

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

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

- |   |             |
|---|-------------|
| 1. Roll call.   |             |
| 2. Minutes of Special Council meeting of February 14, 2023.   | Clerk.      |
| 3. Minutes of Regular Council meeting of February 14, 2023.   | Clerk.      |
| 4. Minutes of Special Council meeting of February 17, 2023.   | Clerk.      |
| 5. Pay Ordinance # 1271 \$730,710.90  | Clerk.      |
| 6. Financial Statement/Treasurer's Report.  | Treasurer.  |
| 7. Mayor's Report.  | Mayor.      |
| 8. Clerk's Report.  | Clerk.      |
| 9. Committee Reports.   |             |
| Broadband Committee   | Deacon.     |
| 10. Police Department Report.   | Minichello. |
| 11. Service Department Report.  | Biggert.    |
| 12. Fire Department Report.   | Robinson.   |
| 13. <b><u>Ordinance No. 2023-10</u></b> First Reading   | Mayor.      |
| An Ordinance Authorizing the Disposal by Sale of a Front End Loader Used by the Village Service Department that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency. |             |
| 14. <b><u>Resolution No. 2023-11</u></b> First Reading  | Steinbrink. |
| A Resolution Authorizing the Mayor to Enter into an Amendment to the Master Services Agreement with Sensys Gatso USA, Inc. for an Automated Photo Traffic Enforcement System.                     |             |
| 15. Council Matters.  |             |
| 16. Business from the Audience.   |             |
| 17. Adjourn.  |             |

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

**Village of Gates Mills**  
**MINUTES OF A SPECIAL MEETING OF COUNCIL**  
**February 14, 2023**

A special meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, February 14, 2023 at 5:00 p.m. with Mayor Schneider presiding.

1. Roll Call

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

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

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

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

Nays: None.

Motion carried.

2. Executive Session

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

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

Nays: None.

Motion carried. Entered Executive Session at 5:02 pm

Councilmember Press and Councilmember Steinbrink entered Executive Session at 5:08 pm and 5:38 pm, respectively.

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

4. Adjourn

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

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

Nays: None.

Abstain: Steinbrink

Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

**Village of Gates Mills**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**February 14, 2023**

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, February 14, 2023, at 5:44 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

**1. Roll Call**

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

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

**2. Minutes of Council meeting of January 10, 2023**

Councilmember Welsh moved to approve the January 10, 2023 minutes with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

**3. Minutes of the Special Council meeting of February 1, 2023**

Councilmember AuWerter moved to approve the February 1, 2023 minutes with Councilmember Steinbrink seconding the motion.

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

Abstain: Welsh

Nays: None

Motion carried.

**4. Pay Ordinance # 1270 \$633,578.66**

Councilmember Welsh moved to approve Pay Ordinance #1270. Councilmember Press 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 2:41**

**6. Mayor's Report starts at 18:04**

- \$869,000 to the general fund from real estate taxes will be received Feb 15th
- April Council meeting will be held in Town Hall Council Chambers

- Two County grants have been applied for

7. Clerk's Report starts at 23:58

- A perceived traffic increase on westbound Old Mill Rd could be a negative for the road program if the increase is displaced Mayfield Rd traffic. Comparing the fine for ten miles over the speed limit on Old Mill Rd (non-camera ticket) versus Mayfield Rd (camera ticket) resulted in \$190 and \$135, respectively.

8. Committee Reports starts at 25:17

In his recently elected capacity as Council Pro Tem:

- Councilmember AuWerter thanked Finance Administrator Mulh for her efforts in providing the monthly Council agenda one week in advance of the meeting. The goal is for the agenda and all contents to be available one week in advance.
- Councilmember AuWerter stated per Charter the only defined responsibility of the Council Pro Tem is to conduct Council Meetings in the Mayor's absence. He would like to add more substance to the role over the balance of the year, then compare ideas with Councilmember Turner (previous Council Pro Tem), and recommend to the Council and Mayor refinements to the responsibilities of the Council Pro Tem role.

Comprehensive Plan Status and Process (Councilmember AuWerter) starts at 29:19

- The 1/9 and 1/31/23 Advisory Committee meetings focused on the elements of the draft plan where there is not consensus, as defined by the Consultant, among the Advisory Committee members. The next meeting at Gates Mills Elementary School on 3/7/23 will focus on new housing and development. One or two additional meetings are anticipated, followed by a Town Hall meeting in early/mid April or late April/early May. The Advisory Committee will meet following the Town Hall meeting and prepare a report to present to Council at the June or July Council meeting.
- What will Council do when presented with the report of the Comprehensive Plan? starts at 34:22 Council will acknowledge receipt of the report. Law Director Hunt explained Council is not legally required to act on it. Most communities that go through a comprehensive planning process have their Council either 1) accept the plan report as is to be used as a guide, or 2) approve the plan report. Approval assumes there will be a review before the approval and in reviewing it perhaps it is decided to make some adjustments. A formal document entitled Comprehensive Plan is not required in terms of putting together your zoning and land use regulations in Ohio, but it is a very helpful document to make sure your zoning and land use regulations comport with or at least do not conflict with what is in the comprehensive plan.
- Backbone of the Comprehensive Plan continues to be preserving our rural character, not development
- Consultant has been asked to provide a current billing to compare with budgeted amount of \$57,000
- Various Councilmember comments starts at 39:49

Broadband Committee Status (Councilmember AuWerter) starts at 50:58

- Interviewing consultants, staying in touch with other communities regarding their Broadband plans, attending webinars on public funds and the processes involved to apply
- Next meeting is 2/15/23 to craft a consultant recommendation to present to Council at the March or April Council meeting

Charter Review Committee Status (Councilmember AuWerter) starts at 51:58

- Todd Hunt's report of suggested changes to make the charter consistent with state law and consistent internally has been reviewed. Charters of nearby similar cities/villages are being reviewed to determine if they have provisions that Gates Mills might want to consider. Possible changes will begin to be identified and discussed at their next meeting and made ready to present to Council late summer.

Cell Tower Update (Mayor Schneider) starts at 53:17

- Gilmour rebid their 2019 cell tower project. All 3 bids came in at double the previous price. Another bid is being sought. Refiling with the FCC for a new permit is in process. Hopeful for late fall. Terrible cell service in the Gilmour area is a safety issue and might help speed the process along.

Safety Committee Update-Traffic Cameras (Councilmember Steinbrink) starts at 55:43

- The eastbound electric power is ready. Camera foundations should be completed late April/early May. Potential go live date of June/July. Lyndhurst Municipal Court will meet later this week with their case management software vendor over pricing and timing of the data integration with Sensys Gatso.

Planning & Zoning Commission-Solar Panels (Councilmember Steinbrink) starts at 56:57

- Councilmember Steinbrink had a discussion about solar panels on roofs that face the street with 3 of the architects that are part of the Architectural Review Board. The input received was shared with Planning & Zoning and the consensus was P & Z did not want to have any significant changes for solar panels on roofs that face the street. Aesthetics are a concern along with property values.
- Councilmember AuWerter wanted Council to be aware this means street-facing roof solar panel variances will not be granted.

Various Councilmember comments regarding diversion of Mayfield Rd. traffic through the Village start at 1:00:03

- "Local Traffic Only" signs
- Establish baseline traffic numbers on Mayfield and Old Mill Rds, at least
- Query Mayfield Village about their traffic camera start up strategies

Mayfield Schools “Focus Forward Mayfield” Initiative Update  
(Councilmember Turner) starts at 1:05:10

- This five year strategic plan focuses on experiences of the student, employee, family, and community as well as organizational excellence. The steering committee has 30 members who are elected officials, parents, administrators, teachers, staff, students, business leaders, and alumni. Our Village is represented by parent Megan Perez, Jim Stanford, and Councilmember Turner. The planning process began on 2/1/23 and will be completed by the end of the school year in June in order for improvements to be implemented in the new school year in the fall.

Councilmember Press asked if Council was going to make a recommendation for or against the Mayfield Schools levy. Starts at 1:07:27

9. Police Department Report attached and starts at 1:10:25

Councilmember AuWerter wondered what the Village’s position was in regard to deer culling. Mayor Schneider stated we are part of a culling venture within the confines of the Metroparks at North Chagrin reservation.

Councilmembers Press and Atton find the number of housechecks amazing and time intensive, respectfully. Chief Minichello replied that while doing housechecks up/down driveways we patrol about every street in the village. The routine is intentionally mixed up.

Chief Minichello addressed baseline traffic data on Old Mill Rd. We have data collected in December 2021 from Old Mill Rd, data will be collected next week using the portable speed counter, and when we go live we can do it again. The Police Chief had earlier this week compared travelling Mayfield Rd. with the alternate Old Mill route and found the Old Mill route took one minute longer. Councilmember Steinbrink mentioned increased traffic seems to be common in many places given post pandemic getting out and being called back to work.

Regarding Shaker Heights traffic control signage, they use “do not enter” signs between 4-6 pm and anyone, resident or non-resident, is subject to a violation citation.

Our new yellow Tasers are meant to be more visible to a resistor and might help him/her think twice.

10. Service Department Report attached and starts at 1:18:02

The minimum quota of road salt will be purchased. Any salt that will not fit in our 700 ton bin will remain at the salt yard and charged a storage fee.

11. Fire Department Report attached and starts at 1:20:02

12. Councilmember AuWerter moved to authorize the Village Engineer to competitively bid the following public improvement projects for 2023 and Councilmember Welsh seconded the motion:

2023 Annual Road Maintenance Program;  
Mayfield Road Culvert Replacement; and  
Hillcreek Culvert Repair/Rehabilitation/Erosion Repair starts at 1:21:24

Councilmember AuWerter explained this is just an authorization to go out for three separate bids on the total scope that was budgeted for this year. Once we get the numbers we will discuss whether we want to proceed and how to fund the Mayfield Road culvert replacement.

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

13. Ordinance No. 2022-27 (Three readings and Public Hearing are completed) starts at 1:24:41

Ordinance No. 2022-27 “An Ordinance Amending Zoning Code Section 1157.03, ‘Accessory Uses in U1 Single-Family House District; New Standards’ to Adopt a New Subsection (n) to Permit the Keeping of Chickens and Certain Other Domesticated Fowl as an Accessory Use in Residential Zoning Districts and Amending the General Offenses Code to Adopt a New Section 518.18, ‘Backyard Chickens and Certain Other Domesticated Fowl’” was read by Councilmember Steinbrink.

Councilmember Steinbrink and residents close to this issue started last summer to whittle down a prescriptive ordinance into a reasonable ordinance. At the time individuals with chickens on their property in our rural and pastoral community were in violation of our zoning code because things not prescribed in the zoning code are effectively prohibited. If a neighbor called to complain about chickens, the chickens had to go. A provision in this ordinance gives the building official in nuisance cases the right to order the chickens removed from the property and the homeowner has recourse to go to Planning and Zoning to have that heard. We’ve had extremely good input from residents close to this who came away supporting this ordinance. A no vote on this matter effectively is Council telling residents that chickens are not permitted. Councilmember Steinbrink moved to approve Ordinance No. 2022-27 with Councilmember Deacon seconding the motion.

Councilmember Turner acknowledged Councilmember Steinbrink’s good work, promoting community involvement, and recognizing the difficulty for Planning & Zoning when there aren’t ordinances to undergird the decisions made; this serves people who want to have chickens and people who are concerned about the downside. Councilmember Deacon said the pastoral nature of the village is preserved by making it clear chickens are permitted. Councilmember Welsh said the intent was good but it’s so incomplete and inconclusive. Councilmember Atton hoped people would talk to each other and resolve it themselves. Councilmember AuWerter stated we would have a framework for Planning & Zoning variance requests, realtors now would have an answer to the chicken question, and we’re recognizing what is out there-a lot of chicken owners in the village. Councilmember Press said there was improvement from the first to final versions.

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



Motion carried.

14. Ordinance No. 2023-1 Second Reading starts at 1:32:14

Ordinance No. 2023-1 “An Ordinance Amending Section 318.07, “Civil Penalties”, to Increase the Civil Penalty for a Violation for 10 to 19 Miles Per Hour Over the Motor Vehicle Speed Limit” was read by Councilmember Steinbrink. A Supreme Court ruling mandates an advanced administrative ticket charge for all traffic camera citations issued and we’re increasing the amount in the first level of penalty to collect that cost. Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-1 be placed upon its final passage. Councilmember AuWerter seconded the motion to suspend the rules.

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

Councilmember Steinbrink moved to approve Ordinance No. 2023-1 with Councilmember Turner seconding the motion.

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

15. Ordinance No. 2023-5 First Reading starts at 1:33:54

Ordinance No. 2023-5 “An Ordinance Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2023 Energized Community Grant” was read by Councilmember AuWerter. Mayor Schneider stated the \$8,000 grant would be used for an energy saving project, most likely windows in Town Hall. Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-5 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-5 with Councilmember Welsh seconding the motion.

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

16. Ordinance No. 2023-7 First Reading starts at 1:37:09

Ordinance No. 2023-7 “An Ordinance Authorizing the Disposal by Sale of a Vehicle that is Unfit, Obsolete and Unneeded for Village Purposes; and Declaring an Emergency” was read by Mayor Schneider. This is the Fire Chief’s vehicle. Councilmember AuWerter moved that the rules requiring ordinances to be read on three

different days be suspended and that Ordinance No. 2023-7 be placed upon its final passage. Councilmember Atton seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-7 with Councilmember Steinbrink seconding the motion.

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

#### 17. Ordinance No. 2023-8 First Reading starts at 1:39:08

Ordinance No. 2023-8 “A Resolution Authorizing an Agreement with the Law Firm of Roetzel & Andress, LPA for Law Director and Other Legal Services” was read by Mayor Schneider. The last time we reviewed proposals and interviewed for Law Director was upon Chuck Riehl’s retirement from Walter Haverfield prior to 2016. We stayed with Walter Haverfield and have been charged the same hourly rate since the 1990s to present.

Law Director Hunt and his entire Public Law Group moved from Walter Haverfield to Roetzel Andress in December 2022 because Roetzel has a better platform for public law, they have the biggest public law practice in the state, and there was pressure from Walter Haverfield to increase public entity rates. Our current effective hourly rate of around \$118 for regular services is no longer sustainable. Under the new agreement of a \$42,000 retainer (current \$32,000 plus \$10,000 increase) there is not a cap on the number of hours to be put in. Law Director Hunt is willing to back off on the new proposal being retroactive to January 1, 2023 and will put the new rate into effect March 1, 2023. The new agreement can be terminated with a 30-day notice.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different dates be suspended and that Ordinance No. 2023-8 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 Ordinance No. 2023-8 with Councilmember Welsh seconding the motion.

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

Councilmember Atton asked if the village owns the records of Walter Haverfield’s work. Law Director Hunt replied yes. There are 30 boxes of records going back to 1988 that are ready to be picked up.

18. Council Matters starts at 1:49:22

Councilmember Steinbrink announced a Special Council Meeting is set for 8 a.m. on 2/17/23 in Council Chambers to approve a lease for a coffee shop in the space formerly occupied by Cindy Halle. They will be open 6 a.m. to 3 p.m. and will offer coffee, pastries, prepared salads, sandwiches, and soup. Feedback from the Comprehensive Plan suggests this is something villagers have actively been seeking. The reason for the Special Meeting is to allow sufficient time for the build out of the space as they'd like to be open as soon as possible. This is being done in conjunction with Sara's.

Councilmember AuWerter asked all Councilmembers to send him a list of 3 to 5 items that should be a Council priority. Tree canopy was an example.

Councilmember Atton stated the Charter Review Committee is not moving very quickly. If we are going to have some Charter changes, it would be good to synchronize the work of the committee with the November election schedule

19. Business from the Audience - None

20. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

**Village of Gates Mills**  
**MINUTES OF A SPECIAL MEETING OF COUNCIL**  
**February 17, 2023**

A special meeting of the Council of the Village of Gates Mills, Ohio was held at the Village Town Hall Council Chambers on Friday, February 17, 2023 at 8:00 a.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

**1. Roll Call**

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

Other Village officials present were Clerk DeCapite, Finance Administrator Mulh, and Law Director Hunt.

**2. Resolution No. 2023-9 First Reading starts at 1:08**

Resolution No. 2023-9 “A Resolution Authorizing the Mayor and the Clerk to Enter Into a Lease with Gavi’s River, LLC, for a Coffee Shop at 1501 Chagrin River Road and Declaring an Emergency” was read by Councilmember AuWerter. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-9 be placed upon its final passage because of the urgency in our construction timeline. Councilmember Welsh seconded the motion to suspend the rules.

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

Nays: Atton

Motion carried.

Councilmember AuWerter moved to approve Resolution No. 2023-9 with Councilmember Steinbrink seconding the motion.

Councilmember Atton transaction context issues starts at 2:12

Should have found alternative uses for the space.

The words coffee shop were grabbed out of the Comprehensive Plan proceedings, but it wasn’t about a coffee shop-it was about finding ways of making the village more attractive. Afraid the Comprehensive Plan is being ignored.

Concerned that we’re being rushed into this.

Villagers have had no opportunity to chip into this conversation-they don’t even know anything about other items being talked about be it Burton Court downstairs or expansion upstairs.

Interested in process, clear analysis, and transparency. Thinks we’re avoiding all 3 of these things if we make this decision today.

Councilmember Welsh comments starts at 6:54

I was in on the initial go around. At that time we did a survey of what people wanted downtown and it was a coffee shop. Sara's took a gamble and put a lot of money into that building. The restaurant is a super success.

Councilmember Atton transaction content issues starts at 9:56

Lease is a stand-alone agreement but the Option to Renew Term references Sara's Lease and making improvements to Sara's. Is that a condition? Councilmember AuWerter responded. If the Sara's Lease is changed for whatever the reason cited (improvements to Sara's Restaurant Premises), this Lease gives the Lessee the right to adopt those same terms.

Is the put right on the first anniversary? Yes, it is a one-time option.

Councilmember AuWerter summary starts at 14:50

This space became available a year ago. We have talked in 7 Council meetings about this space and more than twice mentioned that we were talking about a possible coffee shop. We decided as a Council that it is best to talk about details in Executive Session, but we have been very clear when we come out of those to say that we're in discussions on a coffee shop. I think we've been unbelievably transparent on this to the extent we can without getting into the inner workings of a detailed lease.

I also disagree that we have to wait for the final of the comprehensive plan to find out that our villagers are interested in a coffee shop. We have the survey from 20 years ago, it came up in neighborhood meetings.

The other reason we've sped it up is that when we started talking with Sara's one of our top goals was to try to have lunch and a coffee shop. Coincidentally a valued employee of Sara's runs a coffee shop and is getting out of that coffee shop, has the equipment and there was a window here. That timing is running out. That was why the request to break this lease up. It's a one-year experiment, there might be risk, obviously Sara's thinks there might be a risk. The urgency is warranted.

Councilmember Press comments starts at 19:38

Concerned that we're being too prescriptive on telling Sara's how many soups and so on. Shouldn't we give them some flexibility? We want them to succeed. Various Councilmembers and the Mayor responded the coffee, pastry, at least 3 soups, prepared salads and sandwiches was Sara's language, their minimum. The lunch component (soups/prepared salads/sandwiched) is a requirement of the lease and if they aren't providing those, it's a potential default. Operating hours are 6 a.m. to 3 p.m. Monday through Saturday. Their intent is to open up space in the dining room to take your coffee and pastries to one of the tables. Use of the patio in the summer.

Councilmember Steinbrink comments starts at 23:28

We've had half a dozen people through the 501 square foot space. The Village Center and the Mills Building exist to serve the 2200 residents of the village, not the 10,000 to 20,000 people that go into Chagrin Falls or Pinecrest on a daily basis. This would be much different if this was not a known operator and we had some sort of a unknown commodity coming in here. I get concerned that this is paralysis from analysis. We've got to run the operations of the village. We've got space that's been open for over a year that we've had difficulty getting leased. It's not for lack of trying. It's because it's the village of Gates Mills. I don't think residents want us to be Chagrin Falls. I don't think residents want

people from all over the place coming in here. They want a place for residents. We've been elected by residents to run the affairs of the village. Sometimes that means with imperfect information. I look at this and say we've got coffee or breakfast or lunch. The monetary investment from the village is relatively small because these are improvements that would need to be made to the space regardless.

Returning to the motion made by Councilmember AuWerter to approve this Resolution with Councilmember Steinbrink seconding the motion:

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

Nays: Atton

Motion carried.

### 3. Executive Session starts at 26:17

Councilmember AuWerter stated there was a question over some language regarding assignment of a renegotiated Sara's lease and it was resolved. Do we want to go into Executive Session to talk about the next level of detail? Law Director Hunt replied we're not discussing trade secrets of Sara's that would justify the Executive Session. It's up to you.

### 4. Councilmember AuWerter moved to Authorize the Mayor to Engage Professional Design Services for the Purpose of Construction at the Village's Property at 1501 Chagrin River Road in an Amount not to Exceed \$50,000 and Councilmember Welsh seconded the motion starts at 30:45

Councilmember AuWerter provided a framework of what is being explored-the addition of a second floor above Burton Court starts at 32:30

Mayor Schneider has talked to the library manager and made her aware that both Sara's and the Village have taken into consideration that the library uses the lower level and patio of Burton Court for programming. The library programs will not go away.

Councilmember Press said basically we are going to improve the Mills Building by expanding the footprint on the second floor and Sara's is prepared to take a lease on that space if it makes economic sense.

Councilmember AuWerter stated we have the terms, we have been exchanging those back and forth, we are in agreement.

Councilmember Atton thinks a letter of intent is always a good idea. Starts at 39:32

Councilmember AuWerter would like to start moving forward to get engineering drawings. It's going to take 90-120 days. We have to get bids. Supply chain issues.

Returning to the motion made by Councilmember AuWerter to authorize the Mayor to engage professional design services for the purpose of construction at 1501 Chagrin River

Road in an amount not to exceed \$50,000 with Councilmember Welsh seconding the motion:

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

Nays: None

Motion carried.

Councilmember Atton stated we tried to ask tough questions this morning and make the process demanding. That's part of our job and I don't want Councilmember AuWerter to take any personal offense.

## 5. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

**Payment Listing**

February 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
34-2023	01/26/2023	01/26/2023	CH	CUYAHOGA COUNTY TREASURER	\$14,139.18 *	C
34-2023	01/26/2023	01/26/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$3,062.10 *	C
34-2023	01/26/2023	01/26/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$626.72 *	C
34-2023	02/23/2023	02/23/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$701.11	C
48-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
49-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
50-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
51-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
52-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
53-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$9.20	C
54-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$13.24	C
55-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$18.05	C
55-2023	02/06/2023	02/03/2023	CH	DIVISION OF WATER	\$86.00	C
56-2023	02/01/2023	02/07/2023	NEG ADJ	DIVISION OF WATER	-\$86.00	C
57-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$51.64	C
58-2023	02/01/2023	02/03/2023	CH	DIVISION OF WATER	\$239.16	C
59-2023	02/03/2023	02/03/2023	CH	DIVISION OF WATER	\$294.14	C
60-2023	02/03/2023	02/08/2023	CH	CLEVELAND ILLUMINATING CO.	\$294.23	C
61-2023	02/03/2023	02/08/2023	CH	CLEVELAND ILLUMINATING CO.	\$414.13	C
62-2023	02/07/2023	02/08/2023	CH	THE HARTFORD	\$196.89	C
63-2023	02/07/2023	02/08/2023	CH	PRIME PAY	\$69,488.75	C
64-2023	02/07/2023	02/12/2023	CH	DOMINION EAST OHIO	\$179.00	C
64-2023	02/07/2023	02/12/2023	CH	DOMINION EAST OHIO	\$255.00	C
65-2023	02/23/2023	02/23/2023	NEG ADJ	DOMINION EAST OHIO	-\$255.00	C
66-2023	02/08/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$90.18	C
67-2023	02/09/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$338.61	C
68-2023	02/09/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$93.64	C
69-2023	02/09/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$151.24	C
70-2023	02/09/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$156.56	C
70-2023	02/23/2023	02/23/2023	NEG ADJ	CLEVELAND ILLUMINATING CO.	\$303.89	C
71-2023	02/09/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	-\$303.89	C
72-2023	02/07/2023	02/12/2023	CH	CLEVELAND ILLUMINATING CO.	\$453.76	C
				TIME WARNER CABLE-NORTHEAST	\$62.18	C



VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

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**Payment Listing**

February 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
73-2023	02/10/2023	02/12/2023	CH	PRIME PAY	\$904.89	C
74-2023	02/13/2023	02/12/2023	CH	EQUIVEST	\$1,653.00	C
75-2023	02/13/2023	02/12/2023	CH	OHIO DEFERRED COMP	\$5,869.29	C
76-2023	02/13/2023	02/13/2023	CH	CUYAHOGA COUNTY TREASURER	\$5,445.16	C
77-2023	02/13/2023	02/13/2023	CH	DELTA DENTAL	\$1,716.91	C
78-2023	02/13/2023	02/13/2023	CH	DOMINION EAST OHIO	\$39.79	C
79-2023	02/13/2023	02/13/2023	CH	DOMINION EAST OHIO	\$422.21	C
80-2023	02/13/2023	02/13/2023	CH	HOME DEPOT CRC	\$1,219.36	C
81-2023	02/13/2023	02/14/2023	CH	FP MAILING SOLUTIONS	\$200.00	C
82-2023	02/14/2023	02/14/2023	CH	AETNA HEALTH INC. (OHIO)	\$38,114.38	C
83-2023	02/15/2023	02/15/2023	CH	OPERS PUBLIC EMPLOYEES	\$18,320.85	C
84-2023	02/15/2023	02/15/2023	CH	VALLEY FREIGHTLINER	\$79.30	V
84-2023	02/15/2023	02/15/2023	CH	VALLEY FREIGHTLINER	-\$79.30	V
85-2023	02/15/2023	02/15/2023	CH	WALTER, HAVERFIELD	\$10,695.30	V
85-2023	02/15/2023	02/15/2023	CH	WALTER, HAVERFIELD	-\$10,695.30	V
86-2023	02/15/2023	02/15/2023	CH	WINZER	\$250.10	V
86-2023	02/15/2023	02/15/2023	CH	WINZER	-\$250.10	V
87-2023	02/15/2023	02/15/2023	CH	X PRESS PRINTING SERVICES, INC	\$164.00	V
87-2023	02/15/2023	02/15/2023	CH	X PRESS PRINTING SERVICES, INC	-\$164.00	V
88-2023	02/16/2023	02/23/2023	CH	VERIZON WIRELESS	\$611.28	C
89-2023	02/21/2023	02/23/2023	CH	PRIME PAY	\$71,744.77	C
90-2023	02/21/2023	02/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$88.20	C
91-2023	02/21/2023	02/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$530.35	C
92-2023	02/21/2023	02/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$635.34	C
93-2023	02/21/2023	02/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$797.13	C
94-2023	02/23/2023	02/23/2023	CH	EQUIVEST	\$1,653.00	C
95-2023	02/23/2023	02/23/2023	CH	OHIO DEFERRED COMP	\$5,761.86	C
96-2023	02/23/2023	02/23/2023	CH	DIVISION OF WATER	\$67.20	C
97-2023	02/24/2023	02/28/2023	CH	FIRST COMMUNICATIONS, LLC	\$2,691.31	C
98-2023	02/28/2023	03/01/2023	CH	STATE TREASURER OF OHIO	\$1,050.00	C
99-2023	02/28/2023	03/01/2023	CH	REDSS	\$145.00	C
100-2023	02/28/2023	03/01/2023	CH	LYNDHURST MUNI COURT	\$42.00	C

## Payment Listing

February 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
101-2023	02/28/2023	03/02/2023	CH	ANCORA ADVISORS	\$15.00	C
6536	02/03/2023	02/03/2023	AW	AKE ENVIRONMENTAL, INC.	\$660.00	C
6537	02/03/2023	02/03/2023	AW	RONYAK PAVING	\$251,084.62	C
6538	02/03/2023	02/03/2023	AW	CHAGRIN VALLEY DISPATCH	\$19,660.00	C
6539	02/03/2023	02/03/2023	AW	ABV CORPORATION	\$16,240.00	C
6540	02/03/2023	02/03/2023	AW	AMCCO	\$100.00	C
6541	02/03/2023	02/03/2023	AW	AMERICAN SECURITY & AV SYSTEMS	\$4,898.16	C
6542	02/03/2023	02/03/2023	AW	CARGILL, INCORPORATED	\$4,111.59	C
6543	02/03/2023	02/03/2023	AW	CHAGRIN VALLEY DISPATCH	\$13,393.27	C
6544	02/03/2023	02/03/2023	AW	JAMES CHURA	\$32.00	C
6545	02/03/2023	02/03/2023	AW	MICHAEL E. CICERO	\$850.00	C
6546	02/03/2023	02/03/2023	AW	CUYAHOGA CO POLICE CHIEFS	\$325.00	C
6547	02/03/2023	02/03/2023	AW	CUY. SOIL & WATER CONS. DST.	\$6,000.00	C
6548	02/03/2023	02/03/2023	AW	DISTILLATA COMPANY	\$120.65	C
6549	02/03/2023	02/03/2023	AW	ARMANDO FARINACCI	\$99.30	C
6550	02/03/2023	02/03/2023	AW	FIRST CALL	\$440.00	C
6551	02/03/2023	02/03/2023	AW	HALL PUBLIC SAFETY	\$450.00	C
6552	02/03/2023	02/03/2023	AW	INTERSTATE BILLING SERVICE, INC	\$4,547.00	C
6553	02/03/2023	02/03/2023	AW	CITY OF LYNDHURST	\$4,033.25	C
6554	02/03/2023	02/03/2023	AW	CITY OF MAYFIELD HEIGHTS	\$815.00	C
6555	02/03/2023	02/03/2023	AW	CITY OF MAYFIELD HEIGHTS	\$500.00	C
6556	02/03/2023	02/03/2023	AW	MICRO CENTER A/R	\$133.97	C
6557	02/03/2023	02/03/2023	AW	MODERN VORACITY	\$495.00	C
6558	02/03/2023	02/03/2023	AW	TREVOR MURFELLO	\$1,509.84	C
6559	02/03/2023	02/03/2023	AW	NICOLA, GUDBRANSON & COOPER	\$1,937.00	C
6560	02/03/2023	02/03/2023	AW	OAMCC	\$125.00	C
6561	02/03/2023	02/03/2023	AW	OHIO POLICE & FIRE PENSION	\$26,277.38	C
6562	02/03/2023	02/03/2023	AW	OHIO UTILITIES PROTECTION SERV	\$268.59	C
6563	02/03/2023	02/03/2023	AW	OSBOURN PLUMBING & HEATING	\$449.25	C
6564	02/03/2023	02/03/2023	AW	JOHN PATA	\$3,500.00	C
6565	02/03/2023	02/03/2023	AW	PET WASTE ELIMINATOR	\$96.00	C
6566	02/03/2023	02/03/2023	AW	RUGG'S PEST MANAGEMENT	\$108.00	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

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**Payment Listing**

February 2023

Payment Advice #	Post Date	Transaction		Type	Vendor / Payee	Amount	Status
		Date					
6566	02/23/2023	02/23/2023	NEG ADJ		RUGG'S PEST MANAGEMENT	-\$108.00	C
6567	02/03/2023	02/03/2023	AW		RUMPKÉ	\$86.66	C
6568	02/03/2023	02/03/2023	AW		SHERWIN WILLIAMS	\$56.79	C
6569	02/03/2023	02/03/2023	AW		SHUTTLE'S UNIFORM INC.	\$257.50	C
6570	02/03/2023	02/03/2023	AW		CHARLENE STRASSHOFER	\$1,689.01	O
6571	02/03/2023	02/03/2023	AW		SIGNAL SERVICE COMPANY	\$10.00	C
6572	02/03/2023	02/03/2023	AW		TECHSPERT DATA SERVICES LLC	\$165.00	C
6573	02/03/2023	02/03/2023	AW		TREASURER, STATE OF OHIO	\$200.00	C
6574	02/03/2023	02/03/2023	AW		TRIAD TECHNOLOGIES, LLC	\$817.05	C
6575	02/03/2023	02/03/2023	AW		VALLEY FREIGHTLINER	\$169.91	C
6576	02/03/2023	02/03/2023	AW		VANCE OUTDOORS, INC	\$5,221.92	C
6577	02/03/2023	02/03/2023	AW		ZOOM CAR WASH	\$114.00	C
6578	02/08/2023	02/08/2023	AW		PRESTON FORD	\$33,064.00	C
6579	02/15/2023	02/15/2023	AW		JEAN MISCH	\$238.06	C
6580	02/15/2023	02/15/2023	AW		AKE ENVIRONMENTAL, INC.	\$2,392.50	C
6581	02/15/2023	02/15/2023	AW		ATWELL'S POLICE & FIRE EQMT	\$559.50	C
6582	02/15/2023	02/15/2023	AW		CARGILL, INCORPORATED	\$22,713.36	C
6583	02/15/2023	02/15/2023	AW		CHAGRIN VALLEY AUTO PARTS	\$1,209.44	C
6584	02/15/2023	02/15/2023	AW		COMDOC, INC.	\$381.42	C
6585	02/15/2023	02/15/2023	AW		C.W. COURTNEY COMPANY	\$30,766.25	C
6586	02/15/2023	02/15/2023	AW		DUSTBUSTER	\$446.25	C
6587	02/15/2023	02/15/2023	AW		ECONO SIGNS	\$775.90	C
6588	02/15/2023	02/15/2023	AW		IRON MAN SUPPLY LLC	\$298.00	C
6589	02/15/2023	02/15/2023	AW		KEN'S WINDOW CLEANING	\$550.00	O
6589	02/23/2023	02/23/2023	NEG ADJ		KEN'S WINDOW CLEANING	-\$470.00	C
6590	02/15/2023	02/15/2023	AW		KIMBALL MIDWEST	\$93.03	C
6591	02/15/2023	02/15/2023	AW		KOLSOM TIRES	\$646.88	C
6592	02/15/2023	02/15/2023	AW		RICK LOCONTI	\$350.00	C
6593	02/15/2023	02/15/2023	AW		MAYFIELD AREA CHAMBER OF COMMERCE	\$150.00	C
6594	02/15/2023	02/15/2023	AW		MENTOR LUMBER	\$258.16	C
6595	02/15/2023	02/15/2023	AW		QUILL	\$285.55	V
6595	02/15/2023	02/15/2023	AW		QUILL	-\$285.55	V

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

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**Payment Listing**

February 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6596	02/15/2023	02/15/2023	AW	SHERWIN WILLIAMS	\$46.03	C
6597	02/15/2023	02/15/2023	AW	SHUTTLE'S UNIFORM INC.	\$256.00	C
6598	02/15/2023	02/15/2023	AW	SPORT RACK	\$20.00	C
6599	02/15/2023	02/15/2023	AW	SIGNAL SERVICE COMPANY	\$5,025.00	C
6600	02/15/2023	02/15/2023	AW	SNAP-ON	\$710.00	C
6601	02/15/2023	02/15/2023	AW	TREAS. STATE OF OHIO	\$150.00	O
6602	02/15/2023	02/15/2023	AW	TURNER HOME & AUTO	\$629.14	C
6603	02/15/2023	02/15/2023	AW	ULLMAN OIL COMPANY	\$4,705.00	C
6604	02/15/2023	02/15/2023	AW	VALLEY ENFORCEMENT GROUP	\$10,000.00	C
6605	02/15/2023	02/15/2023	AW	VALLEY FREIGHTLINER	\$79.30	C
6606	02/15/2023	02/15/2023	AW	WALTER, HAVERFIELD	\$10,695.30	C
6607	02/15/2023	02/15/2023	AW	WINZER	\$250.10	C
6608	02/15/2023	02/15/2023	AW	X PRESS PRINTING SERVICES, INC	\$164.00	C
Total Payments:					\$730,710.90	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$730,710.90	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

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

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

ORDINANCE FOR PAYMENT OF BILLS

ORDINANCE NO. 1271

PASSED MARCH 14, 2023

TOTAL

\$730,710.90

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  
FEBRUARY 28, 2023**

	2023 BUDGET	Current Month	2023 Year to Date	2022 Year to Date
<b>General Fund (GF) Revenues:</b>				
<b>Taxes:</b>				
Real Estate Taxes	2,436,728	869,000	974,000	995,000
Municipal Income Taxes	2,600,000	169,460	323,874	756,282
Share of Sales and State Taxes	62,000	7,715	13,589	11,994
<b>Total Tax Revenue</b>	<b>5,098,728</b>	<b>1,046,175</b>	<b>1,311,463</b>	<b>1,763,276</b>
<b>Other Sources:</b>				
Fines and Costs	300,100	7,910	13,448	11,286
Building/Liquor Permits & Licenses	48,000	8,710	10,076	1,500
Interest Income	150,000	15,564	21,267	15,502
Rental Income	210,200	21,451	35,865	13,886
Mills Building Rental Income	114,031	5,349	38,841	13,197
Ambulance Income	40,000	-	12,145	10,899
SRO Reimbursement	90,858	7,572	7,572	6,667
Misc	100,000	4,800	11,637	4,186
<b>Total Other Sources Revenue</b>	<b>1,053,189</b>	<b>71,356</b>	<b>150,852</b>	<b>77,123</b>
<b>Assessments:</b>				
School Board/Property Assessment	-	-	-	-
<b>Total General Fund Revenues</b>	<b>6,151,917</b>	<b>1,117,531</b>	<b>1,462,315</b>	<b>1,840,399</b>
<b>Add Year Beginning General Fund Balance</b>		<b>7,119,750</b>	<b>7,811,278</b>	<b>7,366,903</b>
<b>Less Expenses:</b>				
Administration Costs	(see Page 2)	(52,657)	(182,509)	(225,965)
Administration - Transfers		-	(496,500)	(451,000)
Police Department Costs	(see Page 3)	(144,267)	(302,342)	(291,790)
Fire Department Costs	(see Page 3)	(16,082)	(31,433)	(33,548)
Fire Department Ambulance	(see Page 3)	(815)	(101,445)	(94,795)
Service Department Costs	(see Page 4)	(184,161)	(320,064)	(246,990)
<b>Total General Fund Expenses</b>		<b>(397,981)</b>	<b>(1,434,293)</b>	<b>(1,344,088)</b>
<b>Current General Fund Balance</b>		<b>7,839,300</b>	<b>7,839,300</b>	<b>7,863,214</b>
<b>Plus:</b>				
Other Fund Current Balances		<b>1,683,758</b>	<b>1,683,758</b>	<b>1,431,119</b>
<b>Total Current Balance - All Funds</b>		<b>9,523,058</b>	<b>9,523,058</b>	<b>9,294,333</b>

**VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
FEBRUARY 28, 2023**

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
<b>ADMINISTRATION:</b>				
Salaries and Wages	159,500	12,095	24,133	21,358
Health Insurance	51,600	4,409	8,847	3,434
Worker's Comp/Medicare	7,800	206	570	376
Employee Retirement (OPERS)	27,000	2,021	3,971	3,425
PERSONNEL COSTS	245,900	18,730	37,521	28,593
Legal - Law Director	45,000	10,695	10,695	8,825
Legal - Prosecutor	38,000	2,787	3,637	6,950
Legal - Other	500	-	-	-
Engineering	34,900	3,021	5,356	5,298
Other Professional Services	85,500	11,648	20,477	23,047
LEGAL AND PROFESSIONAL	203,900	28,151	40,165	44,120
General Insurance	140,000	-	91,620	125,292
Income Tax Expense	90,500	5,030	9,663	24,511
County Auditor Expenses	58,500	-	-	-
Office Expenses	9,500	745	1,324	1,242
Miscellaneous Expenses	4,500	-	2,217	2,207
OTHER ADMINISTRATIVE COSTS	303,000	5,776	104,823	153,252
ADMINISTRATION OPERATING COSTS	752,800	52,657	182,509	225,965
Transfers to Other Funds	996,500	-	496,500	451,000
TOTAL ADMINISTRATION COSTS	1,749,300	52,657	679,009	676,965

VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
FEBRUARY 28, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
<b>POLICE DEPARTMENT:</b>				
Salaries and Wages	1,142,000	85,349	168,731	167,405
Overtime	42,000	60	4,819	2,554
Health, OPERS, MEDI, Worker Comp	262,656	22,066	44,065	46,819
PERSONNEL COSTS	1,446,656	107,475	217,615	216,778
Gasoline	28,000	-	5,186	-
Repairs and Maintenance	13,000	1,211	1,271	520
Uniforms	14,000	1,073	1,242	1,288
Training/Conferences	17,000	550	8,540	7,578
Dispatch Operating Fee	162,000	13,393	26,787	38,450
Alarm System Fee	20,000	4,898	4,898	6,380
Maintenance Agreements/Radio Expenses	28,000	165	19,038	8,927
Other Expenses	16,000	280	2,543	1,869
V.E.G.	10,000	10,000	10,000	10,000
OTHER POLICE DEPART COSTS	308,000	31,570	79,505	75,012
Vehicle Purchases	62,000	-	-	-
Equipment Purchases	9,500	5,222	5,222	-
CAPITAL EXPENDITURES	71,500	5,222	5,222	-
TOTAL POLICE DEPARTMENT COSTS	1,826,156	144,267	302,342	291,790
*****				
<b>FIRE DEPARTMENT:</b>				
Salaries and Wages	130,000	13,988	26,577	20,273
PERS, MEDI, SOC SEC, Worker Comp	30,000	1,118	3,127	1,668
PERSONNEL COSTS	160,000	15,107	29,704	21,941
Vehicle Maintenance	6,000	46	46	-
Ambulance/EMS <i>see below</i>	382,000	815	101,445	94,795
Training/Conferences	5,500	-	505	-
Contracts & Annual Fees	22,000	892	1,133	11,084
Other Expenses	9,500	37	44	523
OTHER FIRE DEPARTMENT COSTS	425,000	1,790	103,174	106,402
CAPITAL EXPENDITURES	68,750	-	-	-
TOTAL FIRE DEPARTMENT COSTS	653,750	16,897	132,878	128,343
<i>Ambulance Income on Cover Page</i>	40,000	-	12,145	10,899



**VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
FEBRUARY 28, 2023**

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
<b>SERVICE DEPARTMENT:</b>				
Salaries and Wages	722,500	53,283	107,035	101,214
Overtime	30,000	5,841	7,334	15,967
Health, OPERS, MEDI, Worker Comp	298,000	28,583	54,630	45,163
PERSONNEL COSTS	1,050,500	87,707	168,998	162,344
Salt/Aggregate (snow removal)	76,500	26,825	37,019	29,803
Building Inspection	15,000	350	650	2,186
Equipment Maintenance	48,000	7,160	13,373	4,254
Gasoline Expense	40,000	4,705	12,008	5,932
Supplies	33,000	1,954	6,548	5,849
OPERATING COSTS	212,500	40,994	69,598	48,024
<b>BUILDING OPERATION &amp; MTC</b>				
Village Hall	140,500	6,181	13,316	14,920
Village Houses	12,600	459	839	-
Community Building	38,700	1,010	2,400	3,318
Post Office	12,000	52	2,552	24
OBT Building	2,120	137	357	272
Wash House	3,700	13	13	-
Burton Court	3,150	231	547	574
Mills Building	83,500	16	10,951	11,053
BUILDING OPERATION & MTC	296,270	8,099	30,976	30,161
Street Repair	9,000	-	582	259
Ditch, Drain, Sewers	18,500	762	1,048	2,973
Tree Grinding (Contractors)	16,500	-	-	-
Street Lighting	11,000	5,743	6,452	1,692
Parks	20,000	6,285	7,743	1,217
Guardrails, Signs, Bridges	16,600	1,506	1,603	320
STREETS AND ROADS	91,600	14,296	17,427	6,461
Vehicles	235,000	33,064	33,064	-
Other Equipment	17,000	-	-	-
CAPITAL EXPENDITURES	252,000	33,064	33,064	-
TOTAL SERVICE DEPARTMENT COSTS	1,902,870	184,161	320,064	246,990

**VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
FEBRUARY 28, 2023**

	Beginning Year Balance	Year-to-date Actual Receipts	Year-to-date Actual Expenses	Unexpended Balance
Street Const Maint Repair	80,941	32,111	8,903	104,148
State Highway	25,654	2,622	15,000	13,276
Bond Retirement (KeyBank Loans)	2,730	-	-	2,730
	<hr/> 109,324	<hr/> 34,733	<hr/> 23,903	<hr/> 120,154
Capital Improvement	339,875	366,812	344,318	362,369
Water	287,998	-	-	287,998
Wastewater Plant	14,309	36,890	8,550	42,649
Park Recreation	56,232	-	4,741	51,491
Cemetery	47,983	-	-	47,983
Mayor's Court-Violations Bureau	1,611	3,477	3,081	2,007
Mayor's Discretionary	334	1,500	150	1,684
Purcell Trust	31,800	-	-	31,800
Land Conservation	110,976	90,011	-	200,987
Local Fiscal Recovery Fund (ARPA)	192,312	47	-	192,359
Building Bond Deposit	103,919	3,918	-	107,837
Underground Storage Tank	11,000	-	-	11,000
Safety Fund	56,368	17,585	19,660	54,293
Police Relief & Pension	5,238	187,000	31,756	160,482
Law Enforcement	10	-	-	10
VEST Grant	-	-	-	-
OneOhio Fund (Opiod)	569	598	-	1,166
STATE Grants	7,491	-	-	7,491
TOTAL OTHER FUNDS	<hr/> 1,377,346	<hr/> 742,571	<hr/> 436,159	<hr/> 1,683,758
GENERAL FUND	7,811,278	1,462,315	1,434,293	7,839,300
TOTAL ALL FUNDS	<hr/> 9,188,624	<hr/> 2,204,886	<hr/> 1,870,452	<hr/> 9,523,058

STATE OF THE VILLAGE  
FEBRUARY 28, 2023

	2023	2022
Total Current Balance - All Funds	<b>9,523,058</b>	<b>9,294,330</b>
Cash and Investments:	2/28/2023	2/28/2022
Cash:		
ANCORA	8,382,186	7,605,663
CHASE DDA	212,072	31,198
CHASE SAV - LAND CONS	200,987	100,850
CHASE VIOLATIONS BUREAU	20,079	48,902
Star Ohio	710,403	1,517,765
Total Cash	9,525,727	9,304,378
(OUTSTANDING CHECKS)	(2,669)	(10,048)
Total Cash and Investments	<b>9,523,058</b>	<b>9,294,330</b>

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\*\* From Wastewater Fund

GENERAL FUND SUMMARY	BUDGET	FEBRUARY	2023 YEAR TO DATE	2022 YEAR TO DATE
Real Estate Taxes	2,436,728	869,000	974,000	995,000
Municipal Income Tax	2,600,000	169,460	323,874	756,282
Share of Sales and State Taxes	62,000	7,715	13,589	11,994
Other Sources	1,053,189	71,356	150,852	77,123
Assessments	-	-	-	-
<b>TOTAL OPERATING REVENUES</b>	<b>6,151,917</b>	<b>1,117,531</b>	<b>1,462,315</b>	<b>1,840,399</b>
<b>OPERATING EXPENSES</b>				
Administration Department	752,800	52,657	182,509	225,965
Police Department	1,826,156	144,267	302,342	291,790
Fire Department	653,750	16,897	132,878	128,343
Service Department	1,902,870	184,161	320,064	246,990
Transfers excluding Inheritance Taxes	996,500	-	496,500	451,000
<b>TOTAL OPERATING EXPENSES</b>	<b>6,132,076</b>	<b>397,981</b>	<b>1,434,293</b>	<b>1,344,088</b>
<b>SURPLUS (DEFICIT)</b>	<b>19,841</b>	<b>719,550</b>	<b>28,022</b>	<b>496,311</b>



**VILLAGE OF GATES MILLS**  
**FINANCIAL REPORT FOR THE TWO MONTHS ENDED FEBRUARY 28, 2023**  
**March 3, 2023**

**FEBRUARY RESULTS AND FINANCIAL POSITION**

The financial statements were provided to the Mayor, Clerk and Council prior to the March council meeting.

**GENERAL FUND**

Revenue for the month of February was \$1,119,531 consisting primarily of \$869,000 of real estate tax revenue and \$169,000 of municipal income tax revenue. These amounts are from collections by the taxing agencies (Cuyahoga County and RITA) and forwarded to the Village. The Village is dependent on the timing of those agencies' billing and collection activities and on the timing of taxpayer remittances. The amounts received in the first two months of 2023 for real estate taxes are in line with last year's amount and budget. Municipal income tax revenue year-to-date in 2023 is below 2022 amounts by \$430,000. Average January and February receipts for the last four years have shown large variances.

Expenditures for the first two months of 2023 were \$1,434,000 compared to \$1,344,000 in 2022. The 2023 amount includes \$496,000 of transfers from the General Fund to other Funds (\$451,000 in 2022). Excluding those transfers, cash expenditures were \$540,000 for the month of January and \$398,000 in February. All four departments were generally on budget except for three categories in the Service department. In 2023 we spent greater amounts on salt, gas, and maintenance.

For the first two months of the year, the Village operated with a General Fund surplus of \$28,000. Recall that the Village financial records are maintained on a cash basis, and we are very early in the 2023 year. March and April are expected to be good financial months.

The General Fund cash balance on February 28, 2023 was \$7,839,000 compared to the beginning of the year balance of \$7,811,000.

**OTHER FUNDS**

The Village is required to maintain other special purpose funds by statute or contract. Cash in these special purpose funds amounted to \$1.7 million on February 28, 2023.

This report will be published to the Village website.

Please direct any questions or comments to [Treasurer@gatesmillsvillage.com](mailto:Treasurer@gatesmillsvillage.com).

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

## **Gates Mills Broadband Committee Report To Council March 14, 2023**

The Gates Mills Broadband Committee was formed in order to explore improved internet accessibility for the Village residents.

The committee began their research with internet infrastructure providers and submitted a report to Council in July 2022. It became clear that the next step was looking at Broadband consultants with industry expertise.

We heard presentations from four companies, some local to Ohio, some not. Each presenter offered a different package of services and associated fees. Each of the consultants we heard from would be helpful to the Village for parts of the Broadband process. We needed to consider the best fit for our needs. The criteria our committee used to evaluate the consultants include; Experience, Timing, Scope/Process, Cost estimates, Pluses, and Minuses.

After careful consideration, Tom Reid of Reid Consulting Group in Athens, Ohio is our recommendation. His group's experience is extensive and his approach suited to the Village. A major benefit of Reid Consulting is that their work covers the entire scope of an improvement project.

Tom agreed to break down their services into two phases; Baseline Analysis first followed by Phase 2, proceeding with an RFP and contract negotiations with a provider if Gates Mills agrees to move ahead. Reid Consulting's Statement of Work includes a "Not to Exceed" overall contract of \$40,000. The Baseline Analysis phase is estimated to cost \$15,000. Phase 2 will only proceed with Council's approval after the results of the Baseline have been completed.

The Broadband Committee asks Council to consider the materials provided and direct any questions to us in the next couple weeks with the goal of entertaining a resolution to engage Reid Consulting Group in April.

Respectfully submitted,  
Ann Whitney  
Broadband Committee Chairman

## **Statement of Work**

### **Phase 1 – Baseline Analysis:**

- **Locations:** Map Gates Mills to determine the total number of households and businesses.
- **Current Speeds:** Analyze the existing broadband services in the community utilizing Ookla® Speedtest Intelligence® for Fixed Networks data.
- **Fiber Scope:** Determine the number of fiber miles required to pass every location.
- **Financials:** Estimate costs and revenues for an ISP to serve Gates Mills with fiber-to-the-premise. This will provide guidance on potential subsidy requirements if needed.
- **Identify ISPs** in the vicinity offering and expanding fiber networks.
- **Present findings** and deliver report.
- **Estimate 30-45 days** to complete from date agreement executed.

### **Phase 2 – Contingent on Notice to Proceed:**

- **Write RFP** and prepare associated GIS shape files for respondents.
- **Coordinate scoring** process.
- **Negotiate contract** with ISP.
- **Estimate 60-90 days** to complete from date notice to proceed received.

### **“Not to Exceed” Contract**

Recommend a “not to exceed” contract valued at \$40,000. We will invoice based on actual hours consumed. We project that Phase 1 would not crest \$15,000.

### **Hourly Rates**

Principal @ \$225 per hour

GIS Specialists/Data Analyst/Project Manager/Software Engineer @ \$175 per hour

Communications Specialist/Field Liaison @ \$155 per hour

Travel costs would be billed based on mileage, airfare and per diem rates for food.

  
\_\_\_\_\_  
Tom Reid  
President

8 March 2023

\_\_\_\_\_  
Name:

Title:

Date



# Village of Gates Mills

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

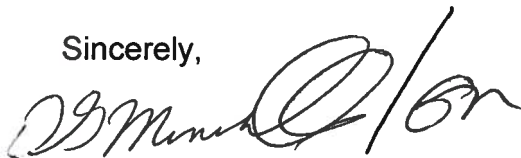
## **March 2023 Council Meeting (February Report)**

- 1) Sgt. Randy Savage has surpassed his 25-year work anniversary. Congratulations to Randy!
- 2) Officers responded to the Aria Assisted Living on two consecutive nights. One call was for a reported shooting and the other for a burglary. It was confirmed no incidents had occurred and the same resident placed both calls, unbeknownst to staff. The man was experiencing mental health episodes.
- 3) Three reports of damaged mailboxes were filed. Two were from Timberidge Trail, and one from Hawthorne Farms Drive. All three were damaged on the same evening by a golf club.

### Monthly Totals:

- 80 Traffic Citations.
- 44 Warnings.
- 19 Incident/Accident reports.
- 4,639 House Checks
- 7,684 Patrol Miles.
- Total Fines \$7,910.00

Sincerely,



Gregg Minichello  
Chief of Police  
Gates Mills Police Department  
[gminichello@gatesmillsvillage.com](mailto:gminichello@gatesmillsvillage.com)  
440.423.4405 x 112

**GATES MILLS POLICE DEPARTMENT  
MONTHLY SUMMARY  
MASTER  
2023**

	CURRENT MONTH 2023	YEAR TO DATE 2023	PREVIOUS YEAR TO DATE 2022
ASSURED CLEAR DISTANCE	1	2	3
DRIVERS LICENSE	2	4	4
DRIVING UNDER THE INFLUENCE	0	0	1
PROHIBITED BAC	0	0	0
DRIVING UNDER SUSPENSION	0	2	3
FULL TIME AND ATTENTION	2	3	4
ILLEGAL TURN	0	1	1
LANE USE/WEAVING	0	2	0
LEAVING THE SCENE OF AN MVA	0	0	0
LICENSE PLATE	16	28	8
MISCELLANEOUS	0	2	4
PARKING	2	2	3
REASONABLE CONTROL / FTC	0	2	2
RECKLESS OPERATION	0	0	2
SEAT BELT/CHILD RESTRAINT	0	0	0
SPEED	52	94	67
TRAFFIC CONTROL DEVICES	4	6	3
<b>TOTAL UTT OFFENSES</b>	<b>79</b>	<b>148</b>	<b>105</b>
<b>WARNINGS</b>	<b>44</b>	<b>63</b>	<b>35</b>
TOTAL PRISONERS	0	0	1
PRISONER DAYS	0	0	1
TOTAL FINES	\$7,910.00	\$13,448.00	\$11,286.00
Total Calls For Service	633	1214	495
Total Non-Billable Calls	234	464	213
Total Billable Calls	399	750	303

# Gates Mills Service Department

*"Yours in service since 1920"*

TO: Mayor  
and Council Members

FROM: Dave Biggert, Service Director

**RE: SERVICE DEPARTMENT REPORT – FEBRUARY 2023**

1. In February 6 building permits were issued for a total construction value of \$1,201,132. This includes a permit for a new house on Deerfield Road and a permit for a streambank restoration project for a property on Old Mill Road.
2. In February 2022, 5 building permits had been issued for a total construction value of \$315,701.
3. The February Planning and Zoning Commission meeting minutes are included for review.
4. To date, the Service Department has taken delivery of approximately 878.39 tons of road salt. By contract, we are required to purchase a minimum of 1,530 tons and have an option to purchase as much as 1,870 for the season.

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

Respectfully Submitted,



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

PLANNING AND ZONING COMMISSION  
MINUTES OF **TUESDAY, FEBRUARY 07, 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, February 07, 2023 at 5:00 PM** in the Council Chambers of the Town Hall.

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

Members absent: Jim Deacon.

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

1. Roll call.
2. The minutes of **Tuesday, January 03, 2023** regular meeting of the Planning and Zoning Commission were submitted for approval.

Mr. Broome provided recommended changes.

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

Motion by: C. AuWerter                      2<sup>nd</sup>: 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                      2<sup>nd</sup>: C. AuWerter

Roll Call:     Ayes: All.  
                  Nays: None.

**Motion Approved**

4. A variance request to perform work within a protected riparian setback area for the **YOUNG** residence at **7510 Old Mill Road** was heard. Notice has been provided to adjoining property owners.  
Judith Mitchell and Sarah Domanick from Davey Resource Group were present.

Ms. Mitchell reviewed the variance request for the Board. She indicated the project consists of the restoration of the existing stream banks that runs north through the property into the Chagrin River. The work being performed includes removing some of the existing sediment that has been deposited throughout the stream and stabilizing the existing banks with large rock material. She also indicated part of the proposed project is to educate the property owners in proper maintenance techniques to protect the stream bank once the work is completed. DRG has recommended a "no mow zone" 5 to 7 feet back from the bank edge, this will allow the grass and plantings root structure to develop and help stabilize the banks from future erosion.

She stated the proposed work, once completed, will improve the water quality, and protect the natural habitat.

Mr. Courtney stated this project is different than any of the previous request to perform work within the protected riparian area. Previous request have been for new construction work within the riparian area, this project is a complete bank stabilization of the existing stream and banks. He has no objection to the proposed work indicted in the plans submitted.

Mr. AuWerter discussed the amount of stormwater that comes from the hillside adjacent to the stream and asked if the proposed work will help deal with this stormwater.

Ms. Mitchell indicated it would because the work will restore the stream and its banks to an original condition which will allow for the stormwater to flow more efficiently.

Mr. Biggert asked Ms. Mitchell what the anticipated start date might be for the project.

Ms. Mitchell stated approximately one month, depending on the weather.

Mr. Broome stated, in reviewing the Variance Worksheet, the proposed work solves the property owners "practical difficulties".

Mr. Hunt stated the proposed work meets the A-1 standard and does not adversely affect 1 – 5.

After further discussion, a motion was made to approve the variance to perform work within the protected riparian area as requested per plans dated 1/11/23.

Motion by: S. Broome                      2<sup>nd</sup>: C. AuWerter

Roll Call: Ayes: All.  
Nays: None.

**Motion Approved**

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

No representative was present to discuss the request.

A motion was made to continue the variance request to a later meeting.

Motion by: S. Broome 2<sup>nd</sup>: C. AuWerter

Roll Call: Ayes: All.  
Nays: None.

**Motion Approved**

There being no further business the meeting was adjourned at **5:50 P.M.**

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Craig Steinbrink, Chair



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David Biggert, Secretary

# Gates Mills Fire Department

## February 2023 Council Report

DATE	NFIRS NUMBER	Address/Location	Description of Incident
2-3-2023	2023-14	560 County Line Road	Public service/install Carbon Monoxide detector.
2-6-2023	2023-15	34001 Cedar Road	Fire alarm due to a faulty dryer vent.
2-8-2023	2023-16	35001 Cedar Road	Odor investigation.
2-9-2023	2023-17	1602 Berkshire Road	Transformer explosion with wires down.
2-10-2023	2023-18	7870 Brigham Road	Telephone pole on fire.
2-13-2023	2023-19	1200 West Hill Drive	Fire alarm.
2-13-2023	2023-20	370 Timberidge Trail	Smoke scare.
2-15-2023	2023-21	476 Riverview Road	Tree and power line down.
2-15-2023	2023-22	7445 Old Mill Road	Tree down across the roadway.
2-15-2023	2023-23	1209 Carpenter Road	Tree and power line down.
2-15-2023	2023-24	7770 Brigham Road	Tree contacting the power lines.
2-17-2023	2023-25	640 Battles Road	Power line down.
2-18-2023	2023-26	14874 Caves Road	Provide mutual aid to Chester Twp. for a house fire.
2-19-2023	2023-27	1629 Berkshire Road	Wire hanging low across the roadway.
2-20-2023	2023-28	7530 Old Mill Road	Fire alarm.
2-23-2023	2023-29	3629 East Scarborough, U.H.	Fire investigation call-out.
2-24-2023	2023-30	1960 Woodstock Road	Fire alarm.

CURRENT MONTH TOTAL	2022 YEAR TO DATE	2021 YEAR TO DATE
<b>G.M. FIRE</b> 17	<b>30</b>	<b>29</b>
<b>M.V. EMS</b> 21	<b>40</b>	<b>23</b>

The February training topics were:

- February 7, 2023      Night Drill: Vehicle checks on E-1411 and E-1472.  
Review Gilmour Academy Tudor House fire response and tactics including water supply procedure. Review use of the new extrication equipment.
- February 9, 2023      Day Drill: Vehicle checks on E-1412, E-1413.  
Review Gilmour Academy Tudor House fire response and tactics including water supply procedure. Review use of the new extrication equipment.
- February 16, 2023      Rescue Task Force training course held in University Heights.

**February employee anniversaries:**  
**Firefighter Scott Magoch – 35 Years**  
**Firefighter Paul Sabataitis – 7 Years**

*P. Thomas Robinson*

March 3, 2023

ORDINANCE NO. 2023 - 10

BY MAYOR SCHNEIDER

**AN ORDINANCE AUTHORIZING THE DISPOSAL BY SALE OF A FRONT END LOADER USED BY THE VILLAGE SERVICE DEPARTMENT THAT IS UNFIT, OBSOLETE AND UNNEEDED FOR VILLAGE PURPOSES; AND DECLARING AN EMERGENCY.**

WHEREAS, the Mayor and Service Director are recommending the disposal by sale of a Year 2000 model Case 621C front end loader no longer usable by the Service Department and which is unneeded, obsolete and unfit for continued municipal purposes (the "Equipment");

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

WHEREAS, the Service Director has received two quotes for the sale of the Equipment and the offer by Green Estates Landscape of Cleveland, Ohio of \$26,500 is the highest offer;

WHEREAS, pursuant to its home rule authority under Article XVIII, Section 3, of the Ohio Constitution, this Council determines that it is in the best interests of the Village and in furtherance of the general welfare of the public to sell the Equipment for \$26,500, as soon as possible to take advantage of this offer.

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

Section 1: The Service Director is authorized to dispose of the Year 2000 model Case 621C front end loader described in the recitals of this Ordinance by its sale for the price of \$26,500 to Green Estates Landscaping of Cleveland, Ohio for the reason that the Equipment is unneeded, obsolete and unfit for Village purposes.

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

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



Passed the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

RESOLUTION NO. 2023-11

BY COUNCILMEMBER STEINBRINK

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

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

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

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

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

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

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

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

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

## EXHIBIT A

### AMENDMENT TO MASTER SERVICES AGREEMENT

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

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

WHEREAS, the parties desire to amend the Agreement to extend the Initial Term as provided herein and to amend the invoicing and payment methods thereunder;

NOW THEREFORE, the parties mutually agree as follows:

1. Initial Term. The Initial Term shall be extended by the shorter period of: a) a period equal to the number of days between March 16, 2022 and the date of the issuance of the first Notice of Violation as provided in Section 3.5 of the Master Agreement, or b) the maximum period of 534 days, until September 1, 2023 ("Initial Term").

2. Capitalized Terms. All capitalized terms used but not defined herein, or otherwise defined in the Agreement, shall have the meanings ascribed to them in the Agreement.

3. Invoicing. Section 2.2.1. of the Agreement shall be replaced with the following:  
2.2.1 Invoicing. Sensys Gatso shall provide an itemized invoice to Customer within ten (10) days of the end of each calendar month indicating the total amounts due to Sensys Gatso pursuant to each Service Attachment, including any additional Service Fees due to Sensys Gatso under each Service Attachment.

4. Payment Methods: Section 3.6 of the Agreement shall be replaced with the following:

3.6. Payment Method. The Lyndhurst Municipal Court (the "Court") **will** process payments for the fines for each Notice of Violation and will, on a monthly basis, remit monies collected for each Notice of Violation to Customer and separately invoice Customer for the amount of the advance deposit of court fees as required by Ohio Revised Code Section 4511.099. The Customer or the Court may, to the extent permitted by law, collect a credit card convenience fee on a registered owner for violations paid by credit card ("Credit card Convenience fee").

5. Deposit of Fines. Section 3.7 of the Agreement shall be replaced with the following: 3.7. Collection of Fines; Payment by Customer. The Court will collect Notice of Violation fines from those who voluntarily pay. Sensys Gatso shall monitor the payments collected by the Court through separate arrangements with the Court to do so. Customer shall pay Sensys Gatso within ninety (90) days of receipt of invoicing pursuant to Section 2.2.1.

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

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

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

*Agreed to:*  
**Sensys Gatso USA, Inc.**

*Agreed to:*  
**Village of Gates Mills, Ohio**

By: \_\_\_\_\_  
Authorized signature  
Bill Braden  
President & Managing Director  
[b.bradengsensysgatso.com](mailto:b.bradengsensysgatso.com)  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized signature  
Karen E. Schneider  
Mayor  
[mayor@gatesmillsvillage.com](mailto:mayor@gatesmillsvillage.com)  
Date: \_\_\_\_\_

*Attested to:*

*Attested to:*

By: \_\_\_\_\_  
Authorized signature  
Name (type or print):  
  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized signature  
Beth DeCapite, Clerk  
  
Date: \_\_\_\_\_

Approved as to legal form and correctness:

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R. Todd Hunt, Law Director