/17/2023	AW	JUDCO, INC	\$3,750.00	C
6533	01/17/2023	01/17/2023	AW	CHAGRIN VALLEY AUTO PARTS	\$933.90	C
6534	01/31/2023	01/31/2023	SW	Skipped Warrants 6534 to 6534 Series 2	\$0.00	V
6535	01/31/2023	01/31/2023	AW	SIGNAL SERVICE COMPANY	\$63,613.00	O
Total Payments:					\$633,578.66	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$633,578.66	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant,
RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL -

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

2/2/2023 2:42:31 PM

UAN v2023.1

Payment Listing

January 2023

Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

ORDINANCE FOR PAYMENT OF BILLS

ORDINANCE NO. 1270

PASSED FEBRUARY 14, 2023

TOTAL

\$ 633,578.66

Clerk

Mayor

CLERK'S CERTIFICATE

I hereby certify that at the time of making the contracts or orders for the expenditures provided for in the foregoing ordinance and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract was in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

(This ordinance is not of "a general or permanent nature" and need not be read three times nor published)

Clerk

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
JANUARY 31, 2023

	2023 BUDGET	Current Month	2023 Year to Date	2022 Year to Date
General Fund (GF) Revenues:				
Taxes:				
Real Estate Taxes	2,436,728	105,000	105,000	180,000
Municipal Income Taxes	2,600,000	154,414	154,414	239,942
Share of Sales and State Taxes	62,000	5,874	5,874	5,632
Total Tax Revenue	5,098,728	265,288	265,288	425,574
Other Sources:				
Fines and Costs	300,100	5,538	5,538	5,042
Building/Liquor Permits & Licenses	48,000	1,366	1,366	700
Interest Income	150,000	5,704	5,704	12,798
Rental Income	210,200	14,413	14,413	12,386
Mills Building Rental Income	114,031	33,492	33,492	6,558
Ambulance Income	40,000	12,145	12,145	10,899
SRO Reimbursement	90,858	-	-	6,667
Misc	100,000	6,837	6,837	1,436
Total Other Sources Revenue	1,053,189	79,496	79,496	56,486
Assessments:				
School Board/Property Assessment	-	-	-	-
Total General Fund Revenues	6,151,917	344,784	344,784	482,060
Add Year Beginning General Fund Balance		7,811,278	7,811,278	7,366,903
Less Expenses:				
Administration Costs (see Page 2)	(129,852)	(129,852)	(129,852)	(126,582)
Administration - Transfers	(496,500)	(496,500)	(496,500)	(451,000)
Police Department Costs (see Page 3)	(158,075)	(158,075)	(158,075)	(148,381)
Fire Department Costs (see Page 3)	(15,351)	(15,351)	(15,351)	(9,777)
Fire Department Ambulance (see Page 3)	(100,630)	(100,630)	(100,630)	(94,000)
Service Department Costs (see Page 4)	(135,903)	(135,903)	(135,903)	(117,046)
Total General Fund Expenses	(1,036,312)	(1,036,312)	(1,036,312)	(946,786)
Current General Fund Balance		7,119,750	7,119,750	6,902,177
Plus:				
Other Fund Current Balances		1,891,261	1,891,261	1,324,524
Total Current Balance - All Funds		9,011,011	9,011,011	8,226,701

**VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
JANUARY 31, 2023**

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
ADMINISTRATION:				
Salaries and Wages	159,500	12,039	12,039	10,026
Health Insurance	51,600	4,438	4,438	1,678
Worker's Comp/Medicare	7,800	364	364	178
Employee Retirement (OPERS)	27,000	1,950	1,950	1,697
PERSONNEL COSTS	245,900	18,792	18,792	13,579
Legal - Law Director	45,000	-	-	-
Legal - Prosecutor	38,000	850	850	3,238
Legal - Other	500	-	-	-
Engineering	34,900	2,335	2,335	2,998
Other Professional Services	85,500	8,829	8,829	16,315
LEGAL AND PROFESSIONAL	203,900	12,013	12,013	22,551
General Insurance	140,000	91,620	91,620	80,410
Income Tax Expense	90,500	4,632	4,632	7,198
County Auditor Expenses	58,500	-	-	-
Office Expenses	9,500	578	578	637
Miscellaneous Expenses	4,500	2,217	2,217	2,207
OTHER ADMINISTRATIVE COSTS	303,000	99,047	99,047	90,452
ADMINISTRATION OPERATING COSTS	752,800	129,852	129,852	126,582
Transfers to Other Funds	996,500	496,500	496,500	451,000
TOTAL ADMINISTRATION COSTS	1,749,300	626,352	626,352	577,582

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
JANUARY 31, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
POLICE DEPARTMENT:				
Salaries and Wages	1,142,000	83,381	83,381	82,314
Overtime	42,000	4,759	4,759	1,588
Health, OPERS, MEDI, Worker Comp	262,656	21,999	21,999	22,445
PERSONNEL COSTS	1,446,656	110,140	110,140	106,347
Gasoline	28,000	5,186	5,186	-
Repairs and Maintenance	13,000	60	60	384
Uniforms	14,000	169	169	1,118
Training/Conferences	17,000	7,990	7,990	6,638
Dispatch Operating Fee	162,000	13,393	13,393	25,633
Alarm System Fee	20,000	-	-	-
Maintenance Agreements/Radio Expenses	28,000	18,873	18,873	7,637
Other Expenses	16,000	2,263	2,263	624
V.E.G.	10,000	-	-	-
OTHER POLICE DEPART COSTS	308,000	47,935	47,935	42,034
Vehicle Purchases	62,000	-	-	-
Equipment Purchases	9,500	-	-	-
CAPITAL EXPENDITURES	71,500	-	-	-
TOTAL POLICE DEPARTMENT COSTS	1,826,156	158,075	158,075	148,381

FIRE DEPARTMENT:

Salaries and Wages	130,000	12,589	12,589	8,381
PERS, MEDI, SOC SEC, Worker Comp	30,000	2,009	2,009	707
PERSONNEL COSTS	160,000	14,598	14,598	9,088
Vehicle Maintenance	6,000	-	-	-
Ambulance/EMS <i>see below</i>	382,000	100,630	100,630	94,000
Training/Conferences	5,500	505	505	-
Contracts & Annual Fees	22,000	242	242	510
Other Expenses	9,500	7	7	179
OTHER FIRE DEPARTMENT COSTS	425,000	101,384	101,384	94,689
CAPITAL EXPENDITURES	68,750	-	-	-
TOTAL FIRE DEPARTMENT COSTS	653,750	115,981	115,981	103,777
<i>Ambulance Income on Cover Page</i>	<i>40,000</i>	<i>12,145</i>	<i>12,145</i>	<i>10,899</i>

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
JANUARY 31, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
SERVICE DEPARTMENT:				
Salaries and Wages	722,500	53,752	53,752	51,277
Overtime	30,000	1,493	1,493	2,194
Health, OPERS, MEDI, Worker Comp	298,000	26,047	26,047	23,628
PERSONNEL COSTS	1,050,500	81,291	81,291	77,099
Salt/Aggregate (snow removal)	76,500	10,194	10,194	-
Building Inspection	15,000	300	300	1,445
Equipment Maintenance	48,000	6,213	6,213	1,432
Gasoline Expense	40,000	7,303	7,303	-
Supplies	33,000	4,594	4,594	3,237
OPERATING COSTS	212,500	28,604	28,604	6,114
BUILDING OPERATION & MTC				
Village Hall	140,500	7,135	7,135	9,181
Village Houses	12,600	380	380	79
Community Building	38,700	1,391	1,391	2,405
Post Office	12,000	2,501	2,501	24
OBT Building	2,120	220	220	141
Wash House	3,700	-	-	3,067
Burton Court	3,150	316	316	336
Mills Building	83,500	10,935	10,935	10,963
BUILDING OPERATION & MTC	296,270	22,877	22,877	26,196
Street Repair	9,000	582	582	-
Ditch, Drain, Sewers	18,500	286	286	2,973
Tree Grinding (Contractors)	16,500	-	-	-
Street Lighting	11,000	708	708	1,028
Parks	20,000	1,458	1,458	3,469
Guardrails, Signs, Bridges	16,600	97	97	167
STREETS AND ROADS	91,600	3,131	3,131	7,637
Vehicles	235,000	-	-	-
Other Equipment	17,000	-	-	-
CAPITAL EXPENDITURES	252,000	-	-	-
TOTAL SERVICE DEPARTMENT COSTS	1,902,870	135,903	135,903	117,046

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
JANUARY 31, 2023

	Beginning Year Balance	Year-to-date Actual Receipts	Year-to-date Actual Expenses	Unexpended Balance
Street Const Maint Repair	80,941	15,390	-	96,331
State Highway	25,654	1,257	7,663	19,248
Bond Retirement (KeyBank Loans)	2,730	-	-	2,730
	<u>109,324</u>	<u>16,648</u>	<u>7,663</u>	<u>118,308</u>
Capital Improvement	339,875	365,390	63,613	641,652
Water	287,998	-	-	287,998
Wastewater Plant	14,309	36,077	5,159	45,227
Park Recreation	56,232	-	4,503	51,729
Cemetery	47,983	-	-	47,983
Mayor's Court-Violations Bureau	1,611	1,497	1,844	1,264
Mayor's Discretionary	334	1,500	-	1,834
Purcell Trust	31,800	-	-	31,800
Land Conservation	110,976	10,005	-	120,981
Local Fiscal Recovery Fund (ARPA)	192,312	16	-	192,328
Building Bond Deposit	103,919	-	-	103,919
Underground Storage Tank	11,000	-	-	11,000
Safety Fund	56,368	17,585	-	73,953
Police Relief & Pension	5,238	163,000	15,617	152,621
Law Enforcement	10	-	-	10
VEST Grant	-	-	-	-
OneOhio Fund (Opiod)	569	598	-	1,166
STATE Grants	7,491	-	-	7,491
TOTAL OTHER FUNDS	<u>1,377,346</u>	<u>612,314</u>	<u>98,399</u>	<u>1,891,261</u>
GENERAL FUND	7,811,278	344,784	1,036,312	7,119,750
TOTAL ALL FUNDS	<u>9,188,624</u>	<u>957,098</u>	<u>1,134,711</u>	<u>9,011,011</u>

STATE OF THE VILLAGE
JANUARY 31, 2023

	2023	2022
Total Current Balance - All Funds	9,011,011	8,226,702
Cash and Investments:	1/31/2023	1/31/2022
Cash:		
ANCORA	8,667,705	7,603,023
CHASE DDA	158,351	144,520
CHASE SAV - LAND CONS	120,981	33,367
CHASE VIOLATIONS BUREAU	12,826	43,205
Star Ohio	159,071	417,637
Total Cash	9,118,934	8,241,752
(OUTSTANDING CHECKS)	(107,922)	(15,050)
Total Cash and Investments	9,011,011	8,226,702

GENERAL FUND SUMMARY	BUDGET	JANUARY	2023 YEAR TO DATE	2022 YEAR TO DATE
Real Estate Taxes	2,436,728	105,000	105,000	180,000
Municipal Income Tax	2,600,000	154,414	154,414	239,942
Share of Sales and State Taxes	62,000	5,874	5,874	5,632
Other Sources	1,053,189	79,496	79,496	56,486
Assessments	-	-	-	-
TOTAL OPERATING REVENUES	6,151,917	344,784	344,784	482,060
OPERATING EXPENSES				
Administration Department	752,800	129,852	129,852	126,582
Police Department	1,826,156	158,075	158,075	148,381
Fire Department	653,750	115,981	115,981	103,777
Service Department	1,902,870	135,903	135,903	117,046
Transfers excluding Inheritance Taxes	996,500	496,500	496,500	451,000
TOTAL OPERATING EXPENSES	6,132,076	1,036,312	1,036,312	946,786
SURPLUS (DEFICIT)	19,841	(691,528)	(691,528)	(464,726)

Village of Gates Mills

Division of Police
1470 Chagrin River Road
Gates Mills, Ohio 44040-9703
Phone: (440) 423-44505 Fax: (440) 423-2002
www.gatesmillsvillage.com

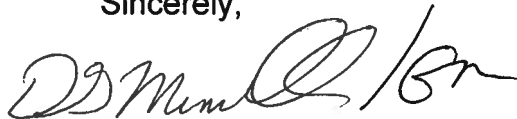
February 2023 Council Meeting (January Report)

- 1) Our police officers are now equipped with new yellow Tasers. Yellow tasers allow for a resistor to see and hopefully stop their actions.
- 2) All of our Full-Time officers attended a police support group presentation that is available to them.
- 3) On Friday, January 27th, officers assisted Fire/EMS with a male who was fishing behind the Little Church in the Vale on Chagrin River Road who was experiencing a heart attack. Unfortunately, the 57-year-old Akron man was transported to Hillcrest and pronounced dead.
- 4) Bowhunting season has now concluded. 35 deer were harvested, 18 Buck and 17 Doe.

Monthly Totals:

- 67 Traffic Citations.
- 19 Warnings.
- 21 Incident/Accident reports
- 3,919 House Checks
- 8,077 Patrol Miles.
- Total Fines \$5,538.00

Sincerely,



Gregg Minichello
Chief of Police
Gates Mills Police Department
gminichello@gatesmillsvillage.com
440.423.4405 x 112

Gates Mills Service Department

"Yours in service since 1920"

TO: Mayor
and Council Members

FROM: Dave Biggert, Service Director

RE: SERVICE DEPARTMENT REPORT – JANUARY 2023

1. In January 3 building permits were issued for a total construction value of \$746,000.
2. In January 2022, 6 building permits had been issued for a total construction value of \$727,540.
3. The January Planning and Zoning Commission meeting minutes are included for review.
4. To date, the Service Department has taken delivery of approximately 780.80 tons of road salt. By contract, we are required to purchase a minimum of 1,530 tons and have an option to purchase as much as 1,870 for the season.

I hope this information is helpful. If you have any questions or need any additional information, please feel free to contact me at (440) 423-4405, X127.

Respectfully Submitted,



David L. Biggert, RBO, RBI, PI, MI, EMT-B
Service Director/Building Official

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, JANUARY 03, 2023**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, January 03, 2023 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Chip AuWerter, Scott Broome, Nancy Sogg, and Jeannine Voinovich.

Members absent: Emily Hamilton and Jim Deacon.

Also present: Chris Courtney, Village Engineer
Lisa Mack, Legal Consultant.

1. Roll call.
2. The minutes of **Tuesday, October 04, 2022** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Broome provided spelling changes.

A motion was made to approve the minutes as *revised*.

Motion by: N. Sogg 2nd: S. Broome

Roll Call: Ayes: All others.
 Nays: None.
 Abstain: AuWerter

Motion Approved

3. Motion to adjourn the regular meeting of the Planning and Zoning Commission and convene a meeting of the **Board of Zoning Appeals**.

Motion by: S. Broome 2nd: C. AuWerter

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. A side yard variance request for the **BERMAN** property at **7000 Hickory Lane** was heard. Notice has been provided to adjoining property owners. Brad Camposo, Contractor and Steven Berman, Owner were present.

Mr. Camposo reviewed the variance request for the Board. He indicated the existing house is in such poor condition it would take an unreasonable amount of money to repair in order to make it habitable. The owner would like to demolish the existing structure for a new home located in approximately the same location. He stated the new house design, which is currently going through review by the ARB, sits further away from the east boundary line than the existing but does not meet the 25' minimum setback requirement. A 7'+/- side yard setback variance is required.

Mr. Steinbrink asked Mr. Biggert if he had received any comments or concerns from the adjoining property owners.

Mr. Biggert stated he had sent the Board members an email earlier. The neighbor to the west has no objection regarding the new house or the variance, does have concerns regarding his privacy.

Mrs. Sogg asked if the new house can be seen from the property to the east.

Mr. Berman stated the existing structure cannot be seen from the east and neither will the new home due to the number of trees and natural screening.

Mr. Broome reviewed the *Variance Worksheet* for the Board.

After further discussion, a motion was made to approve a 7' side yard setback variance setting the new house at approximately 19'+/- as requested.

Motion by: S. Broome 2nd: N. Sogg

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. A solar panel variance request for the **KABELITZ** residence at **549 Riverview Road** was heard. Notice has been provided to adjoining property owners. David Hunter, YellowLite Inc. was present.

Mr. Hunter reviewed the variance request for the Board. He indicated YellowLite is proposing to install solar panels on 2 of the roof surfaces that can be seen from the street. He indicated the remainder of the panels are located on the rear of the structure and cannot be seen from the street.

Mrs. Sogg stated the panels located on the front shed roof should not be able to be seen from the street. The only panels in question are the ones located on the south facing gable roof.

The Board agreed with Mrs. Sogg.

Mr. AuWerter stated his concern with multiple solar panel variance requests in the future. He feels solar panels on various roofs is an aesthetic concern and should be considered by the ARB.

Mr. Broome agreed.

Mr. Steinbrink stated the current code was written for a reason and is apparent the aesthetic of the Village was taken into consideration and that is why panels are prohibited on roof surfaces that can be seen from the street.

Mrs. Sogg stated the current code is outdated. The new technology has improved greatly since the code was written and the Village should allow the residents options to conserve energy.

Mr. AuWerter agreed but also stated the appearance of solar panels throughout the Village could completely change the historic appearance and should possible be considered by the ARB and even Council.

Mr. Steinbrink recommended the request should be sent onto the ARB for consideration and recommendations. He will also review the discussion with Council and see if they have any additional comments or concerns.

After further discussion, a motion was made to table the variance request.

Motion by: S. Broome 2nd: J. Voinovich

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

There being no further business the meeting was adjourned at **6:01 P.M.**

Craig Steinbrink, Chair



David Biggert, Secretary

Gates Mills Fire Department

January 2023 Council Report

DATE	NFIRS NUMBER	Address/Location	Description of Incident
1-3-2023	2023-1	514 Battles Road	Telephone pole is on fire.
1-3-2023	2023-2	514 Battles Road	Telephone pole is on fire (no fire on arrival).
1-10-2023	2023-3	7150 Old Mill Road	Fire alarm due to construction.
1-12-2023	2023-4	7601 Old Mill Road	Broken water line in the basement.
1-13-2023	2023-5	1990 Woodstock Road	Fire alarm.
1-15-2023	2023-6	6700 Gates Mills Blvd.	Fire alarm due to burnt food.
1-15-2023	2023-7	36300 Kenwyn Place	Oven overheating.
1-16-2023	2023-8	7130 Wilson Mills Road	Fire alarm due to burnt food.
1-17-2023	2023-9	345 Timberidge Trail	Carbon Monoxide in the home.
1-18-2023	2023-10	7620 Old Mill Road	Fire alarm due to a broken fire sprinkler head.
1-20-2023	2023-11	1449 Carpenter Road	Public service/install a Carbon Monoxide detector.
1-20-2023	2023-12	7451 Brigham Road	Tree limbs on power/cable lines.
1-23-2023	2023-13	34001 Cedar Road	Smoke scare in the Gilmour Academy Tudor house.

CURRENT MONTH TOTAL	2023 YEAR TO DATE	2022 YEAR TO DATE
G.M. FIRE 13	13	12
M.V. EMS 19	19	9

The January training topics were:

- January 3, 2023. Vehicle checks on E-1411, E-1412, E-1413, C-1471 and C-1472.
Annual P.P.E. inspection. SCBA Donn and Doff drills. Multi-Gas detector and electrical test meter training.
- January 17, 2023. Vehicle checks on E-1411, E-1412, E-1413, C-1471 and C-1472.
Electric vehicle charging systems and battery firefighting operations. Hazmat refresher and procedures. Use of absorbents, booms, suits and decontamination procedures.
Hydrogen Cyanide meter use.

January employee anniversaries:
Lieutenant Dave Biggert – 25 Years

P. Thomas Robinson

February 10, 2023

ORDINANCE NO. 2022 – 27 (As Revised 12/13/22)

BY COUNCILMEMBER: STEINBRINK

AN ORDINANCE AMENDING ZONING CODE SECTIONS 1157.03 AND 1157.031, “ACCESSORY USES IN U1 SINGLE-FAMILY HOUSE DISTRICT; NEW STANDARDS”; AND “OLD STANDARDS”, TO ADOPT NEW SUBSECTIONS (n) TO PERMIT THE KEEPING OF CHICKENS AND CERTAIN OTHER DOMESTICATED FOWL AS AN ACCESSORY USE IN RESIDENTIAL ZONING DISTRICTS; AND AMENDING THE GENERAL OFFENSES CODE TO ADOPT A NEW SECTION 518.18, “BACKYARD CHICKENS AND CERTAIN OTHER DOMESTICATED FOWL”.

WHEREAS, the Village Planning and Zoning Commission has recommended the Council adopt a new subsection to the Village’s Codified Ordinance Section 1157.03 to allow an accessory use for the keeping of chickens and certain other domesticated fowl in residential zoning districts but under the detailed regulations of a recommended amendment to the Village’s General Offenses Code;

WHEREAS, it is also necessary to adopt a new subsection to Village Codified Ordinance Section 1157.031, “Accessory Uses in U1 Single-Family House District; Old Standards”, to be consistent with the Village Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Gates Mills, Cuyahoga County, State of Ohio, that:

Section 1. Section 1157.03, “Accessory Uses in U1 Single-Family House District; New Standards”, of Zoning Code Chapter 1157 is amended to add new subsection (n) as follows:

“(n) The keeping of chickens and other domesticated fowl are permitted in compliance with Codified Ordinance Section 518.18 and are governed by the regulations and procedures set forth therein.”

Section 2. Section 1157.031, “Accessory Uses in U1 Single-Family House District; Old Standards”, of Zoning Code Chapter 1157 is amended to add new subsection (n) as follows:

“(n) The keeping of chickens and other domesticated fowl are permitted in compliance with Codified Ordinance Section 518.18 and are governed by the regulations and procedures set forth therein.”

Section 3. Chapter 518, “Animals”, of the General Offenses Code is amended to add a new Section 518.18, Backyard Chickens and Certain Other Domesticated Fowl”, as follows:

"518.18 BACKYARD CHICKENS AND CERTAIN OTHER DOMESTICATED FOWL.

(a) It shall be unlawful to place or maintain backyard chickens and the following other domesticated fowl: ducks, geese, quail, turkeys, guinea fowl, and peafowl in any area unless the following conditions and requirements are met:

(1) No chickens or other domesticated fowl permitted by this section may be kept in a residential zoning district except on a parcel that is at least one (1) acre in area.

(2) Facilities. Chickens and other domesticated fowl permitted by this section are required to be kept and located within a designated coop or cage with a run or outdoor enclosure that shall meet the following requirements:

A. The coop or cage and run shall be located only in the rear yard of owner-occupied, single-family residential properties or any school property, public or private.

B. No coop or cage or run shall be located between the rear of the principal structure on the parcel and the front yard lot line.

C. The coop or cage shall have a minimum thirty (30)-foot setback from the rear property line, and thirty (30)-foot setback from the side property lines and shall have a minimum setback of one hundred fifty (150) feet from any public street.

(3) If backyard chickens or other domesticated fowl, or coops or outdoor enclosures become a nuisance, habitually and unreasonably disturb the tranquility of the surrounding neighborhood, or become a health or safety hazard, the Building Official has the authority to order the chicken or other domesticated fowl removed from the Municipality.

(4) No on-site slaughtering shall be allowed except for personal consumption by the occupants of the residential premises.

(b) Commercial Uses Prohibited. Chickens and other domesticated fowl permitted by this section shall be kept for personal use only. No person shall sell eggs or engage in breeding or fertilizer sales for commercial purposes.

(c) Appeals and Variances. The Building Official has the authority to exercise enforcement of this section. Appeals and/or requests for variances may be presented in writing to the Board of Zoning Appeals. Upon its review and giving consideration to the testimony, the Board of Zoning Appeals may by a majority vote of its members either uphold, grant or deny the appeal or variance request.

(d) Penalties for Violations. Whoever violates this section shall be guilty of a misdemeanor of the fourth degree, and shall be subject to penalties and sentencing as provided by Chapter 598 of the Codified Ordinances.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall take effect and be in full force at the earliest period allowed by law.

Passed the ____ day of _____, 202__.

President of Council

ATTEST:

Clerk

APPROVED:

_____, Mayor

ORDINANCE NO. 2023 - 1
BY COUNCILMEMBER STEINBRINK

AN ORDINANCE AMENDING SECTION 318.07, "CIVIL PENALTIES", TO INCREASE THE CIVIL PENALTY FOR A VIOLATION FOR 10 TO 19 MILES PER HOUR OVER THE MOTOR VEHICLE SPEED LIMIT.

WHEREAS, the Village enacted Chapter 318 "Automated Speed and Traffic Enforcement Program" on January 11, 2022, which included the establishment of civil penalties for violations at Section 318.07;

WHEREAS, Chapter 318 sets forth a civil penalty of \$100.00 for a motor vehicle speed violation of 10 to 19 miles per hour over the speed limit;

WHEREAS, the Ohio Supreme Court, in the case of *Newburgh Hts. v. State*, Case No. 2021-0247, decided May 19, 2022, held that the requirement of Ohio Revised Code Section 4511.099 is constitutional and that pursuant to that municipality's ordinance, the State of Ohio may require local authorities to provide an advance deposit for filing of civil actions for the enforcement of speeding tickets issued by the local authority based on evidence recorded by a traffic law photo-monitoring device;

WHEREAS, the Lyndhurst Municipal Court, in which speeding tickets issued by the Village are enforced by civil action, requires an advance non-refundable deposit of twenty-five dollars (\$25.00) per civil action for enforcement of speeding tickets that are evidenced by traffic law photo-monitoring device, regardless of whether the violation is upheld by the Court;

WHEREAS, this Council desires to amend Section 318.07 of Chapter 318 of the Codified Ordinances of the Village to increase the civil penalty to \$135.00 to cover the cost of the advance deposit of the court fees and shortfalls in collection of civil penalties incurred by the Village for violations not upheld by the Court and to cover its administrative fees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Gates Mills, Cuyahoga County, State of Ohio, that:

Section 1. Section 318.07 "Civil Penalties", of Chapter 318 of the Codified Ordinances is amended to read as follows:

318.07 CIVIL PENALTIES.

- (a) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the Registered Owner or Designated Party of the motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a traffic law photo-monitoring device while being operated in violation of this Chapter.
- (b) The civil penalty under this Chapter shall be the following:

Miles Per Hour Over Speed Limit	Amount of Penalty
10-19	\$100.00 135.00
20-29	\$200.00
30 or more	\$300.00

Section 2: Any sections of the Codified Ordinances in conflict herewith are hereby repealed and amended accordingly. All other provisions of the Village's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect and be in full force at the earliest period allowed by law.

Passed the day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

_____, Mayor

ORDINANCE NO. 2023-5

BY COUNCILMEMBER AUWERTER

**AN ORDINANCE AUTHORIZING ALL ACTIONS
NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC
ENERGY COUNCIL (NOPEC) 2023 ENERGIZED
COMMUNITY GRANT**

WHEREAS, the Village of Gates Mills, Ohio (the VILLAGE” or “GRANTEE”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2023 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the GRANTEE wishes to enter into a Grant Agreement with NOPEC, Inc. in substantially the form presented to this Council to receive one or more NEC Grant(s); and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GATES MILLS, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

SECTION 1. This Council of the GRANTEE (the “Council”) finds and determines that it is in the best interest of the GRANTEE to enter into the Grant Agreement to accept the NEC Grant(s) for 2023, and authorizes the Mayor to execute the Grant Agreement to accept the NEC Grant(s) funds.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the GRANTEE; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor of the GRANTEE.

DATED ADOPTED: _____, 2023

President of Council

Clerk of Council

Mayor

NOPEC 2023 ENERGIZED COMMUNITY

GRANT AGREEMENT

This Grant Agreement (the "Agreement") is made and entered into by and between NOPEC, Inc. ("Grantor"), and the Village of Gates Mills, Cuyahoga County, Ohio ("Grantee"; "Grantor" and "Grantee," the "Parties") regarding a grant by Grantor to Grantee to be used primarily for energy efficiency or energy infrastructure updates in accordance with NOPEC Energized 2023 Community Grant criteria, guidelines and requirements ("NOPEC Policy").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. **Grant of Funds.** Grantor hereby grants a NOPEC Energized 2023 Community Grant ("NEC Grant") to Grantee in the amount calculated by Grantor based on the number of natural gas and/or electric accounts served by Grantor in Grantee in accordance with NOPEC Policy in the amount determined by Grantor ("Funds"), for the purposes set forth in Grantee's Grant Disbursement Request, as amended, and incorporated by reference into this Agreement.

2. **Use of Funds.** Grantee shall use the Funds granted by Grantor for qualified use as outlined in the program policies. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. All disbursements for qualified use in accordance with the program policies must be submitted by November 30, 2025. If Grantee does not request disbursements by Grantor on or before such date, Grantee shall forfeit any unused Funds for the NOPEC 2023 Grant year.

3. **Accounting of Funds.** Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. **Term.** The Parties agree that this Agreement shall begin on January 1, 2023, and shall expire on December 31, 2023, and shall be automatically renewed annually unless Grantor discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein, or Grantor requires a new Grant Agreement from Grantee.

5. **Renewable Energy Credits.** Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the work completed using grant funding. Grantor reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify Grantor if Grantee does not wish to trade or sell any such credits or assets.

6. **Records, Access and Maintenance.** Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to Grantor all of its records with respect to matters covered by this Agreement, and for Grantor to audit, examine and make copies from such records. Grantee agrees

to share and release all of its utility and other data with NOPEC, Inc. and Northeast Ohio Public Energy Council and its consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as Grantor shall require.

7. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

8. **Inability to Perform.** In the event that Grantee does not or cannot complete or perform its obligations under this Agreement, Grantee shall immediately notify Grantor in writing. Grantor, with the approval of the Committee formed to award NEC Grants (the "Committee"), and Grantee shall jointly identify amendments or suitable uses that meet NOPEC Policy.

9. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to Grantor, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

10. **Termination.**

(a) If Grantor determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, Grantor, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty-day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

(b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council ("NOPEC" or "Northeast Ohio Public Energy Council") member whose residents are receiving service from Northeast Ohio Public Energy Council's natural gas or electric aggregation program, and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council's natural gas or electric aggregation program.

11. **Effects of Termination.**

(a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of Grantor.

(b) The Committee also may withhold any payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from its electric or natural gas aggregation program(s) or is otherwise not a member in good standing of the Northeast Ohio Public Energy Council, Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the

In case of Grantee, to:

Title: Finance Administrator

Name: Janet M. Mulh

Village of Gates Mills, 1470 Chagrin River Rd.
Gates Mills, Ohio 44040

(e) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the funding uses and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(f) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of Grantor.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement.

(i) Determinations by Grantor Final. All determinations as to eligibility of any uses of an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by Grantor and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer or other position] to take all actions with respect to the NEC Grant and this Agreement as may be required and Grantor shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.

(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and Northeast Ohio Public Energy Council to use information about Grantee's grant(s) and work funded in any marketing they may conduct, and agrees to cooperate with Grantor in connection with such marketing.

[Signature Page to Follow.]

Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

12. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement, Grantee agrees to defend Grantor and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

13. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the funding. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

14. **Miscellaneous.**

(a) **Governing Law.** The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) **Entire Agreement.** This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) **Notices.** All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:

In case of Grantor, to:
Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE:

Village of Gates Mills, Ohio

GRANTOR:

NOPEC, INC.

Individual Authorized by Grantee's
Legislation

By: _____

Title: Mayor

Date: _____

By: _____

Title: _____

Date: _____

[Signature page to NOPEC 2023 Energized Community Grant Agreement.]

RESOLUTION NO.: 2023- 6

INTRODUCED BY COUNCILMEMBER STEINBRINK

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH SENSYS GATSO USA, INC. FOR AN AUTOMATED PHOTO TRAFFIC ENFORCEMENT SYSTEM.

WHEREAS, the Mayor, pursuant to Resolution No. 2021-37, as revised 1/11/22, and passed January 11, 2022, entered into a Master Services Agreement effective March 16, 2022 with Sensys Gatso Group ("Agreement") for an automated photo enforcement system for the enforcement and collection of traffic violation fines;

WHEREAS, thereafter, the Supreme Court of Ohio, in the matter of *Newburgh Heights v. State*, 168 Ohio St.3d 513, 2022-Ohio 1642, decided May 19, 2022, held that the spending setoff set forth in ORC § 5747.502 reducing the amount of funds a municipality would other receive from the state's local government fund by the amount of automated traffic enforcement fines collected, and the advance deposit for court fees requirement set forth in ORC § 4511.099 do not infringe upon a home rule municipality's authority;

WHEREAS, as a result of that ruling, it is necessary to amend the Agreement, by entering into an Amendment to the Master Services Agreement substantially in the form of the Amendment attached hereto as Exhibit A, to provide for the collection of the traffic violation fines by the Lyndhurst Municipal Court.

NOW, THEREFORE, Be it Resolved by the Council of the Village of Gates Mills, State of Ohio, that:

Section 1: The Council of the Village of Gates Mills authorizes the Mayor to enter into an Amendment to the Agreement substantially in the form of the Amendment attached hereto as Exhibit A, which Agreement shall be approved as to form by the Village Law Director.

Section 2: It is found and determined that all formal actions of this Council concerning and related to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and by in full force at the earliest period allowed by law.

Passed the _____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

EXHIBIT A

AMENDMENT TO MASTER SERVICES AGREEMENT

This Amendment to Master Services Agreement (the "Amendment") is made on this day of _____, 2023 ("Execution Date") by and between Sensys Gatso USA, Inc., a Delaware Corporation with a principal business address at 900 Cummings center, Suite 316-U, Beverly Massachusetts 01915 ("Sensys Gatso") and the Village of Gates Mills, Ohio, with a principal business address at 1470 Chagrin River Road, Gates mills, OH 44040 (the "Customer").

WHEREAS, Sensys Gatso and the Customer entered into an Agreement dated as of March 16, 2022 (as amended hereby, the "Agreement") for Customer to retain the technology and business services of Sensys Gatso to provide automated speed enforcement (the "Services") as part of Customer's automatic traffic and speed enforcement program; and

WHEREAS, the parties desire to amend the Agreement to amend the invoicing and payment methods thereunder;

NOW THEREFORE, the parties mutually agree as follows:

1. Capitalized Terms. All capitalized terms used but not defined herein, or otherwise defined in the Agreement, shall have the meanings ascribed to them in the agreement.
2. Invoicing. Section 2.2.1. of the Agreement shall be replaced with the following:
2.2.1 Invoicing. Sensys Gatso shall provide an itemized invoice to Customer within ten (10) days of the end of each calendar month indicating the total amounts due to Sensys Gatso pursuant to each Service Attachment, including any additional Service Fees due to Sensys Gatso under each Service Attachment.
3. Payment Methods: Section 3.6 of the Agreement shall be replaced with the following:
3.6. Payment Method. The Lyndhurst Municipal Court (the "Court") **will** process payments for the fines for each Notice of Violation and will, on a monthly basis, remit monies collected for each Notice of Violation to Customer and separately invoice Customer for the amount of the advance deposit of court fees as required by Ohio Revised Code Section 4511.099. The Customer or the Court may, to the extent permitted by law, collect a credit card convenience fee on a registered owner for violations paid by credit card ("Credit card Convenience fee").
4. Deposit of Fines. Section 3.7 of the Agreement shall be replaced with the following:
3.7. Collection of Fines; Payment by Customer. The Court will collect Notice of Violation fines from those who voluntarily pay. Sensys Gatso shall monitor the payments collected by the Court through separate arrangements with the Court to

do so. Customer shall pay Sensys Gatso within ninety (90) days of receipt of invoicing pursuant to Section 2.2.1.

5. Speed Light Enforcement Services. Section 1.1 of the Fixed Location Traffic Enforcement Service Attachment shall be amended with the following:

1.1 Fixed Speed Enforcement Services. Notice of Violation fines shall be reduced by the amount of the advance deposit of court fees payable to the Court for the cost of the filing of each civil action to enforce a ticket based on evidence recorded by a traffic law photo-monitoring device as required by Ohio Revised Code Section 4511.099, plus \$10 per ticket to cover shortfalls in collection incurred by the Village for violations not upheld by the Court. The remaining balance shall be the basis for calculation of a fee equal to the greater of: (a) thirty-eight dollars (\$38) per Notice of Violation upheld by the Court; or (b) thirty-eight percent (38%) of all Notice of Violation fines collected by the Court pursuant to Section 3.7 and by collections actions pursuant to Section 4.5 of the Agreement (not including Credit Card Convenience Fees, if any).

6. Confirmation of Agreement. Except as amended by this Amendment, or as otherwise previously amended, the Agreement remains unmodified and in full force and effect.

Agreed to:

Agreed to:

Sensys Gatso USA, Inc.

The Village of Gates Mills, Ohio

By: _____
Authorized signature

By: _____
Authorized signature

Bill Braden
President & Managing Director
b.bradengsensysgatso.com

Name: _____
Title: _____
Email: _____

Date: _____

Date: _____

Attested to:

Attested to:

By: _____
Authorized signature

By: _____
Authorized signature

Name (type or print): _____

Date: _____

Date: _____

ORDINANCE NO. 2023-7

BY MAYOR SCHNEIDER

AN ORDINANCE AUTHORIZING THE DISPOSAL BY SALE OF A VEHICLE THAT IS UNFIT, OBSOLETE AND UNNEEDED FOR VILLAGE PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Chief of Fire are recommending the disposal by sale of a Village vehicle no longer used by the Fire Department which is unneeded, obsolete and unfit for continued municipal police purposes – i.e., a 2012 model year Ford Expedition utility vehicle (VIN 1FMJU1G54CEF52233) with excessive mileage (the “Vehicle”);

WHEREAS, Section 721.15 of the Ohio Revised Code provides for the discarding of such municipal personal property by authorization of the Village Council;

WHEREAS, the Chief of Fire will solicit at least three (3) proposals from third parties to purchase the Vehicle ;

WHEREAS, pursuant to its home rule authority under Article XVIII, Section 3, of the Ohio Constitution, this Council determines that it is in the best interests of the Village and in furtherance of the general welfare of the public to sell the Vehicle as soon as possible.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Gates Mills, State of Ohio, that:

Section 1: The Chief of Fire is authorized to dispose of the Vehicle described in the recitals of this Ordinance by its sale to the highest proposal from a third party and shall obtain at least three proposals for said purchase. It is found and determined by this Council that the Vehicle is unneeded, obsolete and unfit for Village purposes.

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is declared to be an emergency measure as an exercise of local self-government pursuant to Article XVIII, Section 3 of the Ohio Constitution and necessary for the immediate preservation of the general welfare of the public and the Village; therefore, provided it receives two-thirds of the vote of all members of Council elected thereto, this Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

Passed the ____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor