

**VILLAGE OF GATES MILLS
COUNCIL AGENDA
SEPTEMBER 19, 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. Revised Minutes of the Regular Council meeting of July 18, 2023. Clerk.
3. Minutes of the Regular Council meeting of August 15, 2023. Clerk.
4. Pay Ordinance # 1277 \$430,122.29. Clerk.
5. Financial Statement/Treasurer's Report. Treasurer.
6. Mayor's Report. Mayor.
- 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.
Oath of Office administered to Fire Chief Majeski.
Oath of Office administered to Assistant Fire Chief Jamieson.
Oath of Office to Captain Feig.
November Council date: 11/21/23 December Council date: 12/19/23
7. Clerk's Report. Clerk.
8. Committee Reports.
9. Police Department Report. Minichello.
10. Service Department Report. Biggert.
11. Fire Department Report. Robinson.
12. **Ordinance No. 2023-23** (As Revised 9/19/2023) (Third Reading) Mayor Schneider.
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.
13. **Resolution No. 2023-26** (Third Reading) AuWerter.
A Resolution Authorizing Additional Funds for Professional Services Provided by CT Consultants Under an Agreement for the Village's Comprehensive Plan.
14. **Resolution No. 2023-29** (First Reading) AuWerter.
A Resolution Accepting the Rates and Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.
15. **Ordinance No. 2023-30** First 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.

16. Motion to Authorize Reid Consulting Group to Proceed to "Phase 2" of Deacon. 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.
17. **Resolution No. 2023-31** (First Reading) AuWerter.
A Resolution Accepting a Bid and the Award of a Contract for the Hillcreek Lane Culvert Headwall Extension Project; and Declaring an Emergency.
18. **Ordinance No. 2023-32** (First Reading) Mayor Schneider.
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.
19. **Ordinance No. 2023-33** (First Reading) Welsh.
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.
20. **Resolution No. 2023-34** (First Reading) AuWerter.
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.
21. Council Matters.
22. Business from the Audience.
23. Executive Session to discuss pending legislation.
24. Adjourn.

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
July 18, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, July 18, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 3:08

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

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

Councilmember AuWerter moved to excuse Councilmember Deacon. Councilmember Steinbrink seconded the motion.

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

Nays: None

Motion carried.

2. Minutes of the Regular Council meeting of June 20, 2023

Clerk DeCapite stated two corrections were made prior to this Council meeting. On page 2, under the Comprehensive Plan update, "17 of 25 members attended" should read "17 of 23 members attended". On Page 4, item 12-Emergency Services Resolution, fourth line down, "...reduced the initial 17% increase to a 2% increase..." should read "reduced the initial 17% increase to a 3% increase". Councilmember Press moved to approve the June 20, 2023 minutes as corrected. Councilmember Turner seconded the motion.

Ayes: Atton, Turner, Welsh.

Abstain: AuWerter, Press, Steinbrink

Nays: None

Motion failed.

3. Minutes of the Special Council meeting of June 29, 2023

Clerk DeCapite stated one correction was requested. On page 4, third full paragraph down, "Councilmember Atton stated that he rarely has seen situations where the lowest and best bid are the same" should read "...lowest and best bid are not the same". Councilmember Welsh moved to approve the June 29, 2023 minutes as corrected and Councilmember Press seconded the motion.

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

Abstain: AuWerter

Nays: None

Motion carried.

4. Police Department Report attached and starts at 5:55

Notable responses by Chief Minichello to speed camera questions posed by Councilmembers Press, Atton, and Welsh:

- Eastbound vehicles traveling over 60 mph averaged 215 per day for the past 7 days, a reduction from the previous 7 days as well as the 7 days before that. 1450 warning notices have been processed in the last 9 days. We've made some remarkable progress in slowing people down.
- Lyndhurst Municipal Court's processing fee has been reduced from \$25 to \$15 per citation.

5. Service Department Report attached and starts at 15:30

Councilmember AuWerter asked for a status update of 640 Chagrin River Rd. Service Director Biggert advised little progress has been made since the last Council meeting. An updated construction schedule was requested of the homeowner with no response to date.

Councilmember AuWerter expressed his frustration with this unusual event and with our inability to enforce the building process. Should we establish fines for noncompliance? What do other communities do? Councilmember Deacon has previously volunteered to spearhead this effort as mentioned at the last one or two Council meetings (see May 9, 2023 minutes at 1:32:21 where Councilmember Deacon requested feedback on the need to do an assessment of the effectiveness of our zoning and permitting fines and penalties). Councilmember AuWerter looks for progress in early August followed by further Council discussion.

Law Director Hunt explained a potential way to pursue enforcement is if there is an unsafe condition that is a public nuisance, then a correction order can be issued. The problem with correction orders is oftentimes the correction is demolition and that is not what the Village is looking to do here. He also explained that a property owner who gets a building permit has 12 months to commence work. If there is a lull in the work for over 6 months once it's commenced, the property owner can be prompted, or they can lose their building permit and they'd have to start over.

Councilmember Press suggested the homeowner must have done something wrong considering all the little stuff like outbuildings, trees, and riparian rights. Service Director Biggert replied only the tree clearing exceeded what was approved. That action resulted in the requirement to file a storm water management plan, which the homeowner did, bringing him back into compliance.

Councilmember Atton asked if the homeowner was fined. Service Director Biggert stated he does not have the ability to fine people. He can file charges in Lyndhurst Municipal Court and the judge determines what the fines are. Councilmember Atton asked if we filed in this case. No, because the homeowner complied with filing the requested storm water management plan.

6. Fire Department Report attached and starts at 27:03

Treasurer Siemborski entered the meeting at 5:56 p.m.

Councilmember Press noted EMS runs 6 months into the year are double that of last year and asked why. Fire Chief Robinson replied an aging population with declining health calling the ambulance more often and transports that probably

shouldn't be done - Aria and Gilmour Academy are the two biggest single address users.

7. Pay Ordinance # 1275 \$424,963.54 starts at 30:52

Councilmember Steinbrink questioned two Englebrook Construction charges paid on June 7th and 29th. Finance Administrator Mulh believed the community house lower-level restrooms and new air conditioner at Burton Court and would verify via email.

Councilmember Steinbrink moved to approve Pay Ordinance #1275. Councilmember Welsh seconded the motion.

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

Nays: None

Motion carried.

8. Financial Statement/Treasurer's Report attached and starts at 32:17

9. Mayor's Report starts at 43:37

- Band Concert this Sunday at 5:30 p.m.
- Addie's Cup Coffee Shop Grand Opening week of July 24th
- All Council received the Comprehensive Plan - a good reference and resource for the future. Please select from August 12, Sept 16, Sept 23, or Sept 30 at 9:00 a.m. for a Council Workshop to discuss the Plan. In reply to queries from Councilmembers Atton and Press, the workshop is open to the public and the audience will be allowed to ask questions if time allows. We might have to have a second workshop. Very thankful to Councilmembers AuWerter and Turner.

Mayor Schneider appointed Chuck Spear to the Historic Review Committee. Councilmember Welsh moved to approve the appointment with Councilmember Turner seconding the motion.

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

Nays: None

Motion carried.

10. Clerk's Report - None

11. Gates Mills Land Conservancy Report/Financial Statement (Nathaniel T. Smith) attached and starts at 47:05

Council comments and questions start at 57:13

12. Committee Reports

Charter Review Committee (Councilmember AuWerter) starts at 1:08:07

- Tentative time frame for finalized report to Council is August 15

Broadband Committee (Councilmember AuWerter) starts at 1:09:09

- Consultant Report hopefully will be available for the August meeting

Cell Tower (Councilmember AuWerter) starts at 1:09:23

- Per Ron Gainar, Gilmour Academy's cell tower consultant, construction will start in August and Verizon cell service should start in October

Real Estate Committee (Councilmember AuWerter) starts at 1:10:05

- Architectural drawings of the Burton Court expansion have gone to the State with the permit application and to contractors for bidding purposes. Once bids come in, we'll see if it meshes with our framework that we first embarked on.

13. Move to Withdraw Ordinance No. 2023-18 starts at 1:12:36

Mayor Schneider requested a motion to withdraw Ordinance No. 2023-18 "An Ordinance Amending Section 1313.05 of the Codified Ordinances of the Village of Gates Mills to Change the Meeting Time of the Architectural Board of Review's Historic District Subcommittee". This withdrawn Ordinance No. 2023-18 was redrafted as Ordinance No. 2023-23, next on the agenda.

Law Director Hunt explained that in trying to improve the process of reviewing building permit applications in the historic district, the original thinking (Ordinance No. 2023-18) was to change the meeting date of the Historic District Subcommittee (HRB). Subsequently the stakeholders involved met - including Mayor Schneider, Councilmembers Turner and Deacon, and Law Director Hunt. It was determined that ARB and HRB should keep meeting dates as they are. Building permit applications in the historic district could go directly to HRB, keeping the ARB aware of the application, and then HRB would make a recommendation to ARB. It would cut down at least a couple of weeks in processing time. That is what has been redrafted into Ordinance No. 2023-23. Councilmember Deacon has requested that Ordinance No. 2023-23 be put on first reading so that there can be more discussion between now and August regarding further coordination so the process works better. Both Chairs of ARB and HRB are okay with the redraft but there might be changes.

Councilmember AuWerter moved to withdraw Ordinance No. 2023-18 with Councilmember Steinbrink seconding the motion.

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

Nays: None

Motion carried.

14. Ordinance No. 2023-23 (First Reading) starts at 1:16:24

Ordinance No. 2023-23 "An Ordinance Amending Section 1313.09(a) of the Codified Ordinances of the Village of Gates Mills to Specify the Procedure for the Architectural Board of Review's Historic District Subcommittee to Review and Make Recommendations to the Board on Applications for Building Permits in the Village's Historic District" was read by Mayor Schneider. Ordinance No. 2023-23 will be placed on first reading.

15. Resolution No. 2023-24 (First Reading) starts at 1:17:03

Resolution No. 2023-24 “A Resolution Approving and Adopting the Alternative Tax Budget for the Village of Gates Mills for Fiscal Year 2024; and Declaring an Emergency” was read by Councilmember AuWerter. This is an administrative requirement done at this time every year so that we can continue receiving property taxes from the County. The deadline is July 20.

Councilmember Atton asked why this is always such an urgent matter when the data has been available for a long time. Finance Administrator Mulh responded it has always been done this way and if Council prefers it to be done in April or May next year, she will do that.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-24 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember AuWerter moved to approve Resolution No. 2023-24 with Councilmember Welsh seconding the motion.

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

Nays: None

Motion carried.

16. Ordinance No. 2023-25 (First Reading) starts at 1:21:12

Ordinance No. 2023-25 “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” was read by Councilmember AuWerter. Treasurer Siemborski explained this appropriation is approval to spend up to \$290,000 and provides two months of working capital needed to begin the process of paying Lyndhurst Municipal Court (LMC) and Gatso when speed camera citations commence in August.

Treasurer Siemborski explained the two pieces of the \$290,000 appropriation. State regulations allow LMC to be paid \$15 per citation at the time the citation is issued, not the time the citation is paid. LMC collects the fines. Using rough estimates provided by Chief Minichello of 200 tickets going over 60mph per day, 30 days, and \$15/ticket, you come up with \$90,000 to \$95,000 per month to be paid to LMC. Allowing for two months between issue of a citation and payment of the fine, the LMC portion of the calculation is \$190,000. The other \$100,000 is to pay Gatso their percentage. Gatso is not paid until the cash comes in, so we don't have the same working capital requirement as with LMC, and we used a two week float.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-25 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Nays: None

Motion carried.

Councilmember AuWerter moved to approve Ordinance No. 2023-25 with Councilmember Steinbrink seconding the motion.

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

Nays: None

Motion carried.

17. Resolution No. 2023-26 (First Reading) starts at 1:28:12

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. After final negotiations with CT, we have a final invoice amount and \$7500 of additional money is needed to close out this project.

Councilmember Press asked for more details and Councilmember AuWerter provided that the amount of hours spent by CT significantly exceeded what CT anticipated. CT alerted us to this through preliminary invoices and we asked to have that broken down into what was in scope versus out of scope with reasons - these are the unforeseen services cited in the Resolution. The numbers submitted by CT were three times the number and we negotiated 1/3 of that. The hours CT spent greatly exceeded what they billed us and even so, the Consultant stuck with this right through the end, and we never lost any of her attention. Councilmembers Turner and AuWerter feel this is a very fair settlement and certainly recommend approval.

Councilmember Atton suggested that CT underbid the job since their original bid was \$57,500, lower than the other two bidders by \$20,000 and exactly the same as the invoice now being suggested. We would have realized that if we had stuck rigorously to monthly billing as the contract stipulated. Councilmember Turner stated the delayed billing was a frustration for her and Councilmember AuWerter as well and they constantly brought it up with our Consultant Kris Hopkins. There were a lot of things we asked for which increased the cost - 23 more interviews than scheduled, Advisory Committee input that increased the length of the survey and required more analysis, the request to distinguish among neighborhoods and the additional analysis, and a change to the postcard mailed out. Councilmember AuWerter added that given the nuances and nature of how this unfolded, we probably would have had a significant overrun with either of the other bidders as well.

Treasurer Siemborski asked if this final amount had been approved - not just by our Consultant Kris Hopkins, but by her organization, CT Consultants - so that if Council approves this we are complete. Councilmember AuWerter stated we have an email confirming that.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-26 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

Ayes: AuWerter, Steinbrink, Turner.

Nays: Atton, Press, Welsh.

Abstain: None

Motion failed.

Ordinance No. 2023-26 will be placed upon first reading.

At 1:38:43 Law Director Hunt explained it takes five votes to suspend the rules and there are only three votes, so this Resolution will be on the agenda next month.

Councilmember Atton's desire to bring this up again at the next meeting is the people who are concerned about the level of expenditure being committed to this process ought to be invited to make public comment. This was a contentious issue. Councilmember Turner asked what was his standing on the Resolution and he replied he didn't want to vote on this until hearing the opinions of other people, more than are sitting here tonight. Councilmember Steinbrink recalled that Councilmembers Atton and Press wanted more meetings and public input to make this a better process in the end. You can't ask for more and then when the bill comes say I don't want to pay for all that stuff.

18. Council Matters starts at 1:43:15 - None

19. Business from the Audience starts at 1:43:23

Resident Mark Shoag, Brigham Road, stated \$80,000 is a lot of money for the Comprehensive Plan. He knows a couple seniors in this town who are hurting because of inflation who could benefit from a little extra money. The idea that we're just going to fork over another \$20,000 - I don't know, it's a lot of money.

Resident Charlie Baker said the speed camera brochure sent out was exceptionally well done.

Treasurer Siemborski stated the money for the Comprehensive Plan came from ARPA funds from the federal government, not taxes that our local residents are paying. And Councilmember Atton replied it could have been spent on other things.

20. Adjourn

There being no further business, it was moved by Councilmember Steinbrink, seconded by Councilmember Press, 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 REGULAR MEETING OF COUNCIL
August 15, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, August 15, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 3:30

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 the Regular Council meeting of July 18, 2023 starts at 3:48

Approval of the July 18 Minutes will be postponed until the September Council Meeting. Councilmember Atton stated that on the video at 18:57 Councilmember AuWerter mentioned Councilmember Deacon spearheading a group of some sort and he wasn't sure what that was and how that integrated into the historic preservation task force that Celeste McClung is proposed to be leading. Councilmember Deacon stated her group's focus will be zoning and penalties/fines - different from the historic preservation task force. Councilmember Atton wants this clarification reflected in the July 18 minutes.

Councilmember Steinbrink asked if the June 20 minutes could be approved with three votes. Law Director Hunt replied four votes are necessary and the minutes need to be reapproved. Councilmember Deacon moved to approve the June 20, 2023 minutes and Councilmember Turner seconded the motion.

Ayes: Atton, Deacon, Turner, Welsh.

Abstain: AuWerter, Press, Steinbrink

Nays: None

Motion carried.

3. Pay Ordinance # 1276 \$614,183.51 starts at 10:59

Councilmember Welsh moved to approve Pay Ordinance #1276 and Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

4. Financial Statement/Treasurer's Report attached and starts at 11:22

At 18:05 Councilmember Press suggested the Finance and Budget Committee should review (1) the assumptions made roughly a year ago in long range planning and (2) the current Ancora investment strategy. Treasurer Siemborski concurred and suggested a September Budget meeting to address both with Ancora in attendance.

At 19:28 Councilmember Turner asked if the increase in legal fees over matters requiring additional attention were intermittent or ongoing. Law Director Hunt responded that there are currently three lawsuits against the Village. A major one with substantial fees came to fruition Jan/Feb/March of this year. Two other lawsuits are still pending, one we just settled about two weeks ago for a minor amount plus attorney fees. Additional details could be discussed at an Executive Session in September.

At 21:41 Councilmember AuWerter reminded Council three significant expenditures have carried over into 2023 but relate to 2022 - roads cost overrun, income tax rebate, and legal fees - and the Finance Committee will discuss further when they meet. Councilmember Atton stated he could not remember the outcome of the 2022 road program overrun of \$250,000. Were we going to reduce our budgeted level for 2023 by \$250,000, or keep the budget the same and simply absorb the \$250,000? Councilmember AuWerter answered that two meetings ago it was presented that we absorb the \$250,000 and we can still meet the budget for roads because the road bids came in less than what we budgeted. Councilmember Atton rephrased and stated we can absorb the \$250,000 without altering the bottom line.

5. Mayor's Report starts at 23:57

- Clerk DeCapite was complimented on Council Minutes (Thanks Chuck S.)
- Treasurer Siemborski (Mayoral Candidate running unopposed) was included in the selection process for our new Fire Chief. From three terrific candidates who, along with our entire fire department, have the best interests of our residents at heart, the following selections were made:
Tom Majeski, Fire Chief, Rob Jamieson, Assistant Fire Chief, and Mike Feig, Captain/Fire Marshall. All three will be sworn in at the September Council meeting.
- Fire Chief Robinson's Retirement Party will be held September 5 at the Community House.
- Mayor Schneider, Councilmember AuWerter, Service Director Biggert, and the owners of 640 Chagrin River Rd. had a great meeting. We know where they stand and vice versa. The footers have been poured, next is framing and backfill. They hope to have it all under roof before the snow flies.

6. Officer Kimbrew - Service Award starts at 27:00

Chief Minichello presented a meritorious service award and detailed Officer Kimbrew's June 28 single-handed rescue of a semi-conscious driver from a burning vehicle on Mayfield Road in Chesterland.

7. Clerk's Report - None

8. Committee Reports

Positively Gates Mills (Councilmember Turner) starts at 32:24

- New Resident Social at the Community House, Sept 29, 6:30-8:00 p.m.

Planning & Zoning Commission (Councilmember Steinbrink) starts at 32:50

- Earlier this year the Board of Zoning Appeals approved a variance requested by a homeowner. An adjoining homeowner was out of town during the 10-day notification period (via certified mail) and was unaware of the variance request. The adjoining homeowner met with the Planning & Zoning Commission to discuss improvements to the variance process - longer time period to notify adjoining homeowners and/or allow meeting attendance via Zoom or conference call. Councilmember Turner suggested considering different ways of communication - text or email. Councilmember Steinbrink stated Fedex or UPS had been discussed. Any recommendations to change ordinances by P & Z would require Council approval.

Charter Review Committee (Councilmember Press) starts at 35:25

- Final report should be ready for the September Council meeting

At 35:45 Councilmember Atton posed a question to the Real Estate Committee. Is the first floor of Burton Court being looked into as a possible rental opportunity for this year - with the Gromelski's or anyone else? Councilmember Steinbrink answered we are currently having conversations with Sara's Place on using that space and possibly adding a second floor to Burton Court. Once we receive all the second-floor construction bids, the Real Estate Committee will discuss. It doesn't make sense to enter into a short-term lease for the first-floor space, when we have the potential opportunity to expand a capital asset and get more rent for two floors rather than one. Councilmember Atton replied his impression was that Gromelski was probably going to take the first-floor space regardless of whether or not the expansion occurred, so if that's the case, why not have a lease with him right away provided it's a competitive market-oriented lease? Councilmember AuWerter answered the first-floor space required both parties investing to turn it into a more permanent space. That would be silly if we're going to turn around and redo the whole building. Secondly, he pays every time he uses the first-floor facility. In November and December, we'll probably get more rent from his per evening use than we would from a long-term rental. Councilmember Deacon asked what the timing was, and Councilmember Steinbrink replied September/October.

Board of Cemetery Trustees (Councilmember Welsh) starts at 38:32

- Next meeting is Monday, September 11 at 4:00 p.m.

At 39:00 Councilmember Press recalled setting up a task force around the 640 issue. Celeste McClung and Lori Deacon were both on it, plus others, and they were to draft terms of reference, but they never came back. Councilmember Deacon stated they needed to get that out. Mayor Schneider stated it was thought better to get the ARB/HRB committees straightened around (Ordinance No. 2023-23 on second reading tonight) and then go forward with the historic preservation task force.

At 39:57 Councilmember Atton observed the Mayfield City Schools Liaison Committee usually invites the Superintendent of the school district and the Treasurer

to come and talk to Council once a year. Last year it occurred in October. It's not too soon to start thinking about that date.

At 40:23 Mayor Schneider introduced Sean O'Malley of Reid Consulting Group and also Tom Reid via Zoom to provide our Broadband Presentation. Councilmember Deacon reminded Council this Phase One report was commissioned to determine and confirm feasibility for Broadband in the village.

To view the PowerPoint Gates Mills Fiber Financial Analysis, visit <https://www.gatesmillsvillage.com/homepage/news/broadband-fiber-optic-presentation-council-at-42:26>

At 59:50 Councilmember Press posed a question to Sean and Tom, followed by questions or comments from other Village Officials:

1:01:59	Councilmember Turner	1:21:58	Councilmember Deacon
1:02:55	Councilmember Welsh	1:24:51	Councilmember Press
1:04:05	Councilmember AuWerter	1:25:50	Engineer Courtney
1:17:04	Councilmember Turner	1:26:36	Councilmember AuWerter
1:18:24	Engineer Courtney	1:28:29	Councilmember Turner
1:18:49	Councilmember Press	1:30:22	Treasurer Siemborski
1:19:43	Mayor Schneider	1:33:09	Councilmember AuWerter
1:20:46	Councilmember Steinbrink		

9. Police Department Report attached and starts at 1:37:00

Councilmember Press believes the distance between the warning signs and the traffic cameras on Mayfield Road is too close and doesn't allow enough time to slow down and avoid a ticket. If it's about safety and not revenue, and we want people to have a chance to slow down, why don't we have the warning sign further away from the actual camera? Chief Minichello answered there are two warning signs before the westbound camera. One large sign is in the median at the entry point to Gates Mills from Chesterland and one smaller sign is on the right side of the road before the camera. We went over this placement with our prosecutor and took a tour. Per Ohio Law photo enforced warning signs must be placed at every entry point into the village.

At 1:40:37 Councilmember AuWerter asked the status of the cameras going live and what has been happening with average speed since data started being collected. Chief Minichello replied that since data collection from the eastbound camera started on May 13, we've seen about a 60% reduction in the amount of speeders going over 60 mph (from an average 375 cars per day down to 125). We've sent out 3150 warning notices. Speed is coming down and that was the intent. Also, traffic is slowing down on other roadways. It is possible that we may turn on the cameras over the next two days and start issuing citations, but they will be held for review until we get the green light from the Court that they are ready - we anticipate that date to be August 22.

Councilmember Turner noted the nice articles in the paper about the speed cameras and congratulated the Chief for good communications to villagers and other communities.

Councilmember Press shared conversation where it was advised to ignore and not pay a speed camera ticket because it's a civil ticket, not criminal. Chief Minichello

stated we are in discussion with the Judge on this subject. It is our expectation that after the second notice is not paid, the Judge will likely file a judgement against the speeder and it will likely go to collections at some point. We have to pay the Court regardless of whether the ticket is collectible (\$15/ticket). The Judge is investing a significant amount of money up front too - \$150,000 for software/equipment, staffing, and training.

10. Service Department Report attached and starts at 1:47:04

Councilmember AuWerter is disturbed that we look bad compared to other communities in the Cuyahoga County Solid Waste District annual recycling report because other communities get credit for leaf and brush collection. He asked if we could request the County have two different measurements - one including leaf and brush pickup and one for all other. Service Director Biggert responded that he would check.

11. Fire Department Report attached and starts at 1:48:57

At 1:49:35 find a video of the joint training session (Gates Mills, Willoughby Hills, and other fire departments) showing the deployment of a vehicle fire blanket and the very quick smothering of the fire. The blanket can also be used for the very different electric vehicle fire where, without a blanket, thousands of gallons of water are necessary and become contaminated and enter the storm sewer. Also unique to an electric vehicle fire parked in a garage is the difficulty in removing it from the house. Gates Mills has the second highest per capita number of electric vehicles in the state. We purchased the multiple use blanket for \$3000 from Germany.

At 1:54:30 Treasurer Siemborski asked if the increase in EMS costs relate to anything abusive or it's just that the numbers are up. Fire Chief Robinson replied the cost has increased because the usage has increased (86 EMS calls at this time last year versus 139 this year). Surrounding communities are seeing the same pattern. It's a product of an aging population and the utilization of EMS services when it's not necessary. Public education of when EMS is appropriate is a struggle due to liability issues. We are looking at high users and seeing if there is any way to bill for the service. High deductible health plans leave large balances due from residents and most communities will not direct bill their residents because they believe tax dollars should pay for those kinds of services.

This is Fire Chief Robinson's final report. They were always interesting and entertaining. We will miss him.

12. Ordinance No. 2023-23 (Second Reading) starts at 1:59:02

Ordinance No. 2023-23 "An Ordinance Amending Section 1313.09(a) of the Codified Ordinances of the Village of Gates Mills to Specify the Procedure for the Architectural Board of Review's Historic District Subcommittee to Review and Make Recommendations to the Board on Applications for Building Permits in the Village's Historic District" was read by Mayor Schneider. Councilmember Deacon explained the goal is to expedite review of historic district applications. Under this ordinance an application would go direct to HRB, and ARB would get a copy, so they know what's

happening. It would speed up the process because the committees meet two weeks apart.

Councilmember Press asked if the HRB is represented on the ARB and Councilmember Deacon replied all stakeholders are in favor of the HRB chairperson sitting formally on the ARB and being a voting member. They would increase communication, streamline the process, make it more seamless, and fortify the understanding on the ARB of things the HRB is considering and what their concerns are. Councilmember Deacon asked Law Director Hunt if we can amend this ordinance to reflect this and have it ready for third reading in September. Yes.

Ordinance No. 2023-23 will be placed upon second reading.

13. Resolution No. 2023-26 (Second Reading) starts at 2:01:35

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. Resolution No. 2023-26 will be placed upon second reading.

14. Ordinance No. 2023-27 (First Reading) starts at 2:02:02

Ordinance No. 2023-27 “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” was read by Councilmember AuWerter. Finance Administrator Mulh prepared a memo detailing the reasons for the additional appropriation.

Treasurer Siemborski explained we did not know which broadband vendor we would use when we budgeted in December, so we put \$10,000 in the budget. When we chose Reid Consulting their Phase One fee was \$15,000 so that’s the additional \$5,000 appropriated. Reid gave us a Phase Two estimate, which we are not required to award, for a combined (Phase One and Two) fee of \$40,000.

Councilmember Atton asked how much the architectural services for Burton Court cost. Councilmember AuWerter believed \$22,000, or in that range, with an hourly rate provision for additional work.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-27 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 Ordinance No. 2023-27 with Councilmember Turner seconding the motion.

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

Motion carried.

15. Resolution No. 2023-28 (First Reading) starts at 2:05:05

Resolution No. 2023-28 "A Resolution Authorizing and Directing the Transfer of Certain Sums from the General Fund to the Capital Improvement Fund and Wastewater Fund" was read by Councilmember AuWerter. This is basically a subset of what we just approved and is the authorization to move funds from the General Fund to the other two funds. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-28 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. 2023-28 with Councilmember Press seconding the motion.

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

Nays: None

Motion carried.

16. Council Matters starts at 2:06:34

Councilmember Turner asked Councilmember Deacon to provide in advance of the September meeting some guidance on how the very complex Broadband discussion will progress. She agreed there is a way to map out decision points and will confer with the Broadband committee.

At 2:07:58 Councilmember Press asked where we stand on finding dates for the Comprehensive Plan work session. Mayor Schneider answered neither date worked on which all of Council could attend and Councilmember AuWerter suggested if Saturdays were difficult then give some weeknight options. Councilmembers Turner and Press would like to keep the momentum going and meet in September. Options will be sent out.

At 2:10:16 Councilmember Atton asked when we were getting the bids on the Mayfield Road Culvert repairs and Service Director Biggert answered September 8.

17. Business from the Audience starts at 2:10:36

Leonard Carr, a 50-year resident, has an issue with the interaction of motor vehicles and pedestrians on Andrews and Hillcreek Lanes and West Hill Drive. Pedestrians, by law, should move off the pavement onto the grass when a motor vehicle approaches, yet they are arrogant in thinking they have the right of way and expect cars to cross left of the centerline to avoid them. Mr. Carr provided a four-point plan solution - Pink Sheet, mail delivery independent of the Pink Sheet, signage, and friendly police encounters.

At 2:19:38 Susan Dunsmore, 7019 Hillcreek Lane, the resident whom Councilmember Steinbrink spoke of earlier, came to let it be known how the current construction of a large home on Hickory Lane directly across the creek to her home is affecting her. As an existing homeowner she feels she has not been protected. The variance notice sent out 10 days in advance is vague and contains no information on why the variance was requested and no details on the size of the structure. When the excavation on the creek bank started this spring, she reached out to David Atton and he came out and listened to her concerns. The building is a full three-story walkout probably three times the size of the prior structure. When the leaves are gone this house will leave them under constant observation and completely exposed. There is no opportunity to provide privacy with a fence or vegetation as it is right at the hillside bank dropping down to the creek. It is imperative that Gates Mills prioritize direct contact with homeowners affected by construction. The notification and approval process needs to be addressed ensuring ample time is provided for affected residents input and for concerns to be heard.

18. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

9/6/2023 5:09:00 PM

UAN v2023.2

Payment Listing

August 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
42-2023	01/31/2023	01/31/2023	CH	BWC	\$2,954.00 *	C
42-2023	08/17/2023	08/17/2023	NEG ADJ	BWC	-\$469.00	C
336-2023	07/06/2023	07/07/2023	CH	DIVISION OF WATER	\$294.14 *	C
336-2023	08/28/2023	08/28/2023	NEG ADJ	DIVISION OF WATER	-\$294.14	C
378-2023	08/02/2023	08/03/2023	CH	CLEVELAND ILLUMINATING CO.	\$572.27	C
379-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$9.20	C
380-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$9.20	C
381-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$9.20	C
382-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$9.20	C
383-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$9.20	C
384-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$17.28	C
385-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$18.05	C
386-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$65.38	C
386-2023	08/09/2023	08/09/2023	NEG ADJ	DIVISION OF WATER	-\$65.38	C
387-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$237.18	C
388-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$280.39	C
389-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$321.63	C
389-2023	08/28/2023	08/28/2023	NEG ADJ	DIVISION OF WATER	-\$321.63	C
390-2023	08/03/2023	08/03/2023	CH	THE HARTFORD	\$194.64	C
391-2023	08/04/2023	08/04/2023	CH	OHIO POLICE & FIRE PENSION	\$26,879.68	O
392-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$92.81	C
393-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$123.79	C
394-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$176.20	C
395-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$529.83	C
395-2023	08/28/2023	08/28/2023	NEG ADJ	CLEVELAND ILLUMINATING CO.	-\$529.83	C
396-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$570.23	C
397-2023	08/04/2023	08/04/2023	CH	CLEVELAND ILLUMINATING CO.	\$574.15	C
398-2023	08/08/2023	08/09/2023	CH	PRIME PAY	\$70,389.10	C
399-2023	08/09/2023	08/09/2023	CH	EQUIVEST	\$2,253.00	C
400-2023	08/09/2023	08/09/2023	CH	OHIO DEFERRED COMP	\$6,215.00	C
401-2023	08/09/2023	08/09/2023	CH	TIME WARNER CABLE-NORTHEAST	\$62.18	C
402-2023	08/09/2023	08/09/2023	CH	VERIZON WIRELESS	\$611.16	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

9/6/2023 5:09:00 PM

UAN v2023.2

Payment Listing

August 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
403-2023	08/08/2023	08/09/2023	CH	CLEVELAND ILLUMINATING CO.	\$99.99	C
404-2023	08/08/2023	08/09/2023	CH	CLEVELAND ILLUMINATING CO.	\$95.36	C
405-2023	08/08/2023	08/09/2023	CH	DOMINION EAST OHIO	\$334.70	C
405-2023	08/28/2023	08/28/2023	NEG ADJ	DOMINION EAST OHIO	-\$334.70	C
406-2023	08/08/2023	08/09/2023	CH	DOMINION EAST OHIO	\$200.46	C
407-2023	08/09/2023	08/10/2023	CH	LYNDHURST MUNI COURT	\$90,000.00	C
408-2023	08/10/2023	08/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$46.92	C
409-2023	08/10/2023	08/10/2023	CH	PRIME PAY	\$465.21	C
410-2023	08/10/2023	08/11/2023	CH	AETNA HEALTH INC. (OHIO)	\$36,702.78	C
411-2023	08/14/2023	08/17/2023	CH	CLEVELAND ILLUMINATING CO.	\$93.46	C
412-2023	08/14/2023	08/17/2023	CH	CLEVELAND ILLUMINATING CO.	\$93.58	C
413-2023	08/14/2023	08/17/2023	CH	CLEVELAND ILLUMINATING CO.	\$1,223.31	C
414-2023	08/16/2023	08/17/2023	CH	DELTA DENTAL	\$1,716.91	C
415-2023	08/17/2023	08/17/2023	CH	CINTAS CORPORATION #259	\$1,799.36	C
415-2023	08/28/2023	08/28/2023	NEG ADJ	CINTAS CORPORATION #259	-\$357.70	C
416-2023	08/17/2023	08/17/2023	CH	OPERS PUBLIC EMPLOYEES	\$18,840.74	C
417-2023	08/22/2023	08/22/2023	CH	PRIME PAY	\$68,544.93	C
418-2023	08/22/2023	08/22/2023	CH	EQUIVEST	\$2,253.00	C
419-2023	08/22/2023	08/23/2023	CH	OHIO DEFERRED COMP	\$6,515.00	C
420-2023	08/21/2023	08/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$978.26	C
421-2023	08/21/2023	08/23/2023	CH	CLEVELAND ILLUMINATING CO.	\$538.59	C
422-2023	08/22/2023	08/23/2023	CH	DIVISION OF WATER	\$67.20	C
423-2023	08/23/2023	08/23/2023	CH	SAM'S CLUB	\$269.08	C
424-2023	08/24/2023	08/24/2023	CH	FIRST COMMUNICATIONS, LLC	\$2,750.36	C
425-2023	08/29/2023	08/29/2023	CH	CHASE CARD SERVICE	\$2,899.74	C
426-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$9.20	C
427-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$9.20	C
428-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$9.20	C
429-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$9.20	C
430-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$9.20	C
431-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$13.24	C
432-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$18.05	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

9/6/2023 5:09:00 PM
UAN v2023.2**Payment Listing**

August 2023

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
434-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$168.46	C
435-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$218.55	C
436-2023	08/11/2023	09/06/2023	CH	DOMINION EAST OHIO	\$104.11	C
437-2023	08/31/2023	09/06/2023	CH	STATE TREASURER OF OHIO	\$1,462.50	C
438-2023	08/31/2023	09/06/2023	CH	REDSS	\$195.00	C
439-2023	08/31/2023	09/06/2023	CH	LYNDHURST MUNI COURT	\$58.50	C
6780	05/09/2023	05/09/2023	AW	BAUER SUPPLY	\$57.15 *	V
6780	08/10/2023	08/10/2023	AW	BAUER SUPPLY	-\$57.15	V
6960	08/10/2023	08/10/2023	AW	BAUER SUPPLY	\$57.15	C
6961	08/11/2023	08/11/2023	AW	ABATE LANDSCAPING FLORIST	\$36.00	C
6962	08/11/2023	08/11/2023	AW	ALL CONSTRUCTION SERVICES	\$150.00	C
6963	08/11/2023	08/11/2023	AW	1ST AYD CORP	\$212.81	C
6964	08/11/2023	08/11/2023	AW	ALLEGION ACCESS TECHNOLOGIES	\$5,106.16	C
6965	08/11/2023	08/11/2023	AW	AMERICAN SECURITY & AV SYSTEMS	\$4,520.16	C
6966	08/11/2023	08/11/2023	AW	JANET M. MULH	\$226.37	C
6967	08/11/2023	08/11/2023	AW	CARMEUSE LIME & STONE	\$697.68	C
6968	08/11/2023	08/11/2023	AW	CCM RENTAL	\$450.00	C
6969	08/11/2023	08/11/2023	AW	CHAGRIN VALLEY AUTO PARTS	\$896.49	C
6970	08/11/2023	08/11/2023	AW	CHAGRIN VALLEY DISPATCH	\$13,393.27	C
6971	08/11/2023	08/11/2023	AW	CHAGRIN VALLEY TIMES	\$281.74	C
6972	08/11/2023	08/11/2023	AW	WILLIAM H. CHILDS, JR	\$100.00	C
6973	08/11/2023	08/11/2023	AW	MICHAEL E. CICERO	\$850.00	C
6974	08/11/2023	08/11/2023	AW	CLEVELAND PLUMBING SUPPLY CO.	\$2,041.75	C
6975	08/11/2023	08/11/2023	AW	COMDOC, INC.	\$261.72	C
6976	08/11/2023	08/11/2023	AW	DISTILLATA COMPANY	\$111.25	C
6977	08/11/2023	08/11/2023	AW	DUSTBUSTER	\$382.50	C
6978	08/11/2023	08/11/2023	AW	MICHAEL FEIG	\$16.58	O
6979	08/11/2023	08/11/2023	AW	RICHARD KAWALEK ARCHITECT INC	\$100.00	C
6980	08/11/2023	08/11/2023	AW	KEN'S WINDOW CLEANING	\$870.00	C
6981	08/11/2023	08/11/2023	AW	MAYORS ASSOCIATION OF OHIO	\$50.00	O
6982	08/11/2023	08/11/2023	AW	MIDDLEFIELD FARM & GARDEN	\$128.33	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

9/6/2023 5:09:00 PM

UAN v2023.2

Payment Listing

August 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6983	08/11/2023	08/11/2023	AW	NOACA	\$390.00	C
6984	08/11/2023	08/11/2023	AW	OHIO FIRE CHIEFS' ASSOCIATION	\$100.00	C
6985	08/11/2023	08/11/2023	AW	NICOLA, GUDBRANSON & COOPER	\$2,575.00	C
6986	08/11/2023	08/11/2023	AW	PRESTON FORD	\$485.73	C
6987	08/11/2023	08/11/2023	AW	RUMPKE	\$86.66	C
6988	08/11/2023	08/11/2023	AW	SHUTTLE'S UNIFORM INC.	\$169.00	C
6989	08/11/2023	08/11/2023	AW	SITEONE LANDSCAPE SUPPLY	\$87.20	C
6990	08/11/2023	08/11/2023	AW	TECHSPERT DATA SERVICES LLC	\$731.25	C
6991	08/11/2023	08/11/2023	AW	THE ORIGINAL FARINACCI LANDSCAPE DESIGN	\$475.00	C
6992	08/11/2023	08/11/2023	AW	TREAS OF STATE (FUND 83F)	\$750.00	C
6993	08/11/2023	08/11/2023	AW	TRIVISTA OHIO	\$215.91	C
6994	08/11/2023	08/11/2023	AW	TURNKEY HOME & AUTO	\$127.55	C
6995	08/11/2023	08/11/2023	AW	ULLMAN OIL COMPANY	\$16,053.09	C
6996	08/11/2023	08/11/2023	AW	VILLAGE OUTDOORS LTD	\$65.00	C
6997	08/18/2023	08/18/2023	AW	AKE ENVIRONMENTAL, INC.	\$5,490.50	C
6998	08/18/2023	08/18/2023	AW	CHESTER TOWNSHIP	\$3,136.32	C
6999	08/18/2023	08/18/2023	AW	RICK LOCONTI	\$850.00	C
7000	08/18/2023	08/18/2023	AW	OHIO TREASURER OF STATE	\$1,770.00	C
7001	08/18/2023	08/18/2023	AW	ZOOM CAR WASH	\$84.00	O
7002	08/24/2023	08/24/2023	AW	A & A SAFETY, INC.	\$1,095.00	C
7003	08/24/2023	08/24/2023	AW	ATWELL'S POLICE & FIRE EQMT	\$203.99	C
7004	08/24/2023	08/24/2023	AW	CHAGRIN VALLEY NURSERIES, INC.	\$31.00	C
7005	08/24/2023	08/24/2023	AW	CHAGRIN VALLEY TIMES	\$64.97	C
7006	08/24/2023	08/24/2023	AW	CINTAS CORPORATION #259	\$113.79	C
7007	08/24/2023	08/24/2023	AW	CLEVELAND PLUMBING SUPPLY CO.	\$869.00	C
7008	08/24/2023	08/24/2023	AW	ENGLBROOK CONSTRUCTION INC.	\$2,710.00	O
7009	08/24/2023	08/24/2023	AW	FIRST CALL	\$217.01	O
7010	08/24/2023	08/24/2023	AW	KOLSOM TIRES	\$1,535.92	O
7011	08/24/2023	08/24/2023	AW	MARSHALL POWER EQUIPMENT	\$120.00	O
7012	08/24/2023	08/24/2023	AW	MICRO CENTER A/R	\$49.98	O
7013	08/24/2023	08/24/2023	AW	MIDWEST RESCUE PRODUCTS, INC.	\$2,842.20	C
7014	08/24/2023	08/24/2023	AW	SHUTTLE'S UNIFORM INC.	\$1,086.80	O

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

9/6/2023 5:09:00 PM

Payment Listing

August 2023

UAN v2023.2

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
7015	08/24/2023	08/24/2023	AW	UNIQUE PAVING MATERIALS CORP.	\$352.50	C
7016	08/24/2023	08/24/2023	AW	VALLEY FREIGHTLINER	\$213.64	C
7017	08/24/2023	08/24/2023	AW	WADSWORTH SERVICE	\$7,215.06	O
7018	08/24/2023	08/24/2023	AW	WINZER	\$153.85	O
Total Payments:					\$430,122.29	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$430,122.29	

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.

TOTAL

\$430,122.29

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
AUGUST 31, 2023

	2023 BUDGET	Current Month	2023 Year to Date	2022 Year to Date
General Fund (GF) Revenues:				
Taxes:				
Real Estate Taxes	2,436,728	804,993	2,345,758	2,293,065
Municipal Income Taxes	2,600,000	150,306	1,534,521	2,407,309
Share of Sales and State Taxes	62,000	4,736	46,083	47,201
Total Tax Revenue	5,098,728	960,035	3,926,362	4,747,575
Other Sources:				
Fines and Costs	300,100	5,862	56,807	62,717
Building/Liquor Permits & Licenses	48,000	2,662	56,147	37,798
Interest Income	150,000	25,518	92,458	67,847
Rental Income	210,200	5,040	166,862	159,008
Mills Building Rental Income	114,031	8,409	83,335	54,756
Ambulance Income	40,000	-	24,613	30,087
SRO Reimbursement	90,858	15,742	61,171	40,000
Misc	100,000	225	23,213	7,358
Total Other Sources Revenue	1,053,189	63,458	564,607	459,571
Assessments:				
School Board/Property Assessment	-	-	-	42,129
Total General Fund Revenues	6,151,917	1,023,493	4,490,969	5,249,275
Add Year Beginning General Fund Balance		7,539,148	7,811,278	7,366,903
Less Expenses:				
Administration Costs	(see Page 2)	(52,203)	(565,063)	(595,469)
Administration - Transfers		(436,000)	(932,500)	(451,000)
Police Department Costs	(see Page 3)	(231,137)	(1,266,916)	(1,133,867)
Fire Department Costs	(see Page 3)	(18,291)	(132,177)	(158,757)
Fire Department Ambulance	(see Page 3)	-	(357,561)	(233,505)
Service Department Costs	(see Page 4)	(123,198)	(1,346,217)	(1,192,484)
Total General Fund Expenses		(860,829)	(4,600,435)	(3,765,082)
Current General Fund Balance		7,701,812	7,701,812	8,851,096
Plus:				
Other Fund Current Balances		2,309,822	2,309,822	1,619,198
Total Current Balance - All Funds		10,011,634	10,011,634	10,470,294

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

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
ADMINISTRATION:				
Salaries and Wages	159,500	12,148	103,286	97,448
Health Insurance	51,600	4,244	34,188	30,352
Worker's Comp/Medicare	7,800	181	2,162	1,799
Employee Retirement (OPERS)	27,000	2,096	17,180	16,171
PERSONNEL COSTS	245,900	18,669	156,816	145,770
Legal - Law Director	45,000	-	73,753	57,423
Legal - Prosecutor	38,000	3,425	22,051	31,575
Legal - Other	500	347	499	152
Engineering	34,900	2,338	21,124	21,787
Other Professional Services	85,500	726	75,908	66,377
LEGAL AND PROFESSIONAL	203,900	6,836	193,335	177,314
General Insurance	140,000	-	103,887	137,227
Income Tax Expense	90,500	4,388	44,204	71,513
County Auditor Expenses	58,500	21,466	58,289	54,498
Office Expenses	9,500	405	4,298	6,305
Miscellaneous Expenses	4,500	440	4,234	2,842
OTHER ADMINISTRATIVE COSTS	303,000	26,698	214,912	272,385
ADMINISTRATION OPERATING COSTS	752,800	52,203	565,063	595,469
Transfers to Other Funds	996,500	436,000	932,500	451,000
TOTAL ADMINISTRATION COSTS	1,749,300	488,203	1,497,563	1,046,469

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
AUGUST 31, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
POLICE DEPARTMENT:				
Salaries and Wages	1,142,000	86,587	718,834	697,150
Overtime	42,000	4,846	26,250	15,586
Health, OPERS, MEDI, Worker Comp	262,656	19,655	165,053	163,671
PERSONNEL COSTS	1,446,656	111,088	910,137	876,407
Gasoline	28,000	5,692	16,940	14,636
Repairs and Maintenance	13,000	3,559	10,040	8,547
Uniforms	14,000	373	6,567	4,489
Training/Conferences	17,000	469	11,808	13,408
Dispatch Operating Fee	162,000	13,393	120,539	115,349
Alarm System Fee	20,000	4,520	14,127	17,091
Maintenance Agreements/Radio Expenses	28,000	1,470	25,125	17,078
Traffic Camera Program LMC	180,000	90,000	90,000	-
Other Expenses	16,000	572	9,203	9,892
V.E.G.	10,000	-	10,000	10,000
OTHER POLICE DEPART COSTS	488,000	120,048	314,348	210,490
Vehicle Purchases	62,000	-	35,030	46,970
Equipment Purchases	9,500	-	7,402	-
CAPITAL EXPENDITURES	71,500	-	42,432	46,970
TOTAL POLICE DEPARTMENT COSTS	2,006,156	231,137	1,266,916	1,133,867

FIRE DEPARTMENT:				
Salaries and Wages	130,000	11,635	95,260	81,448
PERS, MEDI, SOC SEC, Worker Comp	30,000	858	9,131	6,746
PERSONNEL COSTS	160,000	12,493	104,391	88,194
Vehicle Maintenance	6,000	415	1,169	1,309
Ambulance/EMS <i>see below</i>	382,000	-	357,561	233,505
Training/Conferences	5,500	-	1,960	1,672
Contracts & Annual Fees	22,000	1,392	16,923	17,703
Other Expenses	9,500	1,149	2,298	1,644
OTHER FIRE DEPARTMENT COSTS	425,000	2,955	379,911	255,833
CAPITAL EXPENDITURES	68,750	2,842	5,437	48,235
TOTAL FIRE DEPARTMENT COSTS	653,750	18,291	489,738	392,262
<i>Ambulance Income on Cover Page</i>	40,000	-	24,613	30,087

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

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
SERVICE DEPARTMENT:				
Salaries and Wages	722,500	55,893	476,522	456,349
Overtime	30,000	-	13,302	22,344
Health, OPERS, MEDI, Worker Comp	298,000	23,045	200,577	183,028
PERSONNEL COSTS	1,050,500	78,938	690,400	661,721
Salt/Aggregate (snow removal)	76,500	-	70,924	58,601
Building Inspection	15,000	850	7,910	10,344
Equipment Maintenance	48,000	1,584	37,276	31,970
Gasoline Expense	40,000	10,361	31,799	31,027
Supplies	33,000	2,159	23,433	22,708
OPERATING COSTS	212,500	14,955	171,342	154,650
BUILDING OPERATION & MTC				
Village Hall	140,500	7,137	97,066	65,317
Village Houses	12,600	52	1,100	57
Community Building	38,700	8,391	19,487	14,663
Post Office	12,000	2,531	7,047	10,061
OBT Building	2,120	154	1,203	1,143
Wash House	3,700	31	70	17
Burton Court	3,150	416	13,716	2,228
Mills Building	83,500	1,409	72,834	37,605
BUILDING OPERATION & MTC	296,270	20,120	212,521	131,091
Street Repair	9,000	1,050	2,622	2,990
Ditch, Drain, Sewers	18,500	6,114	8,865	14,765
Tree Grinding (Contractors)	16,500	-	800	11,700
Street Lighting	11,000	1,191	11,620	6,073
Parks	20,000	701	15,694	18,335
Guardrails, Signs, Bridges	16,600	130	4,975	16,046
STREETS AND ROADS	91,600	9,186	44,575	69,909
Vehicles	235,000	-	208,512	174,499
Other Equipment	17,000	-	18,867	614
CAPITAL EXPENDITURES	252,000	-	227,378	175,113
TOTAL SERVICE DEPARTMENT COSTS	1,902,870	123,198	1,346,217	1,192,484

VILLAGE OF GATES MILLS
FINANCIAL STATEMENT
AUGUST 31, 2023

	Beginning Year Balance	Year-to-date Actual Receipts	Year-to-date Actual Expenses	Unexpended Balance
Street Const Maint Repair	80,941	130,906	8,903	202,944
State Highway	25,654	10,678	15,000	21,332
Bond Retirement (KeyBank Loans)	2,730	-	-	2,730
	109,324	141,584	23,903	227,005
Capital Improvement	339,875	827,568	483,449	683,993
Water	287,998	16,500	20,494	284,003
Wastewater Plant	14,309	78,591	47,037	45,862
Park Recreation	56,232	20,530	20,159	56,602
Cemetery	47,983	11,500	3,904	55,579
Mayor's Court-Violations Bureau	1,611	15,554	15,774	1,391
Mayor's Discretionary	334	1,500	1,449	385
Purcell Trust	31,800	-	-	31,800
Land Conservation	110,976	212,157	74,298	248,835
Local Fiscal Recovery Fund (ARPA)	192,312	250,192	30,870	411,634
Building Bond Deposit	103,919	19,254	-	123,173
Underground Storage Tank	11,000			11,000
Safety Fund	56,368	18,085	50,110	24,343
Police Relief & Pension	5,238	223,624	134,170	94,691
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	1,838,093	905,618	2,309,822
GENERAL FUND	7,811,278	4,490,969	4,600,435	7,701,813
TOTAL ALL FUNDS	9,188,624	6,329,062	5,506,052	10,011,634

STATE OF THE VILLAGE
AUGUST 31, 2023

	2023	2022
Total Current Balance - All Funds	10,011,634	10,470,294
Cash and Investments:	8/31/2023	8/31/2022
Cash:		
ANCORA	8,426,729	7,641,227
CHASE DDA	314,089	156,901
CHASE SAV - LAND CONS	248,835	146,193
CHASE VIOLATIONS BUREAU	33,331	91,237
Star Ohio	1,029,170	2,543,761
Total Cash	10,052,153	10,579,319
(OUTSTANDING CHECKS)	(40,519)	(109,025)
Total Cash and Investments	10,011,634	10,470,294

** From Wastewater Fund

GENERAL FUND SUMMARY	BUDGET	AUGUST	2023 YEAR TO DATE	2022 YEAR TO DATE
Real Estate Taxes	2,436,728	804,993	2,345,758	2,293,065
Municipal Income Tax	2,600,000	150,306	1,534,521	2,407,309
Share of Sales and State Taxes	62,000	4,736	46,083	47,201
Other Sources	1,053,189	63,458	564,607	459,571
Assessments	-	-	-	42,129
TOTAL OPERATING REVENUES	6,151,917	1,023,493	4,490,969	5,249,275
 OPERATING EXPENSES				
Administration Department	752,800	52,203	565,063	595,469
Police Department	2,006,156	231,137	1,266,916	1,133,867
Fire Department	653,750	18,291	489,738	392,262
Service Department	1,902,870	123,198	1,346,217	1,192,484
Transfers excluding Inheritance Taxes	996,500	436,000	932,500	451,000
TOTAL OPERATING EXPENSES	6,312,076	860,829	4,600,435	3,765,082
 SURPLUS (DEFICIT)	 (160,159)	 162,664	 (109,466)	 1,484,193

Project	August 31, 2023	BUDGET	AUGUST	YEAR TO DATE EXPENSES	COURTNEY	OTHER	SCMR/STHWY
CAPITAL IMPROVEMENT							
2022 ROAD PROGRAM				251,085		251,085	
2023 ROAD PROGRAM		1,100,000		51,295	51,295		
CEDAR RD RECONST							
HILLCREEK CULVERT REPAIR		22,000		1,880	1,880		
STORM WATER REGS AND ISSUES		20,000		314	314		
MAYFIELD ROAD CULVERT		400,000		22,700	22,700		
COMM HOUSE LOWER LEVEL DOORS/BATH		40,000	5,106	29,425		34,531	
PUBLIC RESTROOM RENO (NEAR PARK)		30,000					
GM BLVD EMERGENCY REPAIR				58,032	3,415	54,617	
				-			
TOTAL		1,612,000	5,106	414,731	79,604	340,233	-

RESOLUTION NO. 2023- 35

BY MAYOR SCHNEIDER

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF THE FIRE CHIEF/EMERGENCY COORDINATOR, ASSISTANT FIRE CHIEF, AND FIRE CAPTAIN; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Charter Section VII-4, appointments by the Mayor to officer positions in the Village Fire Department shall be confirmed by Council;

WHEREAS, upon the retirement of Fire Chief/Emergency Coordinator Thomas Robinson, Mayor Schneider has made appointments through promotions to the resulting vacant positions of Fire Chief/Emergency Coordinator, Assistant Fire Chief, and Fire Captain caused by said retirement;

WHEREAS, this Council wishes to confirm the Mayor's appointments of new officers in the Village Fire Department;

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

Section 1: This Council confirms the Mayor's appointments of the officers in the Village Fire Department as follows:

Fire Chief/Emergency Coordinator: Thomas Majeski,

Assistant Fire Chief: Robert Jamieson

Fire Captain: Michael Feig

Section 2: It is found and determined that all formal actions of this Council concerning and relating 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 is declared to be an emergency necessary for the immediate preservation of the public health, safety and general welfare of the Village and its residents and visitors for the further reason that, given the critical safety services provided by the Village Fire Department, the command positions in the Fire Department must be filled and operational at the earliest possible time without interruption; therefore, provided it receives two-thirds of the vote of all members of Council elected thereto, this Resolution 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

INTRODUCED BY MAYOR SCHNEIDER

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.

WHEREAS, upon the advice of the Chairperson of the Architectural Board of Review ("ABR"), the Chairperson of the ABR's Historic District Subcommittee, and the Mayor, this Council desires to add the Chairperson of the Subcommittee as a voting member of the Board and to clarify and specify the procedure for applications for building permits and for demolition permits in the Village's Historic District for the purpose of more efficient and effective processing of such permit applications to a timely conclusion.

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

Section 1: Section 1313.04(a) of the Codified Ordinance of the Village of Gates Mills is hereby amended to hereinafter provide as follows:

"1313.04 MEMBERSHIP; COMPENSATION; HISTORIC DISTRICT SUBCOMMITTEE; OTHER COMMITTEES.

- (a) The Architectural Board of Review shall consist of ~~eight~~ **nine** members, ~~five~~ **six** of whom shall be voting members and three of whom shall be non-voting practicing registered architects. Each member shall be a resident of the Village, except that a member who is a registered architect need not be a resident of the Village. The Chairperson, Vice-Chairperson and other members of the Board shall be appointed by the Mayor with the advice and consent of Council. **One of the six voting members shall be the Chair of the Historic District Subcommittee and be appointed and serve a term on both the Subcommittee and the Board as set forth in subsection (b) of this section and shall report to the Board all recommendations of the Subcommittee.** Initially, the Board shall be made up of two members whose terms shall expire on December 31, 2011, three members whose terms shall expire on December 31, 2012, and three members whose terms shall expire on December 31, 2013. Thereafter, members shall be appointed for three-year terms to serve without compensation, except that each member who is a registered architect shall receive a stipend of one hundred dollar (\$100.00) per meeting attended. Members may succeed themselves.

Section 2: Only subsection (a) of Section 1313.04 of the Codified Ordinances of the Village of Gates Mills as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 3: Section 1313.09(a) of the Codified Ordinances of the Village of Gates Mills is hereby amended to hereinafter provide as follows:

1313.09 REVIEW PROCEDURE FOR THE HISTORIC DISTRICT AND HISTORIC LANDMARKS.

- (a) No building permit for the construction, erection, alteration, removal, moving or demolition of any structure or building in the Historic District, or for the alteration, removal, moving or demolition of any historic landmark, shall be issued where such action will affect the exterior architectural feature of any such structure or building, unless and until such application has been approved by the Board. All submissions to the Board shall be made through the Building Official who shall receive all materials from the applicant at least seven days before the ~~Board's~~ next **regular or special meeting of the Board's Historic District Subcommittee**. Upon application for a building permit with respect to any structure or building in the above categories, the Building Official shall submit such application, together with the related plans and specifications, within seven days of receipt thereof, **directly** to the ~~Board for referral to the~~ Historic District Subcommittee **for its review** at its next regular **or special** meeting. **Upon the Building Official's receipt of an application under this subsection (a), the Official shall also forward the application, together with the related plans and specifications, to the Board.**

***"

Section 4: Only subsection (a) of Section 1313.09 of the Codified Ordinances of the Village of Gates Mills as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 5 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 6: 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

2nd reading
8/15/23

RESOLUTION NO. 2023-26

BY COUNCILMEMBER AUWERTER

A RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR PROFESSIONAL SERVICES PROVIDED BY CT CONSULTANTS UNDER AN AGREEMENT FOR THE VILLAGE'S COMPREHENSIVE PLAN.

WHEREAS, the Village entered into an agreement with CT Consultants on October 14, 2021 for professional services to assist the Village in the preparation of a Comprehensive Plan (the "Agreement") for \$57,500.00;

WHEREAS, this Council on August 9, 2022 authorized additional funds for out-of-scope services necessary to complete the Comprehensive Plan, increasing the total amount of the Agreement to \$72,000, and authorized such expenditures to CT Consultants to be paid from the Local Fiscal Recovery Fund;

WHEREAS, an additional \$7,520.42 for unforeseen out-of-scope services is necessary to compensate CT Consultants for services provided to complete and finalize the Comprehensive Plan. Such services included expanding and tabulating the community survey, fulfilling a request to analyze community survey data by neighborhood (10 neighborhoods), preparing for presentations from subject matter experts, and creating a checklist survey process to clarify the areas of mutual agreement and areas for further discussion by the Village's Advisory Committee.

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

SECTION 1. Council hereby authorizes the additional amount of \$7,520.42 to be added to the Agreement with CT Consultants for the Comprehensive Plan for services provided by the consultant outside the scope of the original Agreement but necessary for the completion of the Comprehensive Plan and increasing the total amount of the Agreement to an amount not to exceed \$79,520.42.

SECTION 2. The additional funds authorized by Section 1 herein shall be paid from the Village's Local Fiscal Recovery Funds.

SECTION 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this Resolution that resulted in formal action were in meetings open to the public as required by law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed the ____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

7/18/23
First Reading

RESOLUTION NO. 2023-26

BY COUNCILMEMBER AUWERTER

A RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR PROFESSIONAL SERVICES PROVIDED BY CT CONSULTANTS UNDER AN AGREEMENT FOR THE VILLAGE'S COMPREHENSIVE PLAN.

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WHEREAS, this Council on August 9, 2022 authorized additional funds for out-of-scope services necessary to complete the Comprehensive Plan, increasing the total amount of the Agreement to \$72,000, and authorized such expenditures to CT Consultants to be paid from the Local Fiscal Recovery Fund;

WHEREAS, an additional \$7,520.42 for unforeseen out-of-scope services is necessary to compensate CT Consultants for services provided to complete and finalize the Comprehensive Plan. Such services included expanding and tabulating the community survey, fulfilling a request to analyze community survey data by neighborhood (10 neighborhoods), preparing for presentations from subject matter experts, and creating a checklist survey process to clarify the areas of mutual agreement and areas for further discussion by the Village's Advisory Committee.

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

SECTION 1. Council hereby authorizes the additional amount of \$7,520.42 to be added to the Agreement with CT Consultants for the Comprehensive Plan for services provided by the consultant outside the scope of the original Agreement but necessary for the completion of the Comprehensive Plan and increasing the total amount of the Agreement to an amount not to exceed \$79,520.42.

SECTION 2. The additional funds authorized by Section 1 herein shall be paid from the Village's Local Fiscal Recovery Funds.

SECTION 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this Resolution that resulted in formal action were in meetings open to the public as required by law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed the ____ day of July, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

**RESOLUTION NO. 2023-29
BY COUNCILMEMBER AUWERTER**

**A RESOLUTION ACCEPTING THE RATES AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a tax budget for the next succeeding fiscal year, commencing January 1, 2024 and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this council, and what part thereof is outside and what part inside the ten mill tax limitations:

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

SECTION 1. That the rates as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION 2. That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied inside and outside the ten mill limitations as follows:

<u>Fund</u>	<u>County Auditor's Estimate Of Tax Rate To Be Levied</u>	
	<u>Inside 10 Mill Limit</u>	<u>Outside 10 Mill Limit</u>
General Fund	3.18	10.00
Police Pension	0.30	
Land Conservation		1.00

SECTION 3. That the Clerk be and is hereby directed to certify a copy of this Resolution to the County Auditor of Cuyahoga County.

SECTION 4. That this Resolution shall go into immediate effect.

Passed: September 19, 2023

Council President

ATTEST:

Clerk

APPROVED:

Mayor

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(VILLAGE COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the Village of Gates Mills, Cuyahoga
County, Ohio, met in Regular session on the 19 day of September
(Regular Or Special)
2023, at the office of the Village of Gates Mills with the following members
present:

_____	_____
_____	_____
_____	_____
_____	_____

Mr./Mrs. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2024 and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the Village of Gates Mills,
Cuyahoga County, Ohio, that the amounts and rates, as determined
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Com- mission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.18	10.00
General Bond Retirement Fund				
Park Fund				
Recreation Fund				
Police Pension			0.30	
Land Conservation				1.00
TOTAL	\$0	\$0	3.48	11.00

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed years.	.20	
Current Expense Levy authorized by voters on for not to exceed years.	.20	
Current Expense Levy authorized by voters on for not to exceed years.	.20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed years.	.20	
Recreation Fund: Levy authorized by voters on for not to exceed years.	.20	
Fund: Levy authorized by voters on for not to exceed years.	.20	
Fund: Levy authorized by voters on for not to exceed years.	.20	
Fund: Levy authorized by voters on for not to exceed years.	.20	
Fund: Levy authorized by voters on for not to exceed years.	.20	

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the Fiscal Officer of Said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the 19 day of September, 20 23.

Attest:

President of Council

Clerk of Council

CERTIFICATE TO COPY
ORIGINAL ON FILE

The State of Ohio, Cuyahoga County, ss.

I, Beth DeCapite, Clerk of the Council of the Village
of Gates Mills within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

Resolution No. 2023-29

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this 19 day of September, 2023

Clerk of Council

No. _____

COUNCIL OF THE Village OF

Gates Mills

Cuyahoga County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(Village Council)

Adopted Sept. 19, 2023

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy

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 (\$250.00) 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 (\$2300.00) 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:

<u>Number of Police</u>	<u>Number of Guests</u>
1	under 100
2	100 to 149
3	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

RESOLUTION NO. 2023- 31

BY COUNCILMEMBER AUWERTER

**A RESOLUTION ACCEPTING A BID AND THE AWARD OF A CONTRACT FOR
THE HILLCREEK LANE CULVERT HEADWALL EXTENSION PROJECT;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to public advertisement, public competitive bids were received by the Village on September 5, 2023, for a contract for the “Hillcreek Lane Culvert Headwall Extension Project” (the “Project”) in the Village, and the specified contract includes two (2) separate Sections for the Project work;

WHEREAS, as recommended by the Village Engineer, Nerone & Sons, Inc. submitted the lowest, best, and responsible bid for the overall Project of the three (3) entities that bid on the Project;

WHEREAS, this Council believes it is in the best interest of the Village to award the contract for the Project to Nerone & Sons, Inc., as having the lowest, best, and responsible bid;

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

SECTION 1: This Council accepts the bid of Nerone & Sons, Inc., as being the lowest, best, and responsible bid and authorizes the Mayor to enter into a contract for construction of the Project with Nerone & Sons, Inc. in an amount not to exceed \$64,845.00.

SECTION 2: The Council finds and determines that all formal actions of this Council concerning and relating 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 the law.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate protection of the public health, safety and welfare and for the further reason that it is necessary in order to complete the Culvert Headwall Extension Project at the earliest possible time for the safety of the public and in this construction season; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed thereto, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed the ____ day of _____, 2023.

President of Council

ATTEST:

Clerk

APPROVED:

Mayor

Bid Tabulation for Hillcreek Lane Culvert Headwall Extension
 In the Village of Gates Mills (CWC 8-160)
 Bid Opening: Friday September 1, 2023 11:00
 Date: September 5, 2023

Engineer's
 Estimate
\$60,200.00

Engineer's Estimate		Northeast Ohio Trenching		Great Lakes Crushing		Netrone & Sons	
Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost

SECTION I: ROADWAY REPAIR & RESURFACING

1	201	Clearing & Grubbing	1 ls	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00	\$1,700.00	\$1,700.00
2	202	Remove and Reinstall Guardrail	50 lf	\$20.00	\$1,000.00	\$100.00	\$5,000.00	\$10.00	\$500.00	\$25.00	\$1,250.00
3	202	Remove and Dispose of Steel Plate	1 ls	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$2,100.00	\$2,100.00
4	203	Excavation	60 cy	\$50.00	\$3,000.00	\$125.00	\$7,500.00	\$75.00	\$4,500.00	\$91.00	\$5,460.00
5	209	Linear Grading	60 lf	\$35.00	\$2,100.00	\$135.00	\$8,100.00	\$50.00	\$3,000.00	\$20.00	\$1,200.00
6	253	Pavement Repair	80 sy	\$100.00	\$8,000.00	\$175.00	\$14,000.00	\$100.00	\$8,000.00	\$153.00	\$12,240.00
7	601	Rip Rap	25 sy	\$100.00	\$2,500.00	\$200.00	\$5,000.00	\$250.00	\$6,250.00	\$86.00	\$2,150.00
8	602	Concrete Masonry for Wingwall and Foundation	13 cy	\$1,000.00	\$13,000.00	\$1,425.00	\$18,525.00	\$2,350.00	\$30,550.00	\$2,120.00	\$27,560.00
9	614	Maintaining Traffic	1 ls	\$1,000.00	\$1,000.00	\$20.00	\$2,000.00	\$3,000.00	\$3,000.00	\$2,400.00	\$2,400.00
10	659	Seeding & Mulching	100 sy	\$10.00	\$1,000.00	\$20.00	\$2,000.00	\$36.00	\$3,600.00	\$17.00	\$1,700.00
11	832	Temporary Sediment and Erosion Control	1 ls	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00	\$2,100.00	\$2,100.00
TOTAL SECTION I:					\$35,800.00		\$79,125.00		\$65,900.00		\$59,860.00

SECTION II: CONTINGENCY SECTION FOR SECTION I

12	202	Remove and Reinstall Guard Rail	50 lf	\$20.00	\$1,000.00	\$100.00	\$5,000.00	\$10.00	\$500.00	\$1.00	\$50.00
13	203	Excavation	100 cy	\$50.00	\$5,000.00	\$90.00	\$9,000.00	\$75.00	\$7,500.00	\$5.00	\$500.00
14	209	Linear Grading	60 lf	\$35.00	\$2,100.00	\$135.00	\$8,100.00	\$50.00	\$3,000.00	\$1.00	\$60.00
15	253	Pavement Repair	80 sy	\$100.00	\$8,000.00	\$175.00	\$14,000.00	\$100.00	\$8,000.00	\$5.00	\$400.00
16	601	Rip Rap	25 sy	\$100.00	\$2,500.00	\$125.00	\$3,125.00	\$250.00	\$6,250.00	\$5.00	\$125.00
17	602	Concrete Masonry for Wingwall and Foundation	5 cy	\$1,000.00	\$5,000.00	\$1,500.00	\$7,500.00	\$2,300.00	\$11,500.00	\$750.00	\$3,750.00
18	659	Seeding & Mulching	100 sy	\$10.00	\$1,000.00	\$10.00	\$1,000.00	\$36.00	\$3,600.00	\$1.00	\$100.00
TOTAL SECTION II:					\$24,600.00		\$47,725.00		\$40,350.00		\$4,985.00

BID SUMMARY

TOTAL SECTION I:					\$35,800.00		\$79,125.00		\$65,900.00		\$59,860.00
TOTAL SECTION II:					\$24,600.00		\$47,725.00		\$40,350.00		\$4,985.00
TOTAL SECTION I & II:					\$60,200.00		\$126,850.00		\$106,250.00		\$64,845.00
Above / Below Estimate:					\$0.00		-\$46,650.00		-\$46,050.00		-\$44,845.00
BID ERATIA:									\$3,500.00		
TIME TO START:						10 Days		14		15	

ORDINANCE NO.: 2023-32

INTRODUCED BY MAYOR SCHNEIDER

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.

WHEREAS, upon the retirement of the former Fire Chief/Emergency Coordinator, Thomas Robinson, and the appointment of a new Fire Chief/Emergency Coordinator, the Mayor is requesting to revise the salary for the Fire Chief/Emergency Coordinator previously authorized by this Council by Ordinance No. 2022-39, passed December 13, 2022, to the amount of \$49,920.00 per year, effective September 17, 2023, which date is the start of the first Village pay period following the retirement of Chief Robinson.

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

SECTION 1: Section 4 of Ordinance 2022-39 is hereby amended to revise only the annual compensation for the position of Fire Chief/Emergency Coordinator to hereinafter provide as follows:

“Section 4. The following compensation is established for members of the Volunteer Fire Department of the Village, effective ~~December 25, 2022~~ **as of September 17, 2023:**

Fire Chief/Emergency Coordinator	55,917.42 49,920.00	per year
Assistant Fire Chief	9,609.08	per year
Fire Captain	8,682.44	per year
Fire Lieutenant 1	3,011.84	per year
Fire Lieutenant	2,079.74	per year
Education Officer (Asst Chief or Teacher/trainer)	32.09	per hour
All Officers except Fire Chief		
Per drill (2 ½ hour Training Event)	43.87	per event
Each building or auto fire (if flame)	45.75	per hour
Each field fire or emergency (no flame)	34.61	per hour
Firemen		
Per drill (2 ½ hour Training Event)	43.87	per event
Each building or auto fire (if flame)	35.61	per hour
Each field fire or emergency (no flame)	21.32	per hour
Attendance at school (not in Gates Mills)	21.86	per hour
Special Duty for bad storm or event (stay at station)	29.41	per hour”

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 necessary for the immediate preservation of the public safety and general welfare of the public and the Village government, and for the further reason that the salary for the new Fire Chief/Emergency Coordinator needs to be established when that appointee takes office and at the start of a Village pay period; 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. 2023-33

BY: COUNCILMEMBER WELSH

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.

WHEREAS, the Cemetery Committee has recommended and this Council desires to amend Section 959.03 of the Codified Ordinances of the Village of Gate Mills to limit the purchase of burial plots for cemeteries owned by the Village to two (2) graves per family residing in the Village.

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

Section 1: Section 959.03 of the Codified Ordinances of the Village of Gates Mills is hereby amended as follows:

“959.03 CONVEYANCE OF GRAVE.

Either the Mayor or the Clerk is authorized to execute the necessary evidence of a conveyance of a Grave which shall be known as an "Easement Deed" in order to effect the conveyance of a Grave in the Village Cemetery. A Grave shall not be conveyed to an individual who is not a resident or who is not a direct family member of an interred person of the Village. Such conveyance becomes effective only when the proper Village authority accepts valid payment in accordance with Section 959.06 and the Easement Deed is fully executed.

(a) Limit on Purchase of Graves. The number of Graves shall be limited to the purchase of two (2) Graves per family that is residing in the Village at the time of the purchase.

(ab) Burials per Grave. Only one Burial per Grave is permitted unless otherwise specified in this Chapter.

(bc) Grave Easement Deed. The Easement Deed conveys Burial use rights only. The ownership of the land upon which the Grave is located remains with the Village. All Easement Deeds shall plainly display the words "such Easement Deed is non-transferable except to the Village of Gates Mills pursuant to Section 959.03(c) of the Codified Ordinances of the Village of Gates Mills." ~~The number of Graves that may be sold to one person is four (4).~~

(ed) Transferring a Grave. No transfer of a Village Cemetery Grave shall be permitted except to the Village as hereinafter provided. Only the Village may sell a Village Cemetery Grave to an individual. The Village may repurchase a conveyed Grave for the original purchase price, and the Village shall have the right to re-convey a repurchased Grave.

(de) Reclamation of a Grave. The Village may reclaim a Grave when no Interment has ever been made in the Grave for more than seventy-five (75) years by sending a notice to the recorded purchaser of the Grave by certified mail, return receipt requested, to the address supplied by the purchaser or purchaser's successor in interest of the Village's offer to repurchase the Grave for the original amount paid for the Grave. If the recorded purchaser of the Grave, or a successor in interest to the Grave, refuses in writing to sell the Grave back to the Village, the right to use the Grave shall remain with that purchaser or the purchaser's successor in interest. If the notice comes back

to the Village as being unclaimed or refused, or the Village receives no written refusal to sell the Grave back to the Village within sixty (60) days after the notice has been delivered or attempted to be delivered by the U.S. Postal Service, the Village shall publish the notice provided for in this section once in a newspaper of general circulation in the Village. If sixty (60) days has passed from the date of such publication in the newspaper without any written refusal by the purchaser or the purchaser's successor in interest to the Grave to resell the Grave to the Village, then the Village shall reclaim the Grave and the authority to re-convey the Grave. If, after the Village has reclaimed the Grave, the purchaser or the purchaser's successor in interest notifies the Village in writing of that person's desire to retain ownership of the Grave or to sell the Grave back to the Village, the Village shall pay the purchaser or purchaser's successor in interest the original amount paid for the Grave and the Village shall retain all rights and authority to re-convey the Grave to another person, and the subsequent purchaser of the Grave shall retain all rights under the Easement Deed issued to the subsequent purchaser.”

Section 2: Section 959.03 of the Codified Ordinances of the Village of Gates Mills Heights as it existed prior to the effective date of this Ordinance 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 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

RESOLUTION NO. 2023-34

BY COUNCILMEMBER AUWERTER

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.

WHEREAS, the Cuyahoga County Council has awarded a grant of up to \$157,531 to the Village for the Village's Chagrin River Road Public Sidewalk Extension to Elementary School Project (the "Project") and has tendered a "Project Award Agreement" to the Village for it to receive the award.

WHEREAS, the acceptance of this grant award is determined by the Council and the Mayor to be in the best interests of the Village and its residents;

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

SECTION 1. The Mayor is authorized to accept the grant award of up to \$157,531 set forth in the recitals of this Resolution and to execute the Project Award Agreement to receive the \$157,531 for the Project.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating 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 is declared to be an emergency measure, which is immediately necessary for the public peace, health, safety, and welfare; such necessity existing for the further reason that it is necessary for the Village to execute the Agreement which is the subject of this Resolution as soon as possible in order to timely receive the grant funds for the Project to begin; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it 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:

APPROVED:

Clerk

Mayor

**PROJECT AWARD AGREEMENT BETWEEN
VILLAGE OF GATES MILLS AND CUYAHOGA COUNTY**

THIS PROJECT AWARD AGREEMENT ("Agreement") is made and entered into as of the date signed by the Cuyahoga County Executive ("Effective Date") by and between the County of Cuyahoga County, Ohio, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the effective date hereof (the "County") and the Village of Gates Mills, ("Recipient"), a body corporate and politic and a political subdivision of the State of Ohio, having a principal place of business at 1470 Chagrin River Road, Gates Mills, Ohio 44040.

RECITALS

WHEREAS, Recipient has requested funding from the ARPA Community Grant Fund for the Chagrin River Road Sidewalk Extension to Elementary School Project in Gates Mills, Ohio ("Project"); and

WHEREAS, pursuant to County Council Approval, the County will award an amount not to exceed \$157,531.00 (the "Award") to Recipient to support the Project, as more fully described in Exhibit 1;

WHEREAS, the County and Recipient desire to enter into this Agreement to govern their respective obligations with respect to the Award for the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties from the other, and intending to be legally bound, the Parties agree as follows:

AGREEMENT

1. **ACCURACY OF RECITALS; DEFINED TERMS**

The Parties acknowledge the accuracy of the above Recitals, which are incorporated into and made a part of this Agreement.

2. **CONFIRMATION OF AWARD**

Recipient has requested, and the County has awarded Recipient, an award in an amount not to exceed \$157,531.00 to be disbursed to Recipient in one disbursement. If the Project has more than one funding source, the Award shall be disbursed to Recipient upon the receipt by Recipient of all other funding sources.

3. CONDITIONS

The obligations of the County under this Agreement are subject to the satisfaction of the following condition, which condition may only be waived by the County (in the County's sole discretion and in writing), for whose sole benefit such conditions exist:

- A) Recipient agrees its Award shall not be used to pay for costs outside of those listed on Exhibit 1.

4. REPORTING REQUIREMENTS

Recipient shall provide annual reports to the County of the status of the Project and provide detailed documentation of all expenditures made from the Award as of the date of the submission of the annual report. The report shall be due one year from the date of the disbursement of funds from the County to the Recipient or upon completion of the Project whichever is earlier.

The County reserves the right to request additional reports pertaining to the Project. It is the responsibility of Recipient to furnish the County with reports as requested.

Failure to provide reports, maintain documentation, and/or provide any additional reporting requested by the County may result in the declaration of an Event of Default as outlined in Section 8 of this Agreement.

5. INDEMNIFICATION

The Parties acknowledge that as a political subdivision of the State of Ohio, the County does not indemnify any person or entity. The Parties agree that no provision of this Agreement may be interpreted to obligate the County to indemnify or defend another party.

6. PUBLIC RECORDS; CONFIDENTIALITY

The Parties acknowledge that the County is a political subdivision of the State of Ohio and as such is subject to the Ohio Revised Code and other laws related to the keeping of and access to public records, including any and all applicable Sunshine Laws, open meeting requirements, and retention schedules effecting any and all manner of communication with the County and Recipient and any and all documents in any format or media.

7. REPRESENTATIONS

Recipient represents and warrants:

- A. It has full power and authority to execute, deliver, and perform this Agreement and its obligations; and
- B. The execution, delivery, and performance by Recipient under this Agreement does not, and

will not, violate any provision of law or any court order applicable to Recipient, and does not, and will not, conflict with or result in a default, under any agreement or instrument to which Recipient is a party or by which it or any of its property or assets is or may be bound; and

- C. This Agreement has by proper action been duly authorized, executed, and delivered and constitutes the legal, valid, and binding obligations of Recipient.

8. DEFAULT

If Recipient breaches any of its representations under this Agreement or fails to perform any of its obligations or is in default under any other condition of this Agreement for a period of thirty (30) days after date of the County's written notice thereof to Recipient ("Event of Default"), the County may, at its sole option, terminate this Agreement and will be under no further obligation to disburse any Award funds remaining under this Agreement. In addition, the County reserves the right, upon an Event of Default, to seek recovery of any Award funds previously disbursed.

9. TERM OF AGREEMENT

This Agreement shall become effective as of the Effective Date and shall remain in full force and effect until the Project is completed, subject to the terms of this Agreement, unless extended by written agreement of the Parties.

If at the end of the term the Recipient has not spent all of the Award on the Project, the Recipient shall return the remaining funds to the County.

10. MISCELLANEOUS

- A. This Agreement, with its exhibits, contains the Parties' entire agreement with respect to the subject matter herein. This Agreement may not be modified except by written instrument signed by both Parties and referring to the specific provisions to be modified.
- B. This Agreement and the rights and obligations of the Parties hereunder shall be construed in accordance with and shall be governed by the laws of the State of Ohio and applicable federal law. Recipient and the County agree that state and federal courts in Cuyahoga County, Ohio will have exclusive jurisdiction over any claim arising out of this Agreement and Recipient and the County consent to the exclusive jurisdiction of such courts. Recipient agrees not to challenge this provision and agrees not to attempt to file, or remove, any legal action related to this Agreement or any alleged breach of this Agreement outside of Cuyahoga County for any reason.
- C. All County contracts, including this Agreement, are subject to all applicable laws adopted in the Cuyahoga County Code, including, but not limited to, Title IV (Ethics) and Title V (Contracts and Purchasing). The Cuyahoga County Code and enacted County ordinances are available at <http://code.cuyahogacounty.us>.
- D. If any part of the Award is used for construction-related labor, Recipient agrees that wages paid to laborers and mechanics employed on the Project under contracts or subcontracts shall be paid at not less than the prevailing rates of wages for laborers and mechanics for the applicable class of work called for by the Project, which wages shall be determined in

accordance with the requirements of Chapter 4115, Ohio Revised Code, or the Davis-Bacon Act, and shall cause such wages to be paid in accordance therewith, and Recipient shall require compliance by all contractors and subcontractors of all applicable requirements of Sections 4115.03 through 4115.16, Ohio Revised Code, or the Davis-Bacon Act, including, without limitation, (i) obtaining from the Ohio Department of Industrial Relations, or its federal equivalent, a determination of the prevailing rates of wages to be paid for all classes of work called for by the Project, (ii) obtaining the designation of a Prevailing Wage Coordinator for the Project pursuant to Section 4115.071, Ohio Revised Code, or the Davis-Bacon Act and (iii) ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Ohio Revised Code, or the Davis-Bacon Act

- E. Recipient's employees may not acquire any personal interest that conflicts with Recipient's responsibilities under this Agreement. Additionally, Recipient will not knowingly permit any public official or public employee who has any responsibilities related to this Agreement to acquire an interest in anything or any entity under Recipient's control, if such an interest would conflict with that official's or employee's duties. Recipient will disclose to the County knowledge of any such person who acquires an incompatible or conflicting personal interest related to this Agreement. Recipient will take all legal steps to ensure that such a person does not participate in any action affecting the work under this Agreement, unless the County has determined that, in the light of the personal interest disclosed, that person's participation in any such action would not be contrary to the public interest.
- F. All notices, requests, demands, or other communications which are required or may be given pursuant to the terms of this Agreement shall be in writing and shall be deemed to have been duly given (i) on the date of delivery if delivered by hand or by confirmed facsimile; (ii) upon the fifth day after such notice is deposited in the United States mail, if mailed by registered or certified mail, postage prepaid, return receipt requested, or (iii) upon the date of the courier's verification of delivery at the specified address if sent by a nationally recognized overnight express courier.

County's address for notification is:

Cuyahoga County Office of the Council
2079 East 9th Street
Cleveland, Ohio 44115
Attention: Cynthia Mason, Research and Policy Analyst

With a copy to:

Cuyahoga County Department of Law
2079 East 9th Street
Cleveland, Ohio 44115
Attention: Director of Law

Recipient's address for notification is:

Village of Gates Mills
1470 Chagrin River Road
Gates Mills, OH 44040
Attention: Dave Biggert, Service Director

- G. Neither Party shall be in default if its failure to perform any obligation hereunder is caused solely by supervening conditions beyond that Party's reasonable control, including, without limitation, acts of God, civil commotion, strikes, labor disputes, or governmental demands or requirements.
- H. The failure of either Party to require performance by the other party of any provision of this Agreement or any exhibit shall not affect its right to require such performance at any time thereafter; nor shall the waiver by either party of a breach of any provisions of this Agreement be taken or deemed to be a waiver of the provision itself.
- I. If any provision of this Agreement is invalid or unenforceable, that provision will be changed and interpreted to accomplish the Parties' objectives to the greatest extent possible under applicable law and the remaining provisions of this Agreement will continue in full force and effect.
- J. The section headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, or describe the scope or extent of such section.
- K. Recipient may not assign this Agreement without the prior written consent of the County.
- L. Except as expressly provided in this Agreement, no amendment, change, waiver, or discharge of this Agreement is valid unless in writing and signed by both of the Parties.
- M. Each of the Parties will comply with all state and federal laws regarding equal employment opportunity and fair labor and employment practices, including ORC Section 125.111 and all related Executive Orders.
- N. Each of the Parties shall comply with all applicable state and federal laws regarding keeping a drug-free workplace.
- O. Recipient agrees to make all pertinent books and records and other documents pertaining to its obligations under this Agreement available to the County and its designated agents for purpose of audit and examination upon reasonable request during the term of this Agreement and for a period of two (2) years from the completion date of the Project or final payment under this Agreement, whichever is later.
- P. Recipient agrees to cooperate with the Cuyahoga County Agency of Inspector General or the Department of Internal Audit if it is determined there should be an investigation or audit.
- Q. This Agreement may be executed in separate original or facsimile counterparts, each of which shall be deemed an original, and all of which shall be deemed one and the same instrument.

11. NON-DISCRIMINATION

Recipient agrees to provide the services hereunder without discrimination on account of gender, race, sex, color, religion, national origin, age, occupation, physical or mental disability or veteran status, to the extent required by law. The Parties agree that discrimination and affirmative action clauses contained in Executive Order 11246, as amended by Executive Order 11375, relative to Equal Employment Opportunity for all persons without regard to race, color, religion,

sex or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor in Title 41, Part 60 of the Code of Federal Regulations, are incorporated to the extent binding upon Recipient.

12. ELECTRONIC SIGNATURE POLICY

Recipient, its officers, employees, subcontractors, agents, or assigns, agree that this transaction may be conducted by electronic means and agree that all documents requiring the County's signatures and Recipient's signatures, including this Agreement, may be executed by electronic means, and that the electronic signature affixed by either Party to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. Recipient also agrees on behalf of the aforementioned entities and persons, to be bounded by the provisions of Chapter 304 and 1306 of the Ohio Revised Code.

IN WITNESS WHEREOF, this Agreement has been duly signed and delivered by the undersigned as of the day and year first above written.

Village of Gates Mills, Ohio

COUNTY OF CUYAHOGA, OHIO

By: _____

By: _____

Chris Ronayne, County Executive

Its: _____

The legal form and correctness
of this Contract is hereby approved:
Law Department
County of Cuyahoga, Ohio

Richard D. Manoloff, Director of Law

By: _____

Assistant Director of Law

Electronic Signature:

EXHIBIT 1

(Recipient's application submitted to the County requesting ARPA funding for the Project)