

**VILLAGE OF GATES MILLS
COUNCIL AGENDA
OCTOBER 17, 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 the Special Council (Workshop) meeting of September 12, 2023. Clerk.
Note: Minutes of the Special Council are not in the packet and will be emailed to Council prior to the Council meeting.
3. Minutes of the Regular Council meeting of September 19, 2023. Clerk.
4. Pay Ordinance # 1278 \$410,451.64. Clerk.
5. Financial Statement/Treasurer's Report. Treasurer.
6. Mayor's Report. Mayor.
7. Clerk's Report. Clerk.
8. Committee Reports.
9. Police Department Report. Minichello.
10. Service Department Report. Biggert.
11. Fire Department Report. Majeski.
12. **Ordinance No. 2023-30 (Second Reading)** Mayor Schneider.
An Ordinance Amending Section 957.01 of the Codified Ordinances of the Village of Gates Mills to Amend the Rental Fees, Security Deposit and Police Security Services Charges for Community House Rentals.
13. **Ordinance No. 2023-37 (First Reading)** AuWerter.
An Ordinance to Amend Chapter 792 of the Codified Ordinances of the Village of Gates Mills Regarding Municipal Income Tax to Adopt Updates to Conform to Ohio House Bill 33; Amending the Definition of a Pension and Adding a Definition of a Retirement Plan; and Changing References to the Central Collection Agency ("CCA") to the Regional Income Tax Agency ("RITA").
14. **Ordinance No. 2023-38 (First Reading)** Steinbrink.
An Ordinance Amending Section 1377.05 of the Village Building Code to Revise the Property Maintenance Code at 302.4 to Add the Maintenance of Trees; and Declaring an Emergency.
15. **Ordinance No. 2023-39 (First Reading)** AuWerter.
An Ordinance to Amend the Annual Appropriation Ordinance No. 2022-42 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2023.
16. Council Matters.

17. Business from the Audience.

18. Adjourn.

Proposed Ordinances and Resolutions on the Agenda may be obtained at www.gatesmillsvillage.com under Government – Meeting Agendas.

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 19, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, September 19, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 2:36

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

2. Revised Minutes of the Regular Council meeting of July 18, 2023

Councilmember Welsh moved to approve the July 18, 2023 minutes and Councilmember Press seconded the motion.

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

Abstain: Deacon

Nays: None

Motion carried.

3. Minutes of the Regular Council meeting of August 15, 2023

Councilmember Turner moved to approve the August 15, 2023 minutes and Councilmember Steinbrink seconded the motion.

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

Nays: None

Motion carried.

4. Pay Ordinance # 1277 \$430,122.29 starts at 3:32

Councilmember Welsh moved to approve Pay Ordinance #1277 and Councilmember Deacon seconded the motion.

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

Nays: None

Motion carried.

5. Financial Statement/Treasurer's Report attached and starts at 3:55

At 13:03 Councilmember Atton expressed his concern that our most recent long term financial projection showed an all-funds deficit of almost \$500,000 and since then our expenses have gone up by \$300,000 and our tax revenues have gone down by

\$500,000 leaving a large all funds deficit this year. Councilmember Press suggested designating the new Treasurer so that person can participate in the budget process prior to taking the position. Councilmember Press would like the Finance and Budget Committee to get together with Ancora to review our investment strategy while interest rates are high. Treasurer Siemborski replied he did not know how big the operating shortfall would be this year. We had surpluses the last two years that we've maintained and not spent. In a corporate world of accrual accounting the ups and downs would be flattened out through accruals and deferrals. Things would look much straighter than they do in the governmental cash basis of accounting. The Finance and Budget Committee needs to take a hard look at EMS and many items when they meet next. Ancora will be at that meeting. The new Mayor selects candidates for Treasurer and suggests those to Council early next year. Treasurer Siemborski is happy to start looking for his replacement so that person can participate in the budget process sometime in the winter.

At 16:18 Councilmember Deacon asked if RITA had indicated that other municipalities are having a similar dip in municipal income taxes or if there is a general trend they are seeing. Treasurer Siemborski and Councilmembers Atton, Turner, and AuWerter offered their perspectives on the subject.

6. Mayor's Report starts at 18:55

- Fire, Service, and Police Departments were thanked for their extra work during the recent storm and power outages.
- Improvement Society Candidates Night is on September 26 at the Community House from 7:00-9:00 p.m.
- Invitations were sent for the New Resident Social at the Community House on September 29 from 6:30-8:00 p.m.

Resolution No. 2023-35 "A Resolution Confirming the Mayor's Appointments of the Fire Chief/Emergency Coordinator, Assistant Fire Chief, and Fire Captain; and Declaring an Emergency" was read by Mayor Schneider.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-35 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember Welsh moved to approve Resolution No. 2023-35 with Councilmember Press seconding the motion.

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

At 22:44 Mayor Schneider administered the Oath of Office to Fire Chief Majeski.
At 24:49 Mayor Schneider administered the Oath of Office to Assistant Fire Chief Jamieson.

At 26:17 Mayor Schneider administered the Oath of Office to Fire Captain Feig.

Mayor Schneider canvassed Council to determine attendance at the November and December Council meetings. All Councilmembers are available for both the November 21 and December 19 Council meetings, and the dates will stay as scheduled. Clerk DeCapite is unable to attend the November Council meeting.

7. Clerk's Report - None

8. Committee Reports

Recreation Committee (Councilmember AuWerter) starts at 30:40

- Pickleball is an exploding sport, much more so than tennis. There is more demand for pickleball than the two tennis courts available. Those involved are looking at ways to add more capacity.

At 33:22 Councilmember Press asked when the historic preservation task force led by Celeste McClung would come back to Council with their scope and purpose. Mayor Schneider answered hopefully at the October Council meeting after tonight's Architectural Board and Historic Subcommittee ordinance is presented.

Councilmember Press was surprised the Charter Review Committee's recently approved final draft was not on tonight's agenda. Law Director Hunt replied he met with the Committee about 5 weeks ago and was given 18 different sections of the Charter to revise. He will have those completed and distributed in advance of the October Council meeting.

Board of Cemetery Trustees (Councilmember Welsh) starts at 34:50

- Cemetery plots have become available and can be offered to those on the waiting list. Mayor Schneider added reclaimed land allowed for a redesigned layout and additional plots at the North Cemetery.

Friends of the Library (Councilmember Welsh) starts at 35:53

- Annual Dinner is at Sara's on October 1st

At 36:28 Councilmember Atton stated it was clear at last month's meeting that Councilmember Deacon would be doing something on tightening tree ordinances, and he asked if that was a committee or her acting alone. It is not a committee yet.

9. Police Department Report attached and starts at 37:09

Councilmember Press asked how much revenue has been raised with the traffic cameras in the first month. Police Chief Minichello stated 2554 citations were issued in the first 30 days, but that does not mean they all will be paid.

Councilmember Steinbrink asked the Chief to talk about the reduction in speed that we are seeing particularly over 60 mph. Police Chief Minichello stated at the beginning of data collection, about 400 vehicles per day were traveling over 60 mph. We have seen that number reduced to about 125 vehicles per day.

Councilmember Welsh asked if it has cut down on accidents. Police Chief Minichello replied there has been only one accident - a bus accident not related to speed.

10. Service Department Report attached and starts at 40:22

Councilmember Atton asked what happened to the facade at 640 Chagrin River Rd. Service Director Biggert replied he had been told it fell apart when they went to move it back into place. Councilmember Atton stated it was deliberate and Service Director Biggert stated he did not know. Mayor Schneider asked if the facade will be recreated, and Service Director Biggert stated he has not had that conversation with the homeowner. Technically that is what's approved in the drawing.

Councilmember Press asked why the sawhorses on Gates Mills Blvd have been there so long. Service Director Biggert answered we are waiting on the pavers to come in for our road program and fix the patch, within the next few days or a week.

11. Fire Department Report attached. Fire Chief Majeski was attending the Fire Department dinner for the newly appointed officers.

12. Ordinance No. 2023-23 (As Revised 9/19/2023) (Third Reading) starts at 43:05

Ordinance No. 2023-23 (As Revised 09/19/2023) "An Ordinance Amending Sections 1313.04(a) and 1313.09(a) of the Codified Ordinances of the Village of Gates Mills to Add the Chairperson of the Architectural Board of Review's Historic District Subcommittee as a Voting Member of the Board and to Specify the Procedure for the Architectural Board of Review's Historic District Subcommittee to Receive and Review Applications for Building Permits in the Village's Historic District" was read by Mayor Schneider. It is hoped that this will simplify and expedite projects coming through. Once we have this approved, then the next step is to get Celeste McClung and the task force in place.

Councilmember AuWerter asked what is the definition of a quorum now with six voting members. Law Director Hunt answered four members. Councilmember AuWerter suggested the ARB reconvene the following or next week in the event a quorum is not met in order to avoid a one month delay.

Councilmember AuWerter moved to approve Ordinance No. 2023-23 with Councilmember Steinbrink seconding the motion,

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

Nays: None

Motion carried.

13. Resolution No. 2023-26 (Third Reading) starts at 49:21

Resolution No, 2023-26 "A Resolution Authorizing Additional Funds for Professional Services Rendered by CT Consultants Under an Agreement for the Village's Comprehensive Plan" was read by Councilmember AuWerter.

Councilmember Press asked what did CT do well and what didn't they do well. Councilmember Turner responded an appraisal of the process was not formally done.

Councilmember Atton asked if that wouldn't have been something to be done before negotiating the final price and Councilmember Turner responded there was a scope of work that was followed.

Councilmember AuWerter moved to approve Resolution No. 2023-26 with Councilmember Steinbrink seconding the motion.

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

14. Resolution No. 2023-29 (First Reading) starts at 51:08

Resolution No. 2023-29 "A Resolution Accepting the Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor" was read by Councilmember AuWerter. This is procedural, is required each year, and needs to be done by the end of September. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-29 be placed upon its final passage. Councilmember Welsh 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. 2023-29 with Councilmember Steinbrink seconding the motion.

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

15. Ordinance No. 2023-30 (First Reading) starts at 52:06

Ordinance No. 2023-30 "An Ordinance Amending Section 957.01 of the Codified Ordinances of the Village of Gates Mills to Amend the Rental Fees, Security Deposit and Police Security Services Charges for Community House Rentals" was read by Mayor Schneider. We have not increased these fees in quite a while and we decided to up them a little bit to cover costs.

Councilmember Press stated it's more than a little bit and asked what the goal was. Councilmember Atton stated a pretty significant increase in total cost of almost two and a half times occurs for a meeting of 150 or more people lasting four hours. Finance Administrator Mulh stated police security services are required only if alcohol is present, and Councilmembers Press and Atton stated the ordinance does not reflect that. Councilmembers Deacon and Turner concurred. Finance Administrator Mulh provided survey data of other neighboring communities. We were below the going rate in other communities and this increase brought us more in line. Councilmember AuWerter would like a little history of usage. Village organizations/events are not charged rental fees per Community House rules.

All agreed that for clarity, this ordinance should include language that security services are only required for private parties with alcohol. Ordinance No. 2023-30 will be placed on first reading.

16. Motion to Authorize Reid Consulting Group to Proceed to “Phase 2” of the Broadband Proposal to the Village, Dated March 8, 2023, Which Includes the Following Scope of Services:

- Write RFP and prepare associated GIS shape files for respondents;
- Coordinate scoring process of responses;
- Negotiate contract with Internet Service Provider (“ISP”), if and when selected by Village Council; and
- Complete negotiations with ISP within estimated 60 to 90 days of notice to proceed to negotiate with ISP and make recommendation to Village Council for approval of contract.

At 1:01:06 Councilmember Deacon stated that after completion of the feasibility study (Phase 1) and report by Reid Consulting, the Broadband Committee concluded broadband is feasible and recommends moving forward with Phase 2 in order to have a more concrete and factual view of what the alternatives are. Reid Consulting indicated in the Phase 1 report items that we need to come to consensus on in order to go to a RFP in Phase 2 - capital investment threshold, appetite for higher residential rates, how to handle take rate commitments, and so on. Phase 2 includes the Council workshop meeting with the consultant to reach this consensus.

Councilmember AuWerter asked about cost and Councilmember Deacon replied Phases 1 and 2 cannot exceed \$40,000 in total. Phase 1 was not to exceed \$15,000 and the invoice received for Phase 1 was in the amount of \$13,000 and change. Phase 2 could reach \$27,000 in total cost since we’ve spent \$13,000.

Councilmember Press is inclined to wait and see what happens in Hunting Valley before going on to a RFP. Hunting Valley has gone through the same process we have, they’ve made their decision where they want to go, and they’re now doing the detailed contract negotiations. We would benefit from knowing how they arrived at the decision they made and what they’ve put in the contract and what they haven’t. Councilmember Welsh asked if we could piggyback on Hunting Valley and save \$40,000. Councilmember Deacon answered Hunting Valley is a lot different from Gates Mills geographically, the number of households, and cell service issues. We’ve already spent \$13,000, so we’re talking \$27,000 if Phase 2 is completed in its entirety. Councilmember Press disagrees and finds Gates Mills and Hunting Valley to be very similar.

Councilmember AuWerter personally doesn’t understand what we are trying to get a RFP for. A workshop would provide clarity and it’s possible we might decide that we don’t want to do anything further. Councilmember Deacon responded that if we just do the workshop and don’t go any further, we will get billed at their hourly rate for the workshop only. Councilmember Press asked why not just buy the workshop on the hourly basis and defer the decision on Phase 2 until after we’ve gone through the workshop. Councilmember Deacon replied we can do that just by having the workshop only - it’s built into the contract.

At 1:10:17 Councilmember Turner agreed with the need for a workshop to help reach consensus on the items identified by Reid that will allow us to move to a RFP, potentially. We need to keep the ball rolling. We have been looking at broadband for years and shadowing Moreland Hills for years. This is a top priority that our residents have indicated is a big issue.

Councilmember Press stated he did not want to go through the RFP and then decide we don't use it. That's what we did last year. He was on the committee and four different suppliers made presentations and came back at least twice. At the end of the day, we didn't do anything with it. Councilmember Deacon responded that there was no consultant involved and at the end of the process the conclusion was that we as villagers did not have the expertise to understand and come to the best solution. We needed professional help because of the complexity, the number of options, and the different ways you can go.

Councilmember Atton had workshop questions. Who's going to be there? Is it going to be public? Is it going to be videoed? Is it just Council? He was at a workshop two weeks ago and was very disappointed with it. It is hoped the workshop now being contemplated is a lot more participatory for everybody in the room. There may be people in this village who know a lot about this stuff. Councilmember Deacon replied our consultant should have a good handle on that. Mayor Schneider stated workshops are usually for Council to understand the subject, whatever it is.

Councilmember Atton asked if we appropriated the \$40,000. Financial Administrator Mulh replied it wasn't in the budget, but we have enough appropriated right now. Councilmember Atton understood appropriations were exactly equal to the budget. Treasurer Siemborski explained we appropriate at the beginning of the year for what we believe the budget will be for the year with Council's understanding that if we find ups and downs, we'll come back for additional funds if needed. We don't appropriate for every expenditure. We appropriate for line items. When we appropriated for Professional Services, it included a consultant for broadband. We didn't specifically lay them out and say we're approving so much for this consultant, but we are approving and appropriating so much for Professional Services. There is money left in the Professional Services appropriation to commit to the additional \$27,000. Councilmember Atton asked if we could commit to this, are we squeezing something else out that we had in mind. Mayor Schneider answered we may have to appropriate in November or December the additional something else. Councilmember Atton stated an appropriation would require three readings, a motion doesn't require three readings. Law Director Hunt stated under Ohio State law there does not have to be three readings of a resolution or an ordinance for appropriations.

At 1:18:04 Law Director Hunt suggested that the workshop with the consultant to determine the issues needed for the RFP be put into the scope of services and Councilmember Deacon agreed.

Ann Whitney, Chairperson of the Broadband Committee, made some clarifications. The Committee did not put out a previous RFP. They asked providers to present a range of what they could offer the village. It was not a RFP. They each came once. They did not come back. The Committee then interviewed consultants. The scope for Reid Consulting is up to \$40,000 and a RFP will tell us what providers are willing to provide the Village of Gates Mills, keeping in mind what neighboring

communities are doing. If you want to move forward with Broadband at all to find out what providers will offer us, we need to keep going with a consultant. Reid's original proposal was one scope. We broke it into Phase 1 and Phase 2 because that's what the Council wanted. We've already stalled. We've done Phase 1. Phase 2 is to move forward toward a RFP to see what providers would offer the Village of Gates Mills. The workshop would be for Council to come to consensus on parameters (things that were listed at the back of the handout at the August Council meeting) for a RFP. It is not a workshop to decide if you want to do a RFP. Reid has a very good track record. They've got amazing experience, and their referrals are glowing.

Councilmember AuWerter thought one of the most interesting points in the presentation at the August Council meeting was that if we don't do anything, we're going to get cherry picked, just like Hillcreek Lane was cherry picked. That's going to progressively happen to little spots around the village and then the rest of us that aren't in densely populated areas are going to be sitting high and dry.

Councilmember Deacon moved to authorize Reid Consulting Group to proceed to "Phase 2" of the Broadband Proposal to the Village, dated March 8, 2023. Councilmember Steinbrink seconded the motion.

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

Nays: None

Motion carried.

17. Resolution No. 2023-31 (First Reading) starts at 1:27:12

Resolution No. 2023-31 "A Resolution Accepting a Bid and the Award of a Contract for the Hillcreek Lane Culvert Headwall Extension Project; and Declaring an Emergency" was read by Councilmember AuWerter. This proposal in the amount of \$64,845 covers culvert work more extensive than budgeted. In addition, a recommendation to defer the \$61,000 service garage parking lot repaving until next year was made to try to stay within budget. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-31 be placed upon its final passage. Councilmember Press 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. 2023-31 with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

18. Ordinance No. 2023-32 (First Reading) starts at 1:30:44

Ordinance No. 2023-32 “An Ordinance Amending Ordinance No. 2022-39 to Revise the Salary of the Fire Chief/Emergency Coordinator Effective September 17, 2023; and Declaring an Emergency” was read by Mayor Schneider.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-32 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember Welsh moved to approve Ordinance No. 2023-32 with Councilmember AuWerter seconding the motion.

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

Nays: None

Motion carried.

19. Ordinance No. 2023-33 (First Reading) starts at 1:31:34

Ordinance No. 2023-33 “An Ordinance Amending Section 959.03 of the Codified Ordinances of the Village of Gates Mills to Limit the Purchase of Graves to Two (2) Per Resident Family” was read by Councilmember Welsh. In the past we’ve had large plots purchased and then over the years they haven’t been used leaving a lot of idle land especially in the South Cemetery.

Councilmember Press asked if this ordinance limits purchases going forward or does it also apply to purchases made in the past. Mayor Schneider replied just going forward. Is there a waiting list? Mayor Schneider replied yes. We will go through that list to see where we are before adding more names to avoid an influx of people all at once.

Councilmember Welsh moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-33 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember Welsh moved to approve Ordinance No. 2023-33 with Councilmember AuWerter seconding the motion.

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

Nays: None

Motion carried.

Councilmember AuWerter requested that at the next Council meeting Councilmember Welsh provide a review of the cemetery fees that we charge and compare it to some of the prominent cemeteries in the area.

Councilmember Atton suggested when you have something that's in short supply and the demand is large, you normally auction things. Could we put these on eBay? Secondly, the fee should cover all the future costs for maintaining the grave.

20. Resolution No. 2023-34 (First Reading) starts at 1:38:40

Resolution No. 2023-34 "A Resolution Authorizing the Mayor to Accept a Grant and to Execute a Project Award Agreement with the County of Cuyahoga for the Village's Chagrin River Road Public Sidewalk Extension Project; and Declaring an Emergency" was read by Councilmember AuWerter. Out of the Comprehensive Plan we heard, primarily for safety reasons, that we ought to look at getting from the lower school parking lot to the Community House. Mayor Schneider stated this \$157,500 grant is County money coming to us for the project. After the first of the year, we will have to apply to possibly the biannual state budget to get the difference needed to do the project. Councilmember AuWerter stated we are not asking for approval to do the project; we are only receiving the money. If we choose not to do the project, we would return the money. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-34 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Treasurer Siemborski added that per Section 2 of the Agreement, it says if the project has more than one funding source, the award will be disbursed upon the receipt by the recipient of all other funding sources. We don't get the money until we clarify that there are other funding sources. That means we would either commit ourselves at this point to fund the project so that we could get the funding source, or we're going to wait in line for additional funds to come next year through the state or elsewhere before getting any money.

Councilmember Deacon asked if we have bids for the project. Mayor Schneider and Service Director Biggert stated no, we estimated \$250,000 in the grant application to the County.

Councilmember AuWerter moved to approve Resolution No. 2023-34 with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

21. Resolution No. 2023-36 (First Reading) starts at 1:44:42

Resolution No. 2023-36 "A Resolution Accepting a Bid and Awarding a Contract for the Mayfield Road Culvert Project; and Declaring an Emergency" was read by Councilmember AuWerter.

Village Engineer Courtney explained under Ohio State law the contract has become unrewardable because the low bid is more than 20% over the engineer's projected cost estimate. He recommends rejecting all contract bids tonight and then readvertising in the winter.

Councilmember AuWerter moved to reject all bids that had been received for the Mayfield Road Culvert Project for the reason that they exceed the 10% Ohio State law threshold (going up to 20% on October 3). Councilmember Welsh seconded the motion.

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

Nays: None

Motion carried.

Councilmember AuWerter moved to remove Resolution No 2023-36 from the agenda with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

22. Council Matters starts at 1:52:47

Councilmember Steinbrink stated Hawken pulled all their business out of the Gates Mills Post Office (GMPO), but they still use a Gates Mills mailing address. Mayor Schneider answered they still have a post office box at the GMPO. Councilmember Steinbrink asked if anything could be done to prevent Hawken from using a GM mailing address when none of their mail is being directed through the GMPO - they mail out of Chester. Mayor Schneider thought they received mail at GMPO. They are allowed to have a post office box there.

At 1:53:38 Councilmember Turner brought up Gates Mills Boulevard (GMB) and hearing from so many people that it is being used as a two-lane roadway when signage indicates it is one lane. What would prevent us from putting a bike lane in there? Village Engineer Courtney explained there are specific geometrical requirements for a bike lane. The portion of GMB that is closer to Old Mill from between Chartley and Old Mill would be wide enough to support a bike lane. The portion of GMB that is between SOM Center and Chartley is not wide enough to support a bike lane. Councilmember Press asked how did what used to be a two-lane road become a one lane road. Village Engineer Courtney answered in 2008 we resurfaced GMB with Federal and County money. At that time, we had to review the geometry of the road. It was decided by the County that the portion between SOM Center and Chartley is a one lane road based on its current width. So, it may have been driven as a two lane road up until that point in time, but since 2008 when we resurfaced the road it was designated as a one lane road. Councilmember Deacon asked if we could paint lines. Village Engineer Courtney said yes and described a pavement marking approach called a sharrow indicating that the pavement is shared between pedestrians, bicycles, and cars. Sharrows will go along the curb lane on the right-hand side. He believes that both sides of Chartley are of sufficient width. Additional signage might help to better direct people. Councilmember Turner and Mayor Schneider thought it would be a good idea to further investigate and assess the cost.

At 1:59:10 Councilmember Atton offered two observations on the Comprehensive Plan (CP). He thought the recent CP workshop was not as productive as he had hoped, and he was disappointed it was not videotaped. People he talks to don't understand the way our real estate taxes work. As stated in the CP, we have room for 90 new homes in the village if we use all vacant lots with existing zoning regulations. If we were to build \$50,000,000 worth of new homes in the village, the real estate tax revenues to the village will be no more than if instead we raised our real estate taxes by 1.25% on the current \$650,000,000 County value. When trying to understand the real value of development, one of the primary things is the incremental real estate tax. Councilmember Deacon suggested also looking at income tax revenue and taking a holistic look at all the factors. Councilmember AuWerter stated there is nothing in the CP that is encouraging development of 91 houses. It is a factual statement that existed before the CP and it will exist after. Councilmember Welsh spoke to newly built houses not hitting the tax rolls for three plus years. At 2:05:14 Councilmember Atton gave observation number two on the CP. He believes we need an external expert legal view on whether this document in any way jeopardizes our existing zoning. Hunting Valley is very afraid of being told that five acres is too big a zoning limit for homes, and we don't seem to be. After comments by Councilmembers AuWerter, Turner (most notable being that housing was not a top priority but in the second and third tiers of the CP), and Press, Mayor Schneider stated in order to challenge or change our zoning, it would have to go to the voters. Law Director Hunt stated simply because the voters might approve something does not make it legal under the Constitution. Councilmember AuWerter asked Law Director Hunt to brief Council if Hunting Valley has a reason to be concerned and if so, would it be applicable to Gates Mills. Councilmember Atton agreed. After comments by Councilmembers Welsh, AuWerter, and Press regarding expansion of the historic district, Councilmember Deacon advised there are also restrictions, even though you are not in the historic district, but if you can be viewed/seen from the historic part of the village then you are subject to the historic rules.

23. Business from the Audience starts at 2:11:44

Dennis Leazott, 620 Chagrin River Road, asked for clarification of the term broadband. Mayor Schneider replied fiber optic installation throughout the village. Mr. Leazott, with 27 years in contracting and civic construction, stressed the importance of the RFP as it is the contract. Secondly, living next door to 640 Chagrin River Road, he has seen, and it is his opinion that 640 was rotten to the core. The decay and neglect occurred over a long period of time. Those who are upset at the situation should direct their ire at the many previous owners that allowed 640 to get into that condition, not at the current owners who are trying to make something good out of a bad situation.

At 2:16:13 Mitch Bass, 1249 Chagrin River Road, lives close to the traffic cameras installed on Mayfield Road and says it has made a dramatic difference that he can hear, feel, and see. He wondered if there were plans to install cameras going up both hills as that traffic remains intense. Secondly, he addressed invasive vegetation controls. Over the past five years, he has planted trees and managed cutting of invasives on his property with assistance from the Ohio Dept of Natural Resources (ODNR). Two or three new invasives not seen in Northeast Ohio in 30 years were identified on his property by ODNR this past spring. There are millions of dollars in renewable grants available to the village from a variety of federal and state agencies to help support

our tree canopy efforts. Our Land Conservancy as well as individual homeowners can apply. Mr. Bass is willing to share his contacts and believes ODNR would love to see Gates Mills become their shining star to show other communities how to approach tree canopy restoration.

Charlie Baker stated he has applied for three federal grants (monarch butterfly and tree canopy) and they are easy to get.

At 2:23:23 Roberta Levenson, 6705 Gates Mills Blvd, a 25+ year Gates Mills resident, walked Gates Mills Blvd. frequently until she fell and feels there is no incentive for drivers to obey the one lane signage when the police will not ticket for that.

At 2:26:45 Rita Petti, 35600 Dorchester, agrees with Mrs. Levenson and feels something should be done about it.

At 2:27:35 Sean O'Hagan, 7638 Colvin Road, is excited about the sidewalk from the school to the Community House and thinks it is a really important improvement for the village. Secondly, he is glad folks are talking about pedestrian safety on Gates Mills Blvd. since he is concerned about the sense of what pedestrians should be doing to protect themselves. He feels our village tells people to walk on the street and protect yourself. That is an inadequate response. The messaging should not just be towards pedestrians; the messaging should be towards the drivers to settle down their speed. We should be doing what we can to create sidewalks and to make the one lane Gates Mills Blvd have multimodal access.

At 2:30:21 Don Levenson, 6705 Gates Mills Blvd, spoke to the plan that the village has been looking at for some time and his concern is that we are possibly jeopardizing the legal aspects of our properties and the zoning that we have.

24. Executive Session to discuss pending litigation

Councilmember AuWerter made a motion to go into Executive Session to discuss pending litigation and Councilmember Welsh seconded the motion.

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

Nays: None

Motion carried. Entered Executive Session at 8:01 p.m.

Mayor Schneider reconvened the meeting at 8:27 p.m.

25. Adjourn

There being no further business, it was moved by Councilmember Steinbrink, seconded by Councilmember Turner, 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

Payment Listing

September 2023

10/10/2023 10:01:48 AM

UAN v2023.2

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
433-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$51.64 *	C
433-2023	09/05/2023	09/07/2023	NEG ADJ	DIVISION OF WATER	-\$51.64	C
440-2023	09/01/2023	09/07/2023	CH	DIVISION OF WATER	\$321.63	C
440-2023	09/25/2023	09/25/2023	NEG ADJ	DIVISION OF WATER	-\$321.63	C
441-2023	09/05/2023	09/07/2023	CH	PRIME PAY	\$73,819.87	C
442-2023	09/05/2023	09/07/2023	CH	EQUIVEST	\$2,468.00	C
443-2023	09/05/2023	09/07/2023	CH	OHIO DEFERRED COMP	\$5,990.00	C
444-2023	09/05/2023	09/07/2023	CH	OHIO DEFERRED COMP	\$600.00	C
445-2023	09/05/2023	09/07/2023	CH	CLEVELAND ILLUMINATING CO.	\$317.12	C
446-2023	09/05/2023	09/07/2023	CH	CLEVELAND ILLUMINATING CO.	\$526.05	C
447-2023	09/06/2023	09/07/2023	CH	DOMINION EAST OHIO	\$200.46	C
448-2023	09/06/2023	09/07/2023	CH	DOMINION EAST OHIO	\$334.70	C
448-2023	09/25/2023	09/25/2023	NEG ADJ	DOMINION EAST OHIO	-\$334.70	C
449-2023	09/06/2023	09/07/2023	CH	CLEVELAND ILLUMINATING CO.	\$96.46	C
450-2023	09/06/2023	09/07/2023	CH	CLEVELAND ILLUMINATING CO.	\$100.76	C
451-2023	09/06/2023	09/07/2023	CH	CLEVELAND ILLUMINATING CO.	\$535.94	C
452-2023	09/06/2023	09/07/2023	CH	THE HARTFORD	\$194.64	C
453-2023	09/06/2023	09/07/2023	CH	AETNA HEALTH INC. (OHIO)	\$36,702.78	C
454-2023	09/06/2023	09/07/2023	CH	TIME WARNER CABLE-NORTHEAST	\$62.18	C
455-2023	09/07/2023	09/07/2023	CH	OHIO POLICE & FIRE PENSION	\$26,775.14	C
456-2023	09/07/2023	09/07/2023	CH	OPERS PUBLIC EMPLOYEES	\$18,808.77	C
457-2023	09/08/2023	09/08/2023	CH	VERIZON WIRELESS	\$611.16	C
458-2023	09/07/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$94.01	C
459-2023	09/07/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$120.65	C
460-2023	09/07/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$153.73	C
461-2023	09/07/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$593.59	C
461-2023	09/25/2023	09/25/2023	NEG ADJ	CLEVELAND ILLUMINATING CO.	-\$593.59	C
462-2023	09/08/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$41.01	C
463-2023	09/11/2023	09/11/2023	CH	CLEVELAND ILLUMINATING CO.	\$553.89	C
464-2023	09/11/2023	09/11/2023	CH	DELTA DENTAL	\$1,716.91	C
465-2023	09/11/2023	09/11/2023	CH	PRIME PAY	\$630.76	C
466-2023	09/11/2023	09/11/2023	CH	DOMINION EAST OHIO	\$41.73	C

Payment Listing

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September 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
467-2023	09/11/2023	09/11/2023	CH	DOMINION EAST OHIO	\$60.15	C
468-2023	09/11/2023	09/11/2023	CH	CINTAS CORPORATION #259	\$1,342.66	C
468-2023	09/25/2023	09/25/2023	NEG ADJ	CINTAS CORPORATION #259	-\$181.18	C
469-2023	09/13/2023	09/18/2023	CH	FP MAILING SOLUTIONS	\$200.00	C
470-2023	09/18/2023	09/18/2023	CH	HOME DEPOT CRC	\$208.54	C
471-2023	09/18/2023	09/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$1,007.08	C
472-2023	09/18/2023	09/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$94.30	C
473-2023	09/18/2023	09/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$94.59	C
474-2023	09/19/2023	09/19/2023	CH	PRIME PAY	\$74,745.37	C
475-2023	09/25/2023	09/25/2023	CH	EQUIVEST	\$2,468.00	C
476-2023	09/25/2023	09/25/2023	CH	OHIO DEFERRED COMP	\$6,590.00	C
477-2023	09/20/2023	09/26/2023	CH	CLEVELAND ILLUMINATING CO.	\$612.62	C
478-2023	09/22/2023	09/26/2023	CH	DIVISION OF WATER	\$67.20	C
479-2023	09/26/2023	09/26/2023	CH	FIRST COMMUNICATIONS, LLC	\$2,750.36	C
480-2023	09/29/2023	09/29/2023	CH	CHASE CARD SERVICE	\$2,050.03	C
480-2023	09/29/2023	09/29/2023	NEG ADJ	CHASE CARD SERVICE	-\$139.61	C
481-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$9.20	C
482-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$9.20	C
483-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$9.20	C
484-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$9.20	C
485-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$13.24	C
486-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$58.51	C
486-2023	10/03/2023	10/03/2023	NEG ADJ	DIVISION OF WATER	-\$58.51 *	O
487-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$140.98	C
488-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$142.95	C
489-2023	09/29/2023	10/02/2023	CH	STATE TREASURER OF OHIO	\$1,162.50	C
490-2023	09/29/2023	10/02/2023	CH	REDSS	\$155.00	C
491-2023	09/29/2023	10/02/2023	CH	LYNDHURST MUNI COURT	\$46.50	C
6949	07/21/2023	07/21/2023	AW	QUILL	\$41.98 *	C
6949	09/05/2023	09/07/2023	NEG ADJ	QUILL	-\$41.98	C
6980	08/11/2023	08/11/2023	AW	KEN'S WINDOW CLEANING	\$870.00 *	C
6980	09/25/2023	09/25/2023	NEG ADJ	KEN'S WINDOW CLEANING	-\$240.00	C

Payment Listing

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Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6987	08/11/2023	08/11/2023	AW	RUMPKE	\$86.66 *	C
6987	09/25/2023	09/25/2023	NEG ADJ	RUMPKE	-\$58.90	C
7007	08/24/2023	08/24/2023	AW	CLEVELAND PLUMBING SUPPLY CO.	\$869.00 *	C
7007	09/29/2023	09/29/2023	NEG ADJ	CLEVELAND PLUMBING SUPPLY CO.	-\$729.91	C
7019	09/08/2023	09/08/2023	AW	AKE ENVIRONMENTAL, INC.	\$2,407.50	C
7020	09/08/2023	09/08/2023	AW	ALL STAR AWARDS & APPAREL	\$47.96	C
7021	09/08/2023	09/08/2023	AW	AMERICAN SECURITY & AV SYSTEMS	\$1,430.00	C
7022	09/08/2023	09/08/2023	AW	BAUER SUPPLY	\$119.55	C
7023	09/08/2023	09/08/2023	AW	BURKE BROTHERS SOUND LLC	\$411.28	C
7024	09/08/2023	09/08/2023	AW	CHAGRIN VALLEY AUTO PARTS	\$864.07	C
7025	09/08/2023	09/08/2023	AW	CHAGRIN VALLEY DISPATCH	\$13,393.27	C
7026	09/08/2023	09/08/2023	AW	CHAGRIN VALLEY NURSERIES, INC.	\$120.00	C
7027	09/08/2023	09/08/2023	AW	CHAGRIN VALLEY TIMES	\$64.97	C
7028	09/08/2023	09/08/2023	AW	CHESTER TOWNSHIP	\$5,223.60	C
7029	09/08/2023	09/08/2023	AW	MICHAEL E. CICERO	\$850.00	C
7030	09/08/2023	09/08/2023	AW	CLEVELAND PLUMBING SUPPLY CO.	\$1,383.09	C
7030	09/29/2023	09/29/2023	NEG ADJ	CLEVELAND PLUMBING SUPPLY CO.	-\$1,383.09	C
7031	09/08/2023	09/08/2023	AW	CLEVELAND TRIM & STRIPE CO.	\$1,550.00	C
7032	09/08/2023	09/08/2023	AW	CUYAHOGA ASPHALT MATERIALS	\$1,591.06	C
7033	09/08/2023	09/08/2023	AW	DUSTBUSTER	\$510.00	C
7034	09/08/2023	09/08/2023	AW	ENGLEBROOK CONSTRUCTION INC.	\$7,740.00	C
7035	09/08/2023	09/08/2023	AW	FIRST CALL	\$189.36	C
7036	09/08/2023	09/08/2023	AW	FP MAILING SOLUTIONS	\$197.70	C
7037	09/08/2023	09/08/2023	AW	GUIDO'S	\$160.00	C
7037	09/29/2023	09/29/2023	NEG ADJ	GUIDO'S	-\$160.00	C
7038	09/08/2023	09/08/2023	AW	HALL PUBLIC SAFETY	\$11,564.90	C
7039	09/08/2023	09/08/2023	AW	IRON MAN SUPPLY LLC	\$205.94	C
7040	09/08/2023	09/08/2023	AW	J & L DOOR SERVICE, INC.	\$2,718.00	C
7041	09/08/2023	09/08/2023	AW	KOLSOM TIRES	\$959.20	C
7042	09/08/2023	09/08/2023	AW	RICK LOCONTI	\$600.00	C
7043	09/08/2023	09/08/2023	AW	MARSHALL POWER EQUIPMENT	\$625.83	C
7044	09/08/2023	09/08/2023	AW	MAYFIELD VILLAGE	\$2,764.17	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

Payment Listing

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Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
7045	09/08/2023	09/08/2023	AW	MULLETT'S HARNESS SHOP	\$186.95	C
7046	09/08/2023	09/08/2023	AW	NICOLA, GUDBRANSON & COOPER	\$2,550.00	C
7047	09/08/2023	09/08/2023	AW	PRESTON FORD	\$306.25	C
7048	09/08/2023	09/08/2023	AW	KEN SIMMONS	\$91.40	O
7049	09/08/2023	09/08/2023	AW	STAPLES BUSINESS ADVANTAGE	\$27.96	C
7050	09/08/2023	09/08/2023	AW	SPEAR'S	\$523.95	C
7051	09/08/2023	09/08/2023	AW	TREASURER, STATE OF OHIO	\$136.50	C
7052	09/08/2023	09/08/2023	AW	TURNNEY HOME & AUTO	\$374.58	C
7053	09/08/2023	09/08/2023	AW	TURNOUTS, LLC	\$490.50	C
7054	09/08/2023	09/08/2023	AW	LAURA A PUGEL	\$229.00	C
7054	09/29/2023	09/29/2023	NEG ADJ	LAURA A PUGEL	-\$229.00	C
7055	09/19/2023	09/19/2023	AW	CHAGRIN VALLEY TIMES	\$66.13	C
7056	09/19/2023	09/19/2023	AW	COMDOC, INC.	\$32.57	C
7057	09/19/2023	09/19/2023	AW	ENGLEBROOK CONSTRUCTION INC.	\$2,075.00	C
7058	09/19/2023	09/19/2023	AW	JEAN MISCH	\$66.30	O
7058	09/29/2023	09/29/2023	NEG ADJ	JEAN MISCH	-\$66.30	C
7059	09/19/2023	09/19/2023	AW	NEOFCA	\$150.00	V
7059	09/19/2023	09/19/2023	AW	NEOFCA	-\$150.00	V
7060	09/19/2023	09/19/2023	AW	RUGG'S PEST MANAGEMENT	\$108.00	V
7060	09/19/2023	09/19/2023	AW	RUGG'S PEST MANAGEMENT	-\$108.00	V
7061	09/19/2023	09/19/2023	AW	SARA'S PLACE	\$300.00	V
7061	09/19/2023	09/19/2023	AW	SARA'S PLACE	-\$300.00	V
7062	09/19/2023	09/19/2023	AW	SHUTTLE'S UNIFORM INC.	\$117.00	V
7062	09/19/2023	09/19/2023	AW	SHUTTLE'S UNIFORM INC.	-\$117.00	V
7063	09/19/2023	09/19/2023	AW	THE FIRE HOUSE	\$14,790.00	V
7063	09/19/2023	09/19/2023	AW	THE FIRE HOUSE	-\$14,790.00	V
7064	09/19/2023	09/19/2023	AW	TURNOUTS, LLC	\$173.50	V
7064	09/19/2023	09/19/2023	AW	TURNOUTS, LLC	-\$173.50	V
7065	09/19/2023	09/19/2023	AW	NEOFCA	\$150.00	O
7066	09/19/2023	09/19/2023	AW	RUGG'S PEST MANAGEMENT	\$108.00	C
7066	09/25/2023	09/25/2023	NEG ADJ	RUGG'S PEST MANAGEMENT	-\$108.00	C
7067	09/19/2023	09/19/2023	AW	SARA'S PLACE	\$300.00	V

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

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Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
7067	09/19/2023	09/19/2023	AW	SARA'S PLACE	-\$300.00	V
7068	09/19/2023	09/19/2023	AW	SHUTTLE'S UNIFORM INC.	\$117.00	V
7068	09/19/2023	09/19/2023	AW	SHUTTLE'S UNIFORM INC.	-\$117.00	V
7069	09/19/2023	09/19/2023	AW	THE FIRE HOUSE	\$14,790.00	V
7069	09/19/2023	09/19/2023	AW	THE FIRE HOUSE	-\$14,790.00	V
7070	09/19/2023	09/19/2023	AW	TURNOUTS, LLC	\$173.50	V
7070	09/19/2023	09/19/2023	AW	TURNOUTS, LLC	-\$173.50	V
7071	09/19/2023	09/19/2023	AW	SARA'S PLACE	\$300.00	C
7071	09/29/2023	09/29/2023	NEG ADJ	SARA'S PLACE	-\$300.00	C
7072	09/19/2023	09/19/2023	AW	SHUTTLE'S UNIFORM INC.	\$117.00	C
7073	09/19/2023	09/19/2023	AW	THE FIRE HOUSE	\$14,790.00	C
7074	09/19/2023	09/19/2023	AW	TURNOUTS, LLC	\$173.50	O
7075	09/19/2023	09/19/2023	AW	WICHERT INSURANCE SERVICES	\$89.00	C
7076	09/19/2023	09/19/2023	AW	MITCHELL A. STERN & THADDEUS ZALEWSKY	\$3,300.00	O
7077	09/19/2023	09/19/2023	AW	C.W. COURTNEY COMPANY	\$20,103.17	C
7078	09/27/2023	09/27/2023	AW	AKE ENVIRONMENTAL, INC.	\$3,319.00	O
7079	09/27/2023	09/27/2023	AW	ALL CONSTRUCTION SERVICES	\$100.00	O
7080	09/27/2023	09/27/2023	AW	BRONNER'S COMMERCIAL DISPLAY	\$4,182.35	O
7081	09/27/2023	09/27/2023	AW	CT CONSULTANTS	\$15,000.00	O
7082	09/27/2023	09/27/2023	AW	CUYAHOGA CO BOARD OF HEALTH	\$500.00	O
7083	09/27/2023	09/27/2023	AW	DISTILLATA COMPANY	\$150.45	O
7084	09/27/2023	09/27/2023	AW	FIVE STAR FIRE PROTECTION SERV	\$204.04	O
7085	09/27/2023	09/27/2023	AW	GAS DETECTION SYSTEMS, INC.	\$340.00	O
7086	09/27/2023	09/27/2023	AW	KIMBALL MIDWEST	\$55.95	O
7087	09/27/2023	09/27/2023	AW	KOLSOM TIRES	\$558.00	O
7088	09/27/2023	09/27/2023	AW	REID CONSULTING GROUP	\$13,143.00	O
7089	09/27/2023	09/27/2023	AW	ROETZEL & ANDRESS	\$5,105.00	O
7090	09/27/2023	09/27/2023	AW	RUGG'S PEST MANAGEMENT	\$350.00	O
7091	09/27/2023	09/27/2023	AW	RUMPK	\$86.66	O
7092	09/27/2023	09/27/2023	AW	SENSIBLE PRODUCTS INC.	\$306.00	O
7093	09/27/2023	09/27/2023	AW	SHUTTLE'S UNIFORM INC.	\$896.00	O
7094	09/27/2023	09/27/2023	AW	SIGNAL SERVICE COMPANY	\$140.00	O

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

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Payment Listing

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September 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
7095	09/27/2023	09/27/2023	AW	SOUTHEASTERN EQUIPMENT CO INC	\$384.19	O
7096	09/27/2023	09/27/2023	AW	ZOOM CAR WASH	\$132.00	O
Total Payments:					\$410,451.64	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$410,451.64	

Type: AM - Accounting Manual Warrant, AV - Accounting Warrant, IM - Investment Manual Warrant, IV - 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 - 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.

TOTAL

\$410,451.64

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
SEPTEMBER 30, 2023

	2023 BUDGET	Current Month	2023 Year to Date	2022 Year to Date
General Fund (GF) Revenues:				
Taxes:				
Real Estate Taxes	2,436,728	142,500	2,488,258	2,436,728
Municipal Income Taxes	2,600,000	60,164	1,594,685	2,537,845
Share of Sales and State Taxes	62,000	6,140	52,223	53,090
Total Tax Revenue	5,098,728	208,804	4,135,166	5,027,663
Other Sources:				
Fines and Costs	300,100	7,388	64,195	73,986
Building/Liquor Permits & Licenses	48,000	3,284	59,431	39,318
Interest Income	150,000	16,550	109,007	85,966
Rental Income	210,200	19,490	186,352	177,838
Mills Building Rental Income	114,031	10,149	93,484	60,505
Ambulance Income	40,000	-	24,613	30,087
SRO Reimbursement	90,858	7,871	69,042	55,143
Misc	100,000	600	23,813	8,153
Total Other Sources Revenue	1,053,189	65,331	629,938	530,996
Assessments:				
School Board/Property Assessment	-	-	-	42,129
Total General Fund Revenues	6,151,917	274,135	4,765,104	5,600,788
Add Year Beginning General Fund Balance		7,701,812	7,811,278	7,366,903
Less Expenses:				
Administration Costs	(see Page 2)	(47,077)	(612,140)	(642,136)
Administration - Transfers		-	(932,500)	(451,000)
Police Department Costs	(see Page 3)	(143,584)	(1,410,501)	(1,258,081)
Fire Department Costs	(see Page 3)	(33,674)	(165,851)	(173,921)
Fire Department Ambulance	(see Page 3)	(2,764)	(360,325)	(233,505)
Service Department Costs	(see Page 4)	(127,239)	(1,473,456)	(1,310,639)
Total General Fund Expenses		(354,339)	(4,954,774)	(4,069,282)
Current General Fund Balance		7,621,609	7,621,609	8,898,409
Plus:				
Other Fund Current Balances		2,293,691	2,293,691	1,578,370
Total Current Balance - All Funds		9,915,299	9,915,300	10,476,779

**VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
SEPTEMBER 30, 2023**

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
ADMINISTRATION:				
Salaries and Wages	159,500	12,095	115,380	109,077
Health Insurance	51,600	4,244	38,433	34,441
Worker's Comp/Medicare	7,800	206	2,368	2,364
Employee Retirement (OPERS)	27,000	2,021	19,201	18,121
PERSONNEL COSTS	245,900	18,565	175,381	164,003
Legal - Law Director	45,000	5,105	78,858	63,322
Legal - Prosecutor	38,000	3,400	25,451	31,575
Legal - Other	500	-	499	152
Engineering	34,900	2,947	24,072	24,290
Other Professional Services	85,500	14,478	90,386	80,731
LEGAL AND PROFESSIONAL	203,900	25,931	219,266	200,070
General Insurance	140,000	89	103,976	137,568
Income Tax Expense	90,500	1,805	46,009	75,393
County Auditor Expenses	58,500	-	58,289	54,498
Office Expenses	9,500	688	4,985	7,532
Miscellaneous Expenses	4,500	-	4,234	3,072
OTHER ADMINISTRATIVE COSTS	303,000	2,582	217,494	278,063
ADMINISTRATION OPERATING COSTS	752,800	47,077	612,140	642,136
Transfers to Other Funds	996,500	-	932,500	451,000
TOTAL ADMINISTRATION COSTS	1,749,300	47,077	1,544,640	1,093,136

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
SEPTEMBER 30, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
POLICE DEPARTMENT:				
Salaries and Wages	1,142,000	87,944	806,778	779,462
Overtime	42,000	5,890	32,140	20,936
Health, OPERS, MEDI, Worker Comp	262,656	20,025	185,079	185,149
PERSONNEL COSTS	1,446,656	113,860	1,023,997	985,547
Gasoline	28,000	-	16,940	14,636
Repairs and Maintenance	13,000	855	10,895	8,838
Uniforms	14,000	1,013	7,580	5,602
Training/Conferences	17,000	65	11,873	13,408
Dispatch Operating Fee	162,000	13,393	133,933	128,165
Alarm System Fee	20,000	-	14,127	17,091
Maintenance Agreements/Radio Expenses	28,000	-	25,125	17,243
Traffic Camera Program LMC	-	-	90,000	-
Other Expenses	16,000	977	10,180	10,581
V.E.G.	10,000	-	10,000	10,000
OTHER POLICE DEPART COSTS	308,000	16,304	330,651	225,564
Vehicle Purchases	62,000	13,421	48,451	46,970
Equipment Purchases	9,500	-	7,402	-
CAPITAL EXPENDITURES	71,500	13,421	55,853	46,970
TOTAL POLICE DEPARTMENT COSTS	1,826,156	143,584	1,410,501	1,258,081

FIRE DEPARTMENT:				
Salaries and Wages	130,000	15,237	110,496	90,532
PERS, MEDI, SOC SEC, Worker Comp	30,000	1,212	10,343	7,921
PERSONNEL COSTS	160,000	16,449	120,839	98,453
Vehicle Maintenance	6,000	276	1,444	1,643
Ambulance/EMS <i>see below</i>	382,000	2,764	360,325	233,505
Training/Conferences	5,500	-	1,960	1,672
Contracts & Annual Fees	22,000	732	17,655	18,190
Other Expenses	9,500	1,428	3,726	2,179
OTHER FIRE DEPARTMENT COSTS	425,000	5,199	385,110	257,189
CAPITAL EXPENDITURES	68,750	14,790	20,227	51,784
TOTAL FIRE DEPARTMENT COSTS	653,750	36,438	526,176	407,426
<i>Ambulance Income on Cover Page</i>	40,000	-	24,613	30,087

**VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
SEPTEMBER 30, 2023**

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
SERVICE DEPARTMENT:				
Salaries and Wages	722,500	57,018	533,539	510,177
Overtime	30,000	3,044	16,346	22,502
Health, OPERS, MEDI, Worker Comp	298,000	26,461	227,038	205,876
PERSONNEL COSTS	1,050,500	86,523	776,923	738,555
Salt/Aggregate (snow removal)	76,500	-	70,924	58,601
Building Inspection	15,000	1,388	9,297	12,411
Equipment Maintenance	48,000	2,269	39,544	40,423
Gasoline Expense	40,000	-	31,799	36,238
Supplies	33,000	2,377	25,811	24,629
OPERATING COSTS	212,500	6,033	177,375	172,302
BUILDING OPERATION & MTC				
Village Hall	140,500	9,445	106,511	77,003
Village Houses	12,600	7	1,106	63
Community Building	38,700	1,494	20,980	16,169
Post Office	12,000	8,123	15,170	10,352
OBT Building	2,120	145	1,348	1,281
Wash House	3,700	13	83	31
Burton Court	3,150	1,804	88,202	2,452
Mills Building	83,500	1,193	1,344	43,039
BUILDING OPERATION & MTC	296,270	22,224	234,745	150,390
Street Repair	9,000	1,591	4,213	2,990
Ditch, Drain, Sewers	18,500	4,494	13,359	15,555
Tree Grinding (Contractors)	16,500	-	800	12,500
Street Lighting	11,000	1,303	12,923	7,312
Parks	20,000	4,383	20,077	19,265
Guardrails, Signs, Bridges	16,600	112	5,087	16,153
STREETS AND ROADS	91,600	11,883	56,458	73,775
Vehicles	235,000	-	208,512	174,499
Other Equipment	17,000	576	19,443	1,118
CAPITAL EXPENDITURES	252,000	576	227,954	175,617
TOTAL SERVICE DEPARTMENT COSTS	1,902,870	127,239	1,473,456	1,310,639

**VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
SEPTEMBER 30, 2023**

	Beginning Year Balance	Year-to-date Actual Receipts	Year-to-date Actual Expenses	Unexpended Balance
Street Const Maint Repair	80,941	148,731	8,903	220,768
State Highway	25,654	12,134	15,000	22,788
Bond Retirement (KeyBank Loans)	2,730	-	-	2,730
	109,324	160,865	23,903	246,286
Capital Improvement	339,875	828,084	501,338	666,621
Water	287,998	16,500	20,494	284,003
Wastewater Plant	14,309	79,404	53,081	40,632
Park Recreation	56,232	20,530	20,190	56,572
Cemetery	47,983	12,000	5,221	54,761
Mayor's Court-Violations Bureau	1,611	17,050	17,138	1,523
Mayor's Discretionary	334	1,500	1,449	385
Purcell Trust	31,800	-	-	31,800
Land Conservation	110,976	225,123	74,298	261,801
Local Fiscal Recovery Fund (ARPA)	192,312	250,192	45,870	396,634
Building Bond Deposit	103,919	19,254	-	123,173
Underground Storage Tank	11,000			11,000
Safety Fund	56,368	20,585	50,110	26,843
Police Relief & Pension	5,238	227,510	150,615	82,133
Law Enforcement	10	255	-	265
VEST Grant	-			-
OneOhio Fund (Opiod)	569	1,200		1,769
STATE Grants	7,491	-	-	7,491
TOTAL OTHER FUNDS	1,377,346	1,880,052	963,707	2,293,691
GENERAL FUND	7,811,278	4,765,104	4,954,774	7,621,609
TOTAL ALL FUNDS	9,188,624	6,645,156	5,918,481	9,915,300

STATE OF THE VILLAGE
SEPTEMBER 30, 2023

	2023	2022
Total Current Balance - All Funds	9,915,300	10,476,780
Cash and Investments:	9/30/2023	9/30/2022
Cash:		
ANCORA	8,439,196	8,656,565
CHASE DDA	290,948	210,053
CHASE SAV - LAND CONS	261,801	159,265
CHASE VIOLATIONS BUREAU	38,407	99,301
Star Ohio	933,781	1,397,200
Total Cash	9,964,134	10,522,384
(OUTSTANDING CHECKS)	(48,834)	(45,604)
Total Cash and Investments	9,915,300	10,476,780

** From Wastewater Fund

GENERAL FUND SUMMARY	BUDGET	SEPTEMBER	2023 YEAR TO DATE	2022 YEAR TO DATE
Real Estate Taxes	2,436,728	142,500	2,488,258	2,436,728
Municipal Income Tax	2,600,000	60,164	1,594,685	2,537,845
Share of Sales and State Taxes	62,000	6,140	52,223	53,090
Other Sources	1,053,189	65,331	629,938	530,996
Assessments	-	-	-	42,129
TOTAL OPERATING REVENUES	6,151,917	274,135	4,765,104	5,600,788
 OPERATING EXPENSES				
Administration Department	752,800	47,077	612,140	642,136
Police Department	1,826,156	143,584	1,410,501	1,258,081
Fire Department	653,750	36,438	526,176	407,426
Service Department	1,902,870	127,239	1,473,456	1,310,639
Transfers excluding Inheritance Taxes	996,500	-	932,500	451,000
TOTAL OPERATING EXPENSES	6,132,076	354,339	4,954,774	4,069,282
 SURPLUS (DEFICIT)	19,841	(80,203)	(189,669)	1,531,506

Project	September 30, 2023	BUDGET	SEPTEMBER	YEAR TO DATE EXPENSES	COURTNEY	OTHER	SCMR/STHWY
CAPITAL IMPROVEMENT							
2022 ROAD PROGRAM				251,085		251,085	
2023 ROAD PROGRAM		1,100,000	13,446	64,741	64,741		
CEDAR RD RECONST							
HILLCREEK CULVERT REPAIR		22,000	3,944	5,824	5,824		
STORM WATER REGS AND ISSUES		20,000	500	814	314	500	
MAYFIELD ROAD CULVERT		400,000		22,700	22,700		
COMM HOUSE LOWER LEVEL DOORS/BATH		40,000		34,531		34,531	
PUBLIC RESTROOM RENO (NEAR PARK)		30,000					
GM BLVD EMERGENCY REPAIR				58,032	3,415	54,617	
				-			
TOTAL		1,612,000	17,889	437,726	96,993	340,733	-

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

October 2023 Council Meeting (September Report)

1) On 9/7, a missing person report was filed. The subject was subsequently located in South Euclid later in the evening.

2) On 9/10. An officer initiated a traffic stop on Chagrin River Road and the driver subsequently sped away from the scene. No pursuit was initiated. Felony charges were filed on the female driver.

3) On Wednesday, November 15 at 6:00 p.m., at the community house we are hosting a fraud seminar. Cleveland FBI Special Agent Patric Koeth of the white-collar crime unit will be our presenter.

** 3,717 Civil traffic citations were issued from inception 8/17-9/30. Since inception, we have seen a reduction of approximately 65% of vehicles driving over 60 mph.

- 9/17-9/23, 600 citations were issued.
- 9/24-9/30, 649 citations were issued.
- 10/1-10/7, 635 citations were issued.

Monthly Totals:

- 72 Traffic Citations.
- 23 Warnings.
- 18 Incident/Accident reports
- 7.584 Patrol Miles.
- 24,991 house checks (YTD).

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 – SEPTEMBER 2023

1. In September 16 building permits were issued for a total construction value of \$1,978,945. This includes a permit for a new house on Village Trails.
2. In September 2022, 6 building permits had been issued for a total construction value of \$548,055.
3. The September 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) 423-1581.

Respectfully Submitted,



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

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, SEPTEMBER 05, 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, September 05, 2023 at 5:00 PM** in the Council Chambers of the Town Hall.

Members present: Craig Steinbrink; Chair, Scott Broome, Jim Deacon, Emily Hamilton, Christine Riley, and Jeannine Voinovich.

Members absent: Chip AuWerter.

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

1. Roll call.
2. The minutes of **Tuesday, August 01, 2023** regular meeting of the Planning and Zoning Commission were submitted for approval.

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

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

Roll Call: Ayes: All.
 Nays: None.

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: J. Voinovich

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. A variance request to perform work within a protected riparian setback area for the **MARTINIS** property at **589 Chagrin River Road** was heard. Notice has been provided to adjoining property owners.
David Biggert, Gates Mills Service Director was present.

Mr. Biggert reviewed the request for the Board. He stated an abandoned gas well is currently located on the property. The Ohio Department of Natural Resources has contracted with a private company to plug and seal the abandoned well under their orphan gas well program. The gas well is located approximately 60' from the existing riverbank.

He also stated the current condition is a safety issue, occasionally the well does leak gas and the Fire Department is called to investigate.

After further discussion, a motion was made to approve the variance request as submitted to allow ODNR and the contractor to perform work within a protected riparian setback area for the purposes of plugging and sealing an existing abandoned gas well.

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

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

Refer to audio recording for additional detail.

There being no further business the meeting was adjourned at **5:06 P.M.**

Craig Steinbrink, Chair



David Biggert, Secretary

Gates Mills Fire Department

September 2023 Council Report

DATE	NFIRS NUMBER	Address/Location	Description of Incident
9-2-2023	2023-159	7640 Old Mill Road	Fire Alarm
9-6-2023	2023-160	1820 Chartley Road	Service Call & Installation
9-7-2023	2023-161	390 County Line Road	Fire Alarm
9-8-2023	2023-162	6730 Gates Mills Blvd.	Power Lines Down in Trees.
9-15-2023	2023-163	7870 Old Mill Road	Odor Of Gas
9-18-2023	2023-164	1620 Chagrin River Road	Fire Alarm
9-20-2023	2023-165	847 Chagrin River Road	Service Call & Installation
9-22-2023	2023-166	880 West Hill Drive	Fire Alarm
9-21-2023	2023-167	2045 SOM Center	Fire Alarm
9-27-2023	2023-168	1629 Berkshire Road	Fire Alarm

CURRENT MONTH TOTAL	2023 YEAR TO DATE	2022 YEAR TO DATE
G.M. FIRE 10	168	121
M.V. EMS 15	166	128

The September training topics were:

September 15, 2023. Drivers Training.

September 19, 2023. Review Structure Fire Response from Call August 25, 2023. Discuss Carbon Monoxide loaner program. Fire Turnout Gear repair needs. Future departmental operational guidelines and objectives. Upcoming drill schedule changes. October 27, 2023 Night Ops/Halloween. November 7, 2023 drill starts at 6 p.m. Genesis Rescue Tools—hands -on.

September employee anniversaries:
Lieutenant Paul Nemastil - 28 years
Fire Fighter Ben Pesuit - 26 years

Thomas Majeski

October 2, 2023

Memo

To: Mayor Karen Schneider
Council President Pro Tem Chip AuWerter

From: Sean O'Hagan, Co-Chair Mayfield Schools Liaison Committee

cc: Janet Muth
Jim Stafford, Co-Chair Mayfield Schools Liaison Committee

Date: 10/12/2023

Re: Committee Report

Please accept the below and attached/enclosed as a report from the Village's Mayfield Schools Liaison Committee.

The Committee met on 10/11/2023 and has provided meeting minutes to be placed on the Village's website. Discussion topics included a summary of the Mayfield City School's 2022-23 report card from the Ohio Department of Education, inviting the superintendent and treasurer from the District to a future Village Council meeting, committee member reports with updates from schools in the District, and various communication efforts of the Committee.

With respect to inviting the District superintendent and treasurer to a future Village Council meeting, I will follow up separately to discuss scheduling.

During the meeting, the Committee decided it would be helpful to share the enclosed summary of the District's report card with the Mayor and members of the Village Council.

Thank you for receiving this report. Please feel free to reach out with any questions.

Encl.

Summary of Mayfield Schools Ohio DOE 2022 2023 Report Cards

Prepared by The Village of Gates Mills' Mayfield Schools Liaison Committee.

- The Mayfield City School District earned a 5-star overall rating, which is the highest rating given to a district by the Ohio Department of Education. This overall measure includes the following components: academic achievement, progress, gap closing, graduation and early literacy.
- State Report Card components include:
 - **Achievement** - This component represents whether student performance on state tests met established thresholds and how well students performed on tests overall. Mayfield City Schools received four stars and exceeded state standards in academic achievement.
 - **Progress** - This component looks closely at the growth all students are making based on their past performances. Mayfield City Schools received five stars and showed significant evidence that the District exceeded student growth expectations by a larger magnitude.
 - **Gap Closing** - This component is a measure of the reduction in educational gaps for student subgroups. Mayfield City Schools received five stars and significantly exceeded state standards in closing educational gaps.
 - **Graduation** - This component is a measure of the four-year adjusted cohort graduation rate and the five-year adjusted cohort graduation rate. Mayfield City Schools received five stars and significantly exceeded state standards in graduation rates.
 - **Early Literacy** - This component is a measure of reading improvement and proficiency for students in kindergarten through third grade. Mayfield City Schools received three stars and met state standards in early literacy (K-3).
 - The school-specific Early Literacy component scores include, 3, 4, 5, and 5 at the District's four elementary schools.
 - While the District also received three stars in 2021-22, the component score has improved from 70.8 in 2021-22 to 77.9 in 2022-23. The threshold for a 4-star score in this component is 78.0.

EARLY LITERACY COMPONENT RATING DESCRIPTIONS		
Score Range	Rating	Rating Description
From 88% to 100%	5 Stars	Significantly exceeds state standards in early literacy (K-3)
From 78% to less than 88%	4 Stars	Exceeds state standards in early literacy (K-3)
From 68% to less than 78%	3 Stars	Meets state standards in early literacy (K-3)
From 58% to less than 68%	2 Stars	Needs support to meet state standards in early literacy (K-3)
From 0% to less than 58%	1 Star	Needs significant support to meet state standards in early literacy (K-3)

- The underlying metrics for this component are improving. The percentage of third graders proficient on the reading segment of the English Language Arts Test improved from 71.1% in 2021-22 to 79.6% in 2022-23. This improvement is notable. Third-grade literacy is an area that has been greatly impacted by the Covid-19 pandemic in test scores across the country. The 8.5% year-over-year improvement exceeds the 3.9% average improvement at districts in Cuyahoga County during the same time.
- The Improving K-3 Literacy metric improved by 14.2% year-over-year, which exceeds the 4.6% average improvement at districts in Cuyahoga County over the same time.

- The Mayfield City School District's 5-star overall rating distinguishes the District as 1 of only 75 districts out of a total of 610 statewide districts to receive the rating, and as 1 of the 13 districts out of the 31 in Cuyahoga County to earn a 5-star overall rating.
- The Mayfield City School District is one of the largest and most diverse districts among the 13 districts in the County that earned an overall 5 rating. Of the 13 districts ...
 - Only two districts enjoyed greater racial diversity than Mayfield.
 - No district has greater economic diversity (as measured by the % of economically disadvantaged students) or serves a larger percentage of disabled students than Mayfield.
 - Only two districts have larger enrollment than Mayfield.
- The unadjusted Mayfield City School District total per student spending is near, but below, the average of the 13 districts that earned an overall 5-star rating in Cuyahoga County. The District's unadjusted local tax revenue per student is also near, but below, the average of the 13 districts.
 - The District's unadjusted local tax revenue per student is lower than all of the school districts that earned an overall 5-star rating and are located on the east side of the county.
 - Among the 13 districts in the county with a 5-star rating, only four districts receive less per student funding from the state than Mayfield (so eight of the 13 districts receive more state funding per student than Mayfield).
- The Ohio Department of Education also presents an adjusted amount of per student spending that takes into account "students with certain disabilities and/or disadvantages resulting in some students counting more than others and reducing the spending per pupil results." Using this metric, the Mayfield City School District per student spending is lower than all but four of the 13 districts in the County that earned an overall 5 rating. (All four districts with lower adjusted per student spending are on the west side or south-central portion of the County.)

School Specific Report Cards:

- Gates Mills Elementary School was in the top 2% among the 2,000 elementary schools in the State of Ohio based on its Performance Index of 111.3.
- Only four elementary schools in Cuyahoga County (out of 164) received a 5-star rating for Overall Performance, Achievement, Progress, Gap Closing and Early Literacy. Two of them are Gates Mills Elementary and Mayfield Center Elementary School.
- Millridge Elementary and Lander Elementary earned overall rankings of 4.5, and Lander Elementary achieved an 11.5-point improvement in its Performance Index.
- Mayfield Middle School earned a 4.5-star overall rating and a 5-star rating for Gap Closing while exceeding state standards for Achievement and Progress.

- Mayfield High School earned a 5-star overall rating, along with 5-star component ratings for Progress, Gap Closing and Graduation, while exceeding state standards for Achievement. The high school is one of 13 in the County (out of 67 total county high schools) to receive a 5-star overall rating.
- Each school in the District improved their performance index, and all but one have improved their performance index for at least two consecutive years.
- Excel TECC, the District's career consortium, also received a 5-star overall rating.

Complete results of the Mayfield City Schools 2023 Report Card can be found here:

(<https://reportcard.education.ohio.gov/district/overview/044370>).

The Department of Education also produced a 19-page Guide to 2023 Ohio School Report Cards:

<https://education.ohio.gov/getattachment/Topics/Data/Report-Card-Resources/2023-Report-Card-Guide.pdf.aspx?lang=en-US>

Note: The Department of Education describes the “College, Career, Workforce and Military Readiness Component” as not being rated until the 2024-2025 school year at the earliest, noting that “Data collections and business rules have not been finalized for this component.” The lack of data collection and business rules is apparent within the information presented for this component, which is often internally inconsistent. One example is the presentation of information about AP scores where data points on the same graph contradict each other, often with the scored data being lower than the unscored data.

The screenshot shows the Ohio Department of Education website. The main heading is "College, Career, Workforce and Military Readiness Component". Below it is an "Overview" section. A black arrow points from the "Note" text to a box containing the following text:

THIS COMPONENT WILL NOT BE RATED OR INCLUDED IN THE OVERALL RATING FOR SCHOOLS AND DISTRICTS UNTIL THE 2024-2025 SCHOOL YEAR AT THE EARLIEST.

Data collections and business rules have not been finalized for this component. All currently available data for each measure will be reported and a preliminary component percentage displayed but this data should be considered for informational purposes only.

<https://education.ohio.gov/Topics/Data/Report-Card-Resources/Resources-and-Technical-Documents/College-Career-Workforce-and-Military-Readiness#:~:text=The%20College%2C%20Career%2C%20Workforce%2C,or%20join%20the%20armed%20forces.>

From the Department of Education’s Guide to 2023 Ohio School Report Cards:

COLLEGE, CAREER, WORKFORCE AND MILITARY READINESS COMPONENT RATING	
NOT RATED AT THIS TIME	Rating
	5 Stars
	4 Stars
	3 Stars
	2 Stars
	1 Star

ORDINANCE NO. 2023- 30

BY: MAYOR SCHNEIDER

AN ORDINANCE AMENDING SECTION 957.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GATES MILLS TO AMEND THE RENTAL FEES, SECURITY DEPOSIT AND POLICE SECURITY SERVICES CHARGES FOR COMMUNITY HOUSE RENTALS.

WHEREAS, the Mayor has requested and this Council desires to amend the rental fees, security deposit and police security services charges for Community House rentals.

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

Section 1: Section 957.01 of the Codified Ordinances of the Village of Gates Mills is hereby amended only as to the provisions set forth below to hereafter provide as follows:

“957.01 RULES.

Rules concerning the use of the Community House shall be as follows:

(a) Reservations.

(5) Reservations must be secured and signed with the accompanying deposits at the Town Hall. Two checks payable to the Village of Gates Mills are required. A check for ~~one~~ **two** hundred fifty dollars (\$~~1~~**2**50.00) for rentals up to four (4) hours or a check for three hundred fifty dollars (\$350.00) for rentals longer than four (4) hours will be applied to cleaning, utilities and wear and tear on the building. Another check for ~~two~~ **three** hundred dollars (\$~~2~~**3**00.00) will not be deposited unless there is damage beyond ordinary wear and tear.

(b) Restrictions.

(5) Security services are required for private parties. The applicant will be responsible for arranging and paying for security personnel who must be approved by the Village. The arrangements for this service may be made by calling the Police Department at 423-4456. The police officer is to be paid at the time of the event. The number of police required will be determined as follows:

Number of Police

1
2
3

Number of Guests

under 100
100 to 149
150 or more

Police officers shall be paid at ~~thirteen~~**fifty** dollars (\$~~13~~**50**.00) per hour, for a minimum of three hours. One security person must remain until the conclusion of the event.

***"

Section 2: The foregoing provisions of Section 957.01 of the Codified Ordinances of the Village of Gates Mills Heights as they existed prior to the effective date of this Ordinance are hereby repealed.

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 force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

ORDINANCE NO. 2023-37

BY: COUNCILMEMBER AUWERTER

AN ORDINANCE TO AMEND CHAPTER 792 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GATES MILLS REGARDING MUNICIPAL INCOME TAX TO ADOPT UPDATES TO CONFORM TO OHIO HOUSE BILL 33; AMENDING THE DEFINITION OF A PENSION AND ADDING A DEFINITION OF A RETIREMENT PLAN; AND CHANGING REFERENCES TO THE CENTRAL COLLECTION AGENCY ("CCA") TO THE REGIONAL INCOME TAX AGENCY ("RITA").

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides: "Municipalities shall have authority to exercise all powers of local self- government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities;

WHEREAS, Article XIII, Section 6, of the Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13, of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;"

WHEREAS, Amended Substitute House Bill 33, the state of Ohio's biennial operating budget bill for 2024-2025, which was passed by the General Assembly on June 30, 2023 and signed into law by Governor Mike DeWine on July 3, 2023, contains several changes to the Ohio municipal income tax statutes which need to be adopted by municipalities as amendments to their existing income tax ordinances;

WHEREAS, this Council further desires to amend Section 792.03, "Definitions," to amend the definition of a "pension" and add a definition of a "retirement plan" to conform to the definitions set forth in Ohio R.C. 718.01;

WHEREAS, this Council further desires to change the references in Chapter 792 of the Codified Ordinances from the Central Collection Agency ("CCA") to the Regional Income Tax Agency ("RITA") to reflect that the Village has contracted with RITA as the Village's Tax Administrator since January 1, 2017.

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

Section 1: Chapter 792 of the Codified Ordinances of the Village of Gates Mills is hereby amended only as to the provisions set forth below to hereafter provide as follows:

"792.03 DEFINITIONS.

(28) ~~"PENSION" means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.~~ **"PENSION" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.**

(44) **"TAX ADMINISTRATOR"** means the individual charged with direct responsibility for administration of an income tax levied by the Village in accordance with this Chapter, and also includes the following:

- (A) A municipal corporation acting as the agent of another municipal corporation;
 - (B) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;
 - (C) ~~The Central Collection Agency (CCA)~~**Regional Income Tax Agency ("RITA")** or their successors in interest, or another entity organized to perform functions similar to those performed by the ~~Central Collection Agency~~**Regional Income Tax Agency**.
- The Tax Administrator for the Municipality is presently the ~~Central Collection Agency~~**Regional Income Tax Agency**.

(54) "RETIREMENT BENEFIT PLAN" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

792.062 NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT.

This section applies to any taxpayer engaged in a business or profession in the Municipality unless the taxpayer is an individual who resides in the Municipality or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the Ohio Revised Code.

- (A) **Except as otherwise provided in divisions (B) and (I) of this section,** net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

- (1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

- (2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 792.052 of this Chapter;

- (3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

- (B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Administrator of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- (a) Separate accounting;
- (b) The exclusion of one or more of the factors;
- (c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the Municipality;
- (d) A modification of one or more of the factors.

- (2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by division (A) of Section 792.19 of this Chapter.

- (3) A Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of Section 792.19 of this Chapter.

- (4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

- (C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

- (1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

- (a) The employer;
- (b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

- (c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.
- (2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;
- (3) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If a Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.
- (D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:
 - (1) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:
 - (a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.
 - (b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.
 - (2) Gross receipts from the sale of services shall be situated to the municipal corporation to the extent that such services are performed in the municipal corporation.
 - (3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be situated to the municipal corporation.
 - (4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation.
 - (5) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.
- (E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

- (F) (1) Except as provided in division (F)(2) of this section, **and except as provided in division (I) of this section,** commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or

broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

- (2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such credit is allowed under Section 792.081 of this Chapter.
- (G) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (11)(L) and (34)(A)(iv) of Section 792.03 of this Chapter, by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

- (H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(I)(1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 792.051 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (I)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (I)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (B) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (B)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (I)(2):

(a) For the purpose of division (B)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (B)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (B)(1)(c) of this section, and notwithstanding division (B)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (B)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 792.051 of this Chapter.

792.091 RETURN AND PAYMENT OF TAX.

(A) (1) An annual return with respect to the income tax levied on Municipal Taxable Income by the Municipality shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, regardless of whether or not income tax is due.

- (G) (1) (a) Except as otherwise provided in this Chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the Ohio Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to ~~CCA~~RITA.
- (b) Except as otherwise provided in this Chapter, each annual net profit income tax return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year or period. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to ~~CCA~~RITA.

792.093 USE OF OHIO BUSINESS GATEWAY; TYPES OF FILINGS AUTHORIZED.

(A) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file any municipal income tax return or, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway or directly to ~~CCA~~RITA.

(B) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway or directly to ~~CCA~~RITA.

792.094 EXTENSION OF TIME TO FILE.

(A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. **For tax years ending on or after January 1, 2023, the extended due date of a municipal income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates.** An extension of time to file under this chapter is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(1) A copy of the federal extension request shall be included with the filing of Municipality's income tax return.

(2) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(B) If the State Tax Commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the Ohio Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(C) If a taxpayer receives an extension for the filing of a municipal income tax return under division (A) or (B) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (C) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (C) of this section does not apply to an extension received under division (A) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (A) of this section or failed to file for an extension under division (A)(2) of this section.

(~~E~~D) With respect to taxpayers to whom Section 792.092 of this chapter applies, to the extent that any provision in this division conflicts with any provision in Section 792.092 of this chapter, the provision in Section 792.092 of this chapter prevails.

792.10 PENALTY, INTEREST, FEES, AND CHARGES.

(A) As used in this section:

- (1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Municipality provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.
- (2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.
- (3) "Income tax," "estimated income tax," and "withholding tax" mean any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.
- (4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent (5%). The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

- (5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with ~~CCARITA~~ by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

- (C) The Municipality shall impose on a taxpayer, employer, any agent of the employer, and any other payer, and will attempt to collect, the interest amounts and penalties prescribed in this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the Municipality timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Municipality any return required to be filed.
- (1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of this section", per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction of a month.
- (2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to fifteen percent of the amount not timely paid shall be imposed.
- (3) With respect to any unpaid withholding tax, a penalty not exceeding fifty percent of the amount not timely paid shall be imposed.
- (4) **(a) For tax years ending on or before December 31, 2022, w**With respect to returns other than estimated income tax returns, the Municipality shall impose a monthly penalty of twenty-five dollars (\$25.00) for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of one hundred fifty dollars(\$150.00) in assessed penalty for each failure to timely file a return.
- (b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the Municipality may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that the Municipality shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.**

***"

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 shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

ORDINANCE NO. 2023- 38

BY COUNCILMEMBER STEINBRINK

AN ORDINANCE AMENDING SECTION 1377.05 OF THE VILLAGE BUILDING CODE TO REVISE THE PROPERTY MAINTENANCE CODE AT 302.4 TO ADD MAINTENANCE OF TREES; AND DECLARING AN EMERGENCY.

WHEREAS, the Village Service Director and Building Official advises that there has been an ongoing problem with trees and limbs from trees on private property that are dead, diseased and/or dying which are falling onto above-ground utility lines and public rights-of-way in the Village during storms and otherwise causing dangerous situations for the safety of persons and property, as well as significant power outages for extended periods of time;

WHEREAS, limbs of trees that extend over above-ground utility lines and public rights-of-way, even when not dead, diseased or dying can cause a hazard of falling during a storm due to winds and added weight of snow and ice;

WHEREAS, such dead, diseased or dying trees and tree limbs also cause safety hazards when there is the potential of their falling onto other persons' properties;

WHEREAS, this Council desires to protect the health, safety and welfare of citizens, motorists and their properties by adopting maintenance requirements in the Village's property maintenance code that includes a property owner being responsible for removal of trees and tree limbs with the potential to cause hazards from their falling.

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

Section 1. Section 1377.05,"Revisions", of Chapter 1377, "International Property Maintenance Code", of the Village Building and Housing Code at 302.4, "Weeds", is hereby amended to read as follows:

"1377.05 REVISIONS.

The following sections of the International Property Management Code are hereby revised to read as follows:

302.4. Weeds, Grasses, Trees and Limbs . All premises and exterior property shall be maintained free from weeds **and tall grasses; -- i.e.,** plant growth or grass in excess of six (6) inches in height **– and free from dead, diseased, or dying trees and limbs of trees.** All noxious weeds are prohibited. Upon the failure of the owner or person having charge of the property to cut the grass and other plant growth, **to remove dead, diseased, or dying trees and/or limbs of trees,** and to destroy noxious weeds after service of a notice of violation upon the owner or person having charge of the property, the owner, the owner's

agent or authorized representative, or the person in charge of the property shall be subject to prosecution in accordance with Section 1377.99 of this chapter.

1. Upon failure to comply with the notice of violation, any duly authorized employee of the Village or contractor hired by the Village is authorized to enter onto the property that is the subject of the notice of violation to cut, remove, and/or destroy the grass, weeds, other plant growth, and noxious weeds, and dead, diseased or dying trees and limbs of trees thereon and the costs of the cutting and/or destruction shall be paid by the owner, the owner's agent or the person having charge of the property.
2. The Building Official shall cause an invoice for services rendered pursuant to subpart (1) of this section to be served on the owner, the owner's agent, or the person in charge of the property via regular, first-class mail and upon nonpayment of the invoice, the Building Official shall report the nonpayment of and invoice to the Village Council at an appropriate time.
3. Upon the receipt of the report provided for in subpart (2) of this section, Council may make written return to the Fiscal Officer of Cuyahoga County of the Village's action under the preceding subparts hereof with a statement of the charges for its services and a proper description of the premises for the purpose of making the same a lien upon the property and to be collected as other taxes and returned to the Village with the General Fund.”

Section 2. Existing 302.4, “Weeds”, of Section 1377.05, “Revisions”, of Chapter 1377, “International Property Maintenance Code”, of the Village Building and Housing Code is hereby repealed.

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 is declared to be an emergency measure necessary for the immediate preservation of the health, safety, and general welfare of the public and property and for the further reason that there are currently existing conditions of dead, diseased and/or dying trees on private property that pose a threat any minute to the public health, safety, and general welfare of persons and property; 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 this _____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

ORDINANCE NO. 2023-39

BY COUNCILMEMBER AUWERTER

**AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATION ORDINANCE
NO. 2022-42 TO INCREASE CERTAIN APPROPRIATIONS AND
OTHER EXPENDITURES OF THE VILLAGE OF GATES MILLS, OHIO FOR
THE FISCAL YEAR ENDING DECEMBER 31, 2023**

SECTION 1. Be it ordained by the Council of the Village of Gates Mills, Ohio that the following amendment be made to the annual Appropriation Ordinance 2022-42 as passed by Council on December 13, 2022.

SECTION 2. That the appropriation for the General Fund to the Fire Department Salaries and Wages be increased by \$21,000.

SECTION 3. This Ordinance is hereby declared to be an emergency ordinance necessary for the immediate preservation of the public health, safety, convenience and welfare for reasons apparent from the contents of said ordinance and therefore this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed the ____ day of October, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor