

**VILLAGE OF GATES MILLS  
COUNCIL AGENDA  
NOVEMBER 21, 2023  
5:30 p.m.**

**COMMUNITY HOUSE, 1460 CHAGRIN RIVER ROAD**

**(Livestream available on YouTube – click the link on [www.gatesmillsvillage.com](http://www.gatesmillsvillage.com) to watch)**

1. Roll call.
2. Minutes of the Regular Council meeting of October 17, 2023. Clerk.
3. Pay Ordinance # 1279 \$636,740.05. Clerk.
4. Introduction – Maryanne Haller, Gates Mills Library manager. Mayor.
5. Amber Greenleaf, RITA, Summary of HB33 tax code amendments. Mayor.
6. Charter Review Commission Report.- Shawn Riley Mayor.
7. Financial Statement/Treasurer's Report. Treasurer.
8. Mayor's Report. Mayor.  
Appointment of Magan Perez to be Co-Chair of the Mayfield School Liaison Committee.
9. Clerk's Report. Clerk.
10. Committee Reports.
11. Police Department Report. Minichello.
12. Service Department Report. Biggert.
13. Fire Department Report. Jamieson.
14. **Ordinance No. 2023-30 (Third 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.
15. **Ordinance No. 2023-37 (Second Reading)** AuWerter.  
An Ordinance to Amend Chapter 792 of the Codified Ordinances of the Village of Gates Mills Regarding Municipal Income Tax to Adopt Updates to Conform to Ohio House Bill 33; Amending the Definition of a Pension and Adding a Definition of a Retirement Plan; and Changing References to the Central Collection Agency ("CCA") to the Regional Income Tax Agency ("RITA").
16. **Ordinance No. 2023-38 -Amended (Second Reading)** Steinbrink.  
An Ordinance Amending Section 1377.05 of the Village Building Code to Revise the Property Maintenance Code at 302.4 to Add the Maintenance of Trees; and Declaring an Emergency.
17. **Resolution No. 2023-41 (First Reading)** AuWerter.  
A Resolution Exercising the Second Option Year to an Existing Contract with Rumpke of Ohio, Inc. for Solid Waste Collection, Disposal and Recycling Services.
18. **Ordinance No. 2023-42 (First Reading)** Turner.

An Ordinance to Increase the Compensation of Certain Village Employees; and Declaring an Emergency.

19. **Ordinance No. 2023-43 (First Reading)**

Turner.

An Ordinance Authorizing a Contract with Aetna Health Care to Furnish and Provide Hospitalization and Health Care Coverage for Village Employees and Declaring an Emergency.

20. **Ordinance No. 2023-44 (First Reading)**

Turner.

An Ordinance Authorizing a Contract with Delta Dental to Provide Dental Insurance Coverage for Village Employees and Declaring an Emergency.

21. **Ordinance No. 2023-45 (First Reading)**

Turner.

An Ordinance Declaring the Village's Intention to Enter into a Health Reimbursement Account for 2024; and Declaring an Emergency.

22. Council Matters.

23. Business from the Audience.

24. Adjourn.

Proposed Ordinances and Resolutions on the Agenda may be obtained at [www.gatesmillsvillage.com](http://www.gatesmillsvillage.com) under Government – Meeting Agendas.

**Village of Gates Mills**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**October 17, 2023**

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, October 17, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 4:34

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

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

2. Minutes of the Special Council (Workshop) meeting of September 12, 2023

Councilmember Welsh stated he left the workshop to attend the GM Library Board meeting, not the Library dinner, and would like that correction made on page 3. Councilmember Steinbrink moved to approve the September 12, 2023 minutes as corrected and Councilmember Press seconded the motion.

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

3. Minutes of the Regular Council meeting of September 19, 2023

Councilmember Press moved to approve the September 19, 2023 minutes and Councilmember Steinbrink seconded the motion.

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

4. Pay Ordinance # 1278 \$410,451.64

Councilmember Welsh moved to approve Pay Ordinance #1278 and Councilmember Deacon seconded the motion.

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

5. Financial Statement/Treasurer's Report attached and starts at 7:03

Minutes of the Finance and Budget Committee meeting of October 16, 2023 attached and starts at 15:05

At 18:50 Councilmember Deacon asked if there were any suggestions or changes planned given the declining municipal income tax revenue. Treasurer Siemborski responded we are looking to double our investment income from \$150,000 to \$300,000 next year as we are in a position to take advantage of peak interest rates with the liquidity we've maintained. Secondly we will have a full year of speed camera revenue that should be a sizable six figure number.

Treasurer Siemborski expects three Budget meetings will be necessary to prepare for the 2024 annual appropriation ordinance at the December Council meeting. First, Finance Director Mulh and Treasurer Siemborski prepare a high-level balanced budget of overall revenue and expense targets that provides guidance to the department heads in the preparation of their detailed budgets. This will be followed by two meetings of the Finance and Budget Committee - one focused on revenues and one focused on expenses. Councilmember Press presumed we will also update the five-year financial outlook and Treasurer Siemborski agreed.

6. Mayor's Report starts at 21:17

- Councilmember Turner and the Positively Gates Mills Committee hosted a terrific New Resident Social on Sept 29 that was well attended and enjoyed by all. Prizes were given out - of note, the longest distance moved was from the Cayman Islands.
- Council's packet includes a thorough analysis of the District's 2022-23 report card and was prepared by Sean O'Hagan, Co-Chairperson of the Mayfield Schools Liaison Committee. Councilmember Atton commented that school districts throughout the state on average have not yet retrieved the performance they had pre-Covid even though almost every district within the state improved its performance on achievement. Gates Mills Elementary has done better than most and is one of the best in the state. Councilmember Turner added achievement is one of six variables that are considered in the overall rating. Councilmember Press stated Kenston schools have experienced a downward trend in enrollment and has come up with a right sizing plan to right size their assets versus their lower student body. Kenston contends declining enrollment is typical of what's happening throughout Ohio, yet Mayfield schools has not identified an issue with declining enrollment - maybe Mayfield is different than the rest of the state.
- Halloween Party is October 27th, 6:00-8:00 p.m., at the Community House
- GM Players Chili Cook Off is October 22nd, 11:00 a.m.-1:00 p.m.
- Thank you, Improvement Society, for the well done Candidates Night held September 26th. Councilmember Turner stated she also heard positive feedback, and she prays that the tone of the campaign remains the same in the coming three weeks. It is Councilmember Turner's understanding that a current Councilmember has told residents that he and a neighbor are preparing a slideshow of video clips taken out of context to imply that one of our Candidates is not qualified to sit on Council. In order to prevent this from happening and bring this into public view, Councilmember Turner asked Councilmember Atton directly if he was preparing a slideshow video in

opposition to one of the Candidates to be released sometime after this Council meeting. Councilmember Atton replied no, and Councilmember Turner expressed her delight as such a video could cause division in our community that would take years to heal. Councilmember AuWerter asked Councilmember Atton if resident Don McClung intended to make the video and Councilmember Atton replied he did not know.

7. Clerk's Report - None

8. Committee Reports

Gates Mills Land Conservancy (Councilmember Turner) starts at 34:23

- Membership Chairperson Leah Whidden was delighted to announce at the most recent Board meeting that a \$100,000 donation was received from a resident. This brings revenue up to over \$700,000.

At 35:11 Councilmember Press expressed his disappointment with the absence of a Charter Review Commission report as that report has some issues in it that are of potential interest to the voters before the election. Law Director Hunt replied the report is 99% complete and Commission Chairperson Shawn Riley was not available tonight.

Fiber Optic/Broadband Committee (Councilmember Deacon) starts at 36:20

- Broadband Workshop for Council is scheduled for November 16

9. Police Department Report attached and starts at 37:15

10. Service Department Report attached and starts at 38:05

Councilmember Welsh asked if we were set for salt and Service Director Biggert answered yes, we have more than a full bin plus some in storage.

11. Fire Department Report attached and starts at 39:51

Fire Chief Majeski stated he has received the Insurance Services report. We did lose some points overall, but we maintained our rating of two. Fire departments are rated from one, being the best, to ten, being the worst. For a small town fire department to achieve a rating of two is quite remarkable. We have to expand training of our limited personnel to achieve more points. Treasurer Siemborski asked if we are close to a rating of three and Fire Chief Majeski replied we are on the brink. Treasurer Siemborski asked if a rating of three would increase resident's home insurance premiums and Fire Chief Majeski answered yes, slightly.

Councilmember AuWerter read an update on the roads program prepared by Village Engineer Courtney:

- Paving was supposed to start yesterday for Blackberry, Chestnut, and Hawthorne Farms Roads, but the rain pushed it out for a few days. We expect a start by the end of the week and completion by November 9.
- Spot repairs and SOM Center drainage work is scheduled to be complete by November 8.

- Various county road patching and crack sealing will be completed by November 15.
- The Hillcreek Lane culvert work should be starting next week and will take about two weeks.
- The Mayfield Road culvert project, on which the bidding amounts did not come in as expected, will be rebid next Thursday in the Chagrin Valley Times and [cleveland.com](http://cleveland.com) to reach a larger contractor pool. The cost estimate is being revised up to \$500,000 with a required completion date of August 31, 2024 - part of next year's budget process. This will allow the best opportunity to lower bid prices by providing scheduling flexibility and additional time to procure materials - the two items that drove prices up in the original bids.

Councilmember AuWerter expressed his frustration with again facing snowflakes before our paving is complete. We know our priorities and should go out for bid by February or March next year.

At 44:35 Councilmember Turner asked Village Engineer Courtney if he had follow-up information available after last month's discussion on pavement marking (sparrow) on Gates Mills Blvd in lieu of a bike lane. Village Engineer Courtney replied he will provide additional information next month. If approved, he estimates the cost to be under \$5,000.

#### 12. Ordinance No. 2023-30 (Second Reading) starts at 45:40

Ordinance No. 2023-30 "An Ordinance Amending Section 957.01 of the Codified Ordinances of the Village of Gates Mills to Amend the Rental Fees, Security Deposit and Police Security Services Charges for Community House Rentals" was read by Mayor Schneider. This is to bring us in line with what other communities are charging for rentals. Ordinance No. 2023-30 will be placed on second reading.

#### 13. Ordinance No. 2023-37 (First Reading) starts at 46:27

Ordinance No. 2023-37 "An Ordinance to Amend Chapter 792 of the Codified Ordinances of the Village of Gates Mills Regarding Municipal Income Tax to Adopt Updates to Conform to Ohio House Bill 33; Amending the Definition of a Pension and Adding a Definition of a Retirement Plan; and Changing References to the Central Collection Agency ("CCA") to the Regional Income Tax Agency ("RITA")" was read by Councilmember AuWerter.

Law Director Hunt summarized. The Ohio Constitution permits municipalities to have an income tax, but we must comply with the General Assembly's provisions on municipal income tax. If they don't have a provision on something that relates to municipal income tax, then we can have something else. However, the state of Ohio has over the years grabbed more and more of the regulations with respect to municipal income tax. This is another example. House Bill 33 imposes certain regulations on municipal income taxing, so we have to adopt those provisions of House Bill 33. He recommended placing the ordinance on first reading. The ordinance needs to be in effect by January 1, 2024, so it would need to be approved within 30 days of January 1 - at the second reading in November. In the meantime, he will have sent out to each Councilmember summaries of House Bill 33 prepared by RITA and the Ohio Municipal

League. It's possible a person from RITA would come to our next Council or Finance/Budget meeting to explain the changes.

Regarding the definitions of pension and retirement plan, Law Director Hunt stated both were adopted a few years ago by the state legislature. We did not adopt at the time, and we need to do that. Pending litigation will not be affected. What is in our Code at the time of a disputed tax year is what governs.

The change of our Tax Administrator from CCA to RITA was done by ordinance and effective January 1, 2017. We did not change the language in our Code, so that clean up needs to be done.

At 50:56 additional questions and comments were made by Councilmembers AuWerter, Deacon, Press, Atton, Mayor Schneider and Treasurer Siemborski. Law Director Hunt will ask the Executive Director of RITA to attend the November Council meeting to address our questions, and the two above-mentioned summaries will be made available to Councilmembers beforehand. Ordinance No. 2023-37 will be placed on first reading.

14. Ordinance No. 2023-38 (First Reading) starts at 57:03

Ordinance No. 2023-38 "An Ordinance Amending Section 1377.05 of the Village Building Code to Revise the Property Maintenance Code at 302.4 to Add the Maintenance of Trees; and Declaring an Emergency" was read by Councilmember Steinbrink. Council adopted the International Property Maintenance Code in 2017, which is Chapter 1377 of the Village Building Code. The Code was developed by a broad-based organization that provides model language for municipalities to use and is supported by the American Institute of Architects and the National Association of Homebuilders. The Code establishes minimum requirements for maintenance of existing buildings through model core regulations that contain clear and specific property maintenance and property improvement provisions. When the Code was approved in 2017, the purpose was to give the Village and the Service Department some enforcement mechanism for those homeowners who were not maintaining their properties - whether that be the existing house, fences, property, or overgrown grass/weeds. The Code did not address anything related to dead, diseased, or dying trees when it was adopted in 2017.

Service Director Biggert stated this ordinance addresses a homeowner's responsibility to maintain dead, diseased, or dying trees just outside the right-of-way on private property with the potential to fall and take out our power grid and/or pose a safety hazard to motorists. Fallen trees in the right-of-way are cleared by the Service Department tree crew or contractor if a crane is needed. During the last storm, the majority of the trees causing the power outage were on private property.

At 1:00:55 various Councilmembers, Service Director Biggert, Mayor Schneider, and Law Director Hunt discussed tweaking the broad language of the ordinance to convey the intent to address only those dead, diseased, or dying trees just outside the right-of-way that pose a hazard to motorists or our infrastructure; the need for an arborist; definition of tall grasses; sensitivity to any mitigating action minimizing the damage to the environment; and remedies for noncompliance with the ordinance. Ordinance No. 2023-38 will be placed on first reading.

15. Ordinance No. 2023-39 (First Reading) starts at 1:15:17

Ordinance No. 2023-39 “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. As mentioned earlier in the Treasurer’s Report, an added appropriation of \$21,000 is being requested for additional Fire Department compensation. Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-39 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 Atton asked if this is for 3-1/2 months and are we talking about the fact that Fire Chief Robinson retired and we promoted two or three people underneath him. Treasurer Siemborski replied yes, it is anticipating that and related training for the next 3 months. Most of it was service correlated - the record 42 fire calls in July. Our budget was \$130,000 and we’re currently at \$110,000. We’ve got 3 months to go, we’re averaging about \$9,000 per month. This would give us an additional \$21,000 - about \$150,000. If we don’t need the money, we won’t spend it. This just allows us to spend up to that amount.

Councilmember AuWerter moved to approve Ordinance No. 2023-39 with Councilmember Press seconding the motion.

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

16. Resolution No. 2023-40 (First Reading) starts at 1:17:18

Resolution No. 2023-40 “A Resolution Authorizing the Mayor and the Clerk to Enter into an Agreement with Gavi’s River, LLC, for Renovations to the Village’s Burton Court Facility; and Declaring an Emergency” was read by Councilmember AuWerter. For about a year, options for the Burton Court space have been explored both for the benefit of the Village and to address the issues of Sara’s Place with less seating capacity and increased labor costs post-Covid. Bids were sought to put a second floor on Burton Court which would allow for an expansion, the bid came in much higher than anticipated, so it didn’t appear to warrant further pursuit. Last Thursday Dave Gromelski called to say he is ready with a contractor and decorator to move forward with improving the current Burton Court space in hopes of a November completion. Mr. Gromelski estimates replacing the flooring, painting the walls, and improving the lighting could cost up to \$50,000. which he is willing to pay up front and the Village would reimburse 50%. The Village would charge a \$150 user fee for events held at Burton Court and those fees would be kept by Sara’s Place until the fees accumulate to the lesser of \$25,000 or 50% of the renovation cost. Currently Sara’s Place pays a \$100 user fee that generates \$2,900 (approx 25-29 events) in annual Village revenue. Mr.



Gromelski estimates with some sprucing up he could have 75-100 events annually. We don't have to lay the money out now and we get an improved facility that is ours.

At 1:25:21 Treasurer Siemborski discussed the existing Burton Court space is being renovated. This is not any further addition nor upstairs expansion. The footprint stays the same. If Mr. Gromelski is spending \$50,000 of his own money, he will want to market the space. Assuming he doubles the events to 50 a year and a \$150 charge that's \$7,500 the Village would forego for essentially three years. If he does this for three years, it will have paid for itself and we get the space permanently improved. Councilmember AuWerter agreed.

At 1:27:17 Councilmember Press finds the arrangement problematic - Mr. Gromelski has a call on the space but no obligation to use it. He would rather structure the deal with Mr. Gromelski as the Lessor of the Burton Court first floor space and figure out the right rate for that and whether we should participate in the improvements or not to make the numbers work. Mayor Schneider stated this is an interim step to get to an overall plan without giving up our control. Councilmember AuWerter stated a lease was discussed in the spring at rates less attractive than this deal and to turn that space into private dining does not offer additional amenities to Village residents. Councilmember Welsh stated Mr. Gromelski not having to go out to bid the project and the weather setting in behooves letting him do this now. Councilmember Steinbrink, contrary to Councilmember Press, believes the Village has a call on the space. Councilmember Press interrupted and stated the Village also has a call, agreed. It is a very expensive call because it's being used infrequently, and that space is worth \$20 or more per square foot. Councilmember Steinbrink challenged that valuation. Councilmember Deacon asked for the current lease term of Sara's Place existing lease and Councilmember Steinbrink answered the current lease expires in July 2025 with two five-year options and continued. Rather than having the Burton Court space tied up in a lease for five years where we don't have any control over the space, this allows for some productive use of the space while negotiations over putting on a second floor continue. Service Director Biggert added he backed off on maintenance to the space knowing that we might be tearing it or a portion down. If nothing is done, we'll probably need to put \$25,000 in to upgrade it because a lot of things were put off to avoid tearing them out.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-40 be placed upon its final passage. Councilmember Welsh seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Resolution No. 2023-40 with Councilmember Welsh seconding the motion.

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

17. Council Matters - None

18. Business from the Audience - None

19. Adjourn

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Karen E. Schneider, Mayor

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

Payment Listing

October 2023

11/3/2023 9:02:10 AM

UAN v2023.2

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
76-2023	02/13/2023	02/13/2023	CH	CUYAHOGA COUNTY TREASURER	\$5,445.16 *	C
76-2023	10/25/2023	10/25/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$5,445.16	C
360-2023	07/20/2023	07/20/2023	CH	CUYAHOGA COUNTY TREASURER	\$14,014.32 *	C
360-2023	07/27/2023	07/27/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$772.60 *	C
360-2023	07/27/2023	07/27/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$3,062.10 *	C
360-2023	10/16/2023	10/16/2023	NEG ADJ	CUYAHOGA COUNTY TREASURER	-\$424.90	C
384-2023	08/02/2023	08/03/2023	CH	DIVISION OF WATER	\$17.28 *	C
384-2023	10/30/2023	10/31/2023	NEG ADJ	DIVISION OF WATER	-\$17.28	C
431-2023	08/30/2023	09/01/2023	CH	DIVISION OF WATER	\$13.24 *	C
431-2023	10/30/2023	10/31/2023	NEG ADJ	DIVISION OF WATER	-\$13.24	C
485-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$13.24 *	C
485-2023	10/30/2023	10/31/2023	NEG ADJ	DIVISION OF WATER	-\$13.24	C
486-2023	09/29/2023	09/29/2023	CH	DIVISION OF WATER	\$58.51 *	C
486-2023	10/03/2023	10/03/2023	NEG ADJ	DIVISION OF WATER	-\$58.51	C
492-2023	10/03/2023	10/03/2023	CH	PRIME PAY	\$65,465.93	C
493-2023	10/03/2023	10/03/2023	CH	EQUIVEST	\$2,468.00	C
494-2023	10/03/2023	10/03/2023	CH	OHIO DEFERRED COMP	\$8,294.88	C
495-2023	10/03/2023	10/03/2023	CH	CLEVELAND ILLUMINATING CO.	\$315.01	C
496-2023	10/03/2023	10/03/2023	CH	AETNA HEALTH INC. (OHIO)	\$36,702.78	C
497-2023	10/05/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$512.74	C
497-2023	10/16/2023	10/18/2023	NEG ADJ	CLEVELAND ILLUMINATING CO.	-\$512.74	C
498-2023	10/05/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$134.39	C
499-2023	10/05/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$126.06	C
500-2023	10/05/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$100.60	C
501-2023	10/06/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$526.05	C
502-2023	10/06/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$535.94	C
503-2023	10/10/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$102.68	C
504-2023	10/10/2023	10/10/2023	CH	CLEVELAND ILLUMINATING CO.	\$106.16	C
505-2023	10/04/2023	10/10/2023	CH	DIVISION OF WATER	\$18.05	C
506-2023	10/04/2023	10/10/2023	CH	DIVISION OF WATER	\$9.20	C
507-2023	10/04/2023	10/10/2023	CH	DIVISION OF WATER	\$362.86	C
507-2023	10/16/2023	10/18/2023	NEG ADJ	DIVISION OF WATER	-\$362.86	C

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

11/3/2023 9:02:10 AM

**Payment Listing**

October 2023

UAN v2023.2

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
508-2023	10/04/2023	10/10/2023	CH	THE HARTFORD	\$194.64	C
509-2023	10/10/2023	10/10/2023	CH	DOMINION EAST OHIO	\$191.00	C
510-2023	10/10/2023	10/10/2023	CH	DOMINION EAST OHIO	\$183.00	C
510-2023	10/16/2023	10/18/2023	NEG ADJ	DOMINION EAST OHIO	-\$183.00	C
511-2023	10/10/2023	10/10/2023	CH	VERIZON WIRELESS	\$611.70	C
512-2023	10/10/2023	10/10/2023	CH	TIME WARNER CABLE-NORTHEAST	\$62.18	C
513-2023	10/11/2023	10/13/2023	CH	DELTA DENTAL	\$1,716.91	C
514-2023	10/13/2023	10/13/2023	CH	PRIME PAY	\$620.36	C
515-2023	10/13/2023	10/13/2023	CH	DOMINION EAST OHIO	\$61.23	C
516-2023	10/13/2023	10/13/2023	CH	DOMINION EAST OHIO	\$41.70	C
517-2023	10/13/2023	10/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$44.90	C
518-2023	10/13/2023	10/13/2023	CH	CINTAS CORPORATION #259	\$1,336.06	C
518-2023	10/16/2023	10/18/2023	NEG ADJ	CINTAS CORPORATION #259	-\$181.18	C
519-2023	10/13/2023	10/13/2023	CH	CLEVELAND ILLUMINATING CO.	\$667.22	C
520-2023	10/18/2023	10/18/2023	CH	LYNDHURST MUNI COURT	\$55,755.00	C
521-2023	10/04/2023	10/18/2023	CH	CHASE BANK	\$2.50	C
522-2023	10/16/2023	10/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$944.29	C
523-2023	10/16/2023	10/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$101.09	C
524-2023	10/16/2023	10/18/2023	CH	CLEVELAND ILLUMINATING CO.	\$100.74	C
525-2023	10/18/2023	10/18/2023	CH	PRIME PAY	\$66,227.41	C
526-2023	10/19/2023	10/18/2023	CH	Ohio Public Employees Retirement System	\$29,676.63	C
527-2023	10/19/2023	10/18/2023	CH	OHIO POLICE & FIRE PENSION	\$40,509.12	C
528-2023	10/19/2023	10/18/2023	CH	EQUIVEST	\$2,468.00	C
529-2023	10/19/2023	10/18/2023	CH	OHIO DEFERRED COMP	\$8,294.88	C
530-2023	10/23/2023	10/25/2023	CH	SAM'S CLUB	\$756.82	C
531-2023	10/23/2023	10/25/2023	CH	CLEVELAND ILLUMINATING CO.	\$620.96	C
532-2023	10/25/2023	10/25/2023	CH	DIVISION OF WATER	\$67.20	C
533-2023	10/25/2023	10/25/2023	CH	MAYFIELD VILLAGE	\$11,237.10	C
534-2023	10/26/2023	10/31/2023	CH	FIRST COMMUNICATIONS, LLC	\$2,750.36	C
535-2023	10/30/2023	10/31/2023	CH	CHASE CARD SERVICE	\$3,713.03	C
535-2023	10/31/2023	10/31/2023	NEG ADJ	CHASE CARD SERVICE	-\$35.19	C
536-2023	10/31/2023	11/01/2023	CH	PRIME PAY	\$53,706.84	C

## VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

11/3/2023 9:02:10 AM

## Payment Listing

UAN v2023.2

October 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
537-2023	10/31/2023	11/01/2023	CH	STATE TREASURER OF OHIO	\$1,275.00	C
538-2023	10/31/2023	11/01/2023	CH	REDSS	\$170.00	O
539-2023	10/31/2023	11/01/2023	CH	LYNDHURST MUNI COURT	\$51.00	C
540-2023	10/31/2023	11/02/2023	CH	ANCORA ADVISORS	\$4,950.46	C
7008	08/24/2023	08/24/2023	AW	ENGLEBROOK CONSTRUCTION INC.	\$2,710.00 *	C
7008	10/18/2023	10/18/2023	NEG ADJ	ENGLEBROOK CONSTRUCTION INC.	-\$585.00	C
7046	09/08/2023	09/08/2023	AW	NICOLA, GUDBRANSON & COOPER	\$2,550.00 *	C
7046	10/11/2023	10/12/2023	NEG ADJ	NICOLA, GUDBRANSON & COOPER	-\$100.00	C
7091	09/27/2023	09/27/2023	AW	RUMPKE	\$86.66 *	C
7091	10/16/2023	10/18/2023	NEG ADJ	RUMPKE	-\$86.66	C
7097	10/10/2023	10/10/2023	AW	AUBURN FENCE CORPORATION	\$287.00	C
7098	10/10/2023	10/10/2023	AW	AKE ENVIRONMENTAL, INC.	\$5,257.50	C
7099	10/10/2023	10/10/2023	AW	BEST TRUCK EQUIPMENT INC	\$80.00	C
7100	10/10/2023	10/10/2023	AW	CHAGRIN VALLEY AUTO PARTS	\$1,212.85	C
7101	10/10/2023	10/10/2023	AW	CHAGRIN VALLEY DISPATCH	\$13,393.27	C
7102	10/10/2023	10/10/2023	AW	MICHAEL E. CICERO	\$850.00	C
7103	10/10/2023	10/10/2023	AW	COMDOC, INC.	\$32.57	C
7104	10/10/2023	10/10/2023	AW	COSTCO	\$180.00	C
7105	10/10/2023	10/10/2023	AW	CUYAHOGA ASPHALT MATERIALS	\$706.26	C
7106	10/10/2023	10/10/2023	AW	ENGLEBROOK CONSTRUCTION INC.	\$31,006.20	C
7107	10/10/2023	10/10/2023	AW	THE ORIGINAL FARINACCI LANDSCAPE DESIGN	\$475.00	C
7108	10/10/2023	10/10/2023	AW	FIRST CALL	\$103.83	C
7109	10/10/2023	10/10/2023	AW	HALL PUBLIC SAFETY	\$680.00	C
7110	10/10/2023	10/10/2023	AW	KOLSOM TIRES	\$145.00	C
7111	10/10/2023	10/10/2023	AW	RICK LOCONTI	\$450.00	C
7112	10/10/2023	10/10/2023	AW	CITY OF LYNDHURST	\$2,071.27	C
7113	10/10/2023	10/10/2023	AW	MARS ELECTRIC COMPANY	\$104.43	C
7114	10/10/2023	10/10/2023	AW	MULLETT'S HARNESS SHOP	\$184.50	C
7115	10/10/2023	10/10/2023	AW	OSBOURN PLUMBING & HEATING	\$215.00	C
7116	10/10/2023	10/10/2023	AW	OHIO DEPT OF COMMERCE	\$150.00	C
7117	10/10/2023	10/10/2023	AW	RUMPKE	\$86.66	C
7117	10/16/2023	10/18/2023	NEG ADJ	RUMPKE	-\$86.66	C

**Payment Listing**

October 2023

UAN v2023.2

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
7118	10/10/2023	10/10/2023	AV	SHUTTLE'S UNIFORM INC.	\$298.00	C
7119	10/10/2023	10/10/2023	AV	SIGNAL SERVICE COMPANY	\$270.00	C
7120	10/10/2023	10/10/2023	AV	SITEONE LANDSCAPE SUPPLY	\$278.18	C
7121	10/10/2023	10/10/2023	AV	TURNKEY HOME & AUTO	\$357.50	C
7122	10/10/2023	10/10/2023	AV	WADSWORTH SERVICE	\$935.82	C
7123	10/19/2023	10/19/2023	AV	DIMIT ARCHITECTS	\$11,200.00	C
7124	10/25/2023	10/25/2023	AV	ABATE LANDSCAPING FLORIST	\$27.00	C
7125	10/25/2023	10/25/2023	AV	ADVANCED MEDICAL SERVICES	\$175.00	O
7126	10/25/2023	10/25/2023	AV	AG-PRO COMPANIES	\$66.59	O
7127	10/25/2023	10/25/2023	AV	ALTEC INDUSTRIES, INC.	\$1,087.70	C
7128	10/25/2023	10/25/2023	AV	AMERICAN SECURITY & AV SYSTEMS	\$4,439.16	C
7129	10/25/2023	10/25/2023	AV	AUBURN PIPE & PLUMBERS SUPPLY	\$1,667.09	C
7130	10/25/2023	10/25/2023	AV	CARMEUSE LIME & STONE	\$1,084.20	O
7131	10/25/2023	10/25/2023	AV	CERTASITE, LLC	\$424.64	C
7132	10/25/2023	10/25/2023	AV	CINTAS CORPORATION #259	\$118.66	C
7133	10/25/2023	10/25/2023	AV	DISTILLATA COMPANY	\$117.20	C
7134	10/25/2023	10/25/2023	AV	D.J.L. MATERIAL & SUPPLY, INC	\$4,067.00	O
7135	10/25/2023	10/25/2023	AV	DUSTBUSTER	\$510.00	C
7136	10/25/2023	10/25/2023	AV	GATES MILLS LAND CONSERVANCY	\$51,511.06	O
7137	10/25/2023	10/25/2023	AV	KOLSOM TIRES	\$634.44	C
7138	10/25/2023	10/25/2023	AV	KTS CUSTOM LOGOS	\$424.50	O
7139	10/25/2023	10/25/2023	AV	MAYFIELD VILLAGE	\$75,634.90	C
7140	10/25/2023	10/25/2023	AV	PRESTON FORD	\$121.13	C
7141	10/25/2023	10/25/2023	AV	SHUTTLE'S UNIFORM INC.	\$65.50	O
7142	10/25/2023	10/25/2023	AV	SITEONE LANDSCAPE SUPPLY	\$142.46	C
7143	10/25/2023	10/25/2023	AV	THE FIRE HOUSE	\$22.00	O
7144	10/25/2023	10/25/2023	AV	WINZER	\$124.14	C
7145	10/25/2023	10/25/2023	AV	ZOOM CAR WASH	\$96.00	O
7146	10/27/2023	10/27/2023	AV	JUNGLE- TERRY	\$350.00	C
7147	10/31/2023	10/31/2023	AV	SENSYS GATSO USA, INC.	\$26,033.80	O

Total Payments:

\$636,740.05

Total Conversion Vouchers:

\$0.00

VILLAGE OF GATES MILLS, CUYAHOGA COUNTY

11/3/2023 9:02:10 AM

**Payment Listing**

October 2023

UAN v2023.2

Total Less Conversion Vouchers: \$636,740.05

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

\$636,740.05

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



REPORT OF THE  
CHARTER REVIEW COMMITTEE  
OF THE  
VILLAGE OF GATES MILLS

Laurie Deacon  
David Hooker  
Michael Press  
Robert Reitman  
Shawn M. Riley

Date: October 25, 2023

## EXECUTIVE SUMMARY

The Charter Review Committee of Gates Mills Village recommends, as spelled out below, a series of changes to the Charter, most of which are intended to make the Charter consistent with Ohio law and best practices. One significant change recommended by the Committee is to add to the Charter a voter initiative process to provide for the opportunity for voters to vote on changes to certain Village zoning laws. Other substantive changes to the Charter, including restrictions on Council's ability to modify the income tax credit and reducing the size of Council, were considered but are not being recommended by the Committee. Finally, the Committee notes that submitting to the voters changes to the Charter will require the expenditure of time and money, particularly in educating voters on the changes and the rationale for them. Council may conclude that those costs are not warranted at this time.

## INTRODUCTION

The Charter Review Committee (the "Committee") was appointed by the Mayor and approved by Council at a meeting held on June 14, 2022. The Committee's charge was to review the Gates Mills Charter and make recommendations to Council of appropriate changes (if any) to the Charter. Following its appointment, the Committee met on four occasions. In addition, the Committee prepared and distributed a survey (the form of which is attached as Exhibit 1). The survey sought input from both current and former Village officials. A total of 10 surveys were completed and returned.

The Committee also reviewed the charters of several neighboring communities.<sup>1</sup> The purpose of the review was to determine how other communities of comparable size, smaller size

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<sup>1</sup> The charters reviewed were those of Chagrin Falls, Kirtland Hills, Waite Hill, Moreland Hills and Hunting Valley.

or larger size handle particular matters. In addition, the Committee had the benefit of a review by the Village's Law Director, in which he provided a series of possible modifications to the Charter.

#### POTENTIAL CHANGES TO THE CHARTER

The Committee identified several potential changes to the Charter, which changes can be placed into one of two categories: substantive and mechanical. The survey results did identify a few other issues, including a view that Council should rely less on the suspension of three readings and the use of emergency legislation. The Committee determined that this final group of issues were legislative practices and that they were not appropriate for Charter modification.

The first set of potential changes, the substantive changes, that the Committee considered were:

- Removing the authority of Council to change certain zoning in the Village and, more specifically, minimum lot size.
- Removing the authority of Council to set or alter the income tax credit level.
- Enlarging the powers of the president pro tem of Council.
- Reducing the size of Council.

With respect to changes to minimum lot size, the issue of Council's unilateral power to change it seems to be the result of concern about Council approving a high density real estate development.<sup>2</sup> A review of other charters revealed two possible options for Gates Mills: require a vote by the Village electors to reduce minimum lot size or leave the decision in Council's hands but provide for a citizen initiative process to reverse any such decision by Council. An example of the latter process is attached as Exhibit 2 to this report. The Committee recommends that, if Council determines that it wants to place before the voters changes to the Charter on this issue, it present the voter initiative process. On this point, Committee member Press did not concur with

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<sup>2</sup> Several Members of the Committee doubt the feasibility of a large-scale development in a community without sanitary sewers.

the Committee's recommendation and proposes that any significant changes in zoning ordinances should be placed before voters.

With respect to Council's authority to modify the credit provided to residents for income taxes paid in other communities, the Committee recommends no changes. The inability to predict, over the long-term, revenue from income taxes requires that Council have maximum flexibility to increase (or decrease) the credit. Unhappy residents are always free to vote out Council members. Again, Committee member Press did not concur with the Committee's recommendation and believes that all changes to income taxation should be made by the voters in the Village.

With respect to the size of Council, the Committee recommends no changes. The Committee acknowledges that a Council of seven is rather large for a community of approximately 2,200 residents. Because Council members are not paid, the large number of members does not impose any financial burden on the Village. Moreover, experience suggests that, with many members of Council traveling for extended periods, a smaller Council would create two issues: a failure to have a quorum to conduct a meeting and the reality that as few as three people could make major decisions. As a result, the Committee recommends no changes to the size of Council.

With respect to the powers of the President Pro Tem of Council, the Committee recommends no changes to the Charter. The Committee does, however, recognize that the role of President Pro Tem is loosely defined in the Charter. The Committee recommends that Council treat the lack of definitiveness as an opportunity to set out specific roles and responsibilities at the beginning of each year. Committee member Press believes that the Village should have a President of Council.

### MECHANICAL AND “CLEAN-UP” CHANGES

As indicated above, the Committee also had the benefit of input from the Village’s Law Director. His suggested changes are intended to insure that the Charter is in compliance with Ohio law and best practices or to clean up out-of-date provisions. Most of the changes recommended by the Law Director are set out in Exhibit 3 to this report. The Committee recommends that the Charter be revised to reflect these changes.

### CONCLUSION

With the exception of the voter initiative process for certain zoning changes, the Committee’s recommendations for changes to the Charter are intended to clean up out-of-date provisions, clarify certain matters and place the Charter in line with Ohio law. None of the proposed changes are critical, or even necessary, to the continued functioning of the Village. Council may wish to determine, as a preliminary matter, if the changes warrant the cost of putting the changes before voters.

## EXHIBIT 1

VILLAGE OF GATES MILLS  
CHARTER REVIEW COMMITTEE  
QUESTIONNAIRE

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

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

1. Positions or roles you have held in Gates Mills government:

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2. What is your general view of the operation of Gates Mills governance?

- Is it efficient?
- Is it effective?
- What is your view of the waiving of three readings for passage of ordinances and resolutions?
- What is your view of the practice of declaring legislation an emergency so that it can become immediately effective?

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3. Are there aspects of the way Gates Mills operates that you find particularly effective?

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4. Are there aspects of the way Gates Mills operates that you find particularly ineffective?

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5. Do you have a view on the number of Committees that the Village has?

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6. [Voter approval vs. Council approval]

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## EXHIBIT 2

The legislative powers of the Municipality, except as otherwise provided in this Charter, or by the Constitution of the State of Ohio, shall be vested in the Council.

The Council shall, by ordinance, make provision for the time and place of the regular meetings of the Council, the method of calling special meetings of Council, the method of giving public notice of its ordinances and resolutions and any other of its acts or proceedings which it deems proper to publish, and such other general regulations as the Council may deem necessary.

## **Article IV**

### **Legislation**

#### **SECTION 4.1 - General Ordinances**

The Council may make provision by ordinance for:

- (a) the form and method of enactment and publication of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be set forth in its title;
- (b) the procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefor, in one proceeding, if the Council finds that it will be economical and practical to undertake such improvements jointly;
- (c) the making, advertising and awarding of contracts and of alterations or modifications of contracts, including the determination of when formal bidding shall be required, the method of such bidding and the matters to be exempted from such bidding;
- (d) the purchase or the sale or disposal of municipal property;
- (e) the establishment of special provisions respecting the designation of depositories, types of accounts, and the investment of public monies; and
- (f) such other general regulations as the Council may deem necessary including the use of an official seal.

Ordinances may be revised, codified, rearranged and published in book form under appropriate titles, chapters and sections, and such revisions and codification may be made in one ordinance comprising one or more subjects. The publication of such revision and codification in book form as aforesaid shall be held sufficient publication of the ordinance or ordinances contained in such revision and codification. Any such publication of a revision or codification of ordinances in book form shall contain a certification by the President of Council and the Clerk-Treasurer of the correctness of such revision, codification and publication, and the book so published shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained, in the same manner and for the same purpose as the original book, ordinances, minutes or journals would be received.

#### **SECTION 4.2 - Zoning Ordinances**

All ordinances which provide for rezoning to any use other than uses permitted by present zoning, shall be subject to the following special rules:

- (a) A public hearing thereon shall be required and at least thirty (30) days notice shall be given in a newspaper of general circulation in the Municipality; in addition, the Clerk-Treasurer shall mail or deliver a copy of said notice to the residence of each elector of the Municipality at least fifteen (15) days prior to said public hearing.
- (b) Notwithstanding the provisions of Article XIII of this Charter or the general laws of the State of Ohio, referendum petitions signed by ten (10) percent of the number of electors who voted for governor at the next preceding general election for governor in the Municipality shall contain a sufficient number of signatures, if said petitions are otherwise legally sufficient, to permit or cause the approval of such petitions for submission of the subject ordinance to the electors of the Municipality pursuant to Article XIII of this Charter and the general laws of the State of Ohio.

#### **SECTION 4.3 - Effective Date of Ordinances and Resolutions**

Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect upon its passage, unless a later time be specified therein. No other ordinance or resolution shall go into effect until thirty days after its passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least five (5) members of Council for its enactment. Each zoning measure shall also require the affirmative votes of at least five (5) members elected to the Council for its enactment. No action of the Council providing for a change in the existing zoning code, in authorizing any change in the boundaries of the Municipality, or the surrender or joint exercise of any of its powers, or in granting

## EXHIBIT 3

### Compliance and "Clean-Up" Changes

#### **SECTION III-2 QUALIFICATIONS.**

Each member of Council shall have been a resident and qualified elector of the Municipality for at least three continuous years prior to his or her election and shall continue to be a resident of the Municipality throughout his or her term of office. A member of Council shall not hold any other public office, ~~except that of Notary Public or member of the State Militia or Reserve Corps of the United States, unless otherwise provided in this Charter or by ordinance of Council~~ **that is legally incompatible with the position and duties of Council member.**

#### **SECTION III-3 ORGANIZATION.**

In January of 1973, and in January of each year thereafter, the Council shall meet ~~in the Council Chambers of the Town Hall~~ to organize **at a venue within the corporate limits of the Municipality which is accessible to the public.**

#### **SECTION III-5 REMOVAL.**

The Council shall be the judge of the election and qualifications of its own members. It may remove any member for gross misconduct, **misfeasance, nonfeasance** or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of his or her oath of office, or for persistent failure to abide by the rules of the Council, provided, however, that such removal shall not take place without the affirmative vote of **a minimum of five members of Council** nor until the accused shall have been notified in writing of the charge against him or her at least ten days in advance of a public hearing upon such charge, and he or she or his or her counsel has been given an opportunity to be heard, present evidence and examine any witness appearing in support of the charge. The accused shall not vote on the question of his or her removal.

#### **SECTION III-7 COUNCIL MEETINGS.**

The Council shall hold at least one regular meeting in each calendar month. A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action may be taken, by the affirmative vote of four members of the Council unless a larger number be required by the provisions of this Charter. The Clerk of Council shall keep a record of its proceedings in ~~a journal~~ minutes in which the yea or nay vote of each Councilperson voting on every ordinance or resolution, and the action of Council on other measures, shall be recorded. All meetings of the Council shall be open to the public, except as otherwise permitted by law, and its ~~journal~~ **minutes** shall be available for public inspection at all reasonable times. **The minutes may be in written form and/or by a video recording.**

### **SECTION III-8 POWERS AND DUTIES.**

The legislative powers of the Municipality, except as otherwise provided by this Charter or by the Constitution of the State of Ohio, shall be vested in the Council.

(a) The Council shall by ordinance make provision for:

- (1) The time and place of regular meetings of the Council;
- (2) The method of calling special meetings of the Council;
- (3) The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish.

(b) The Council may by ordinance make provision for:

(1) The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature, granting a franchise, creating a right, involving the expenditure of money or the levying of a tax (other than a resolution providing for an election on the question of issuing bonds or levying a tax) or for the purchase, lease, sale or transfer of property shall be passed unless it has been read (in full or by title) on three different days, unless the requirement for such reading be dispensed with by the affirmative vote of five members of Council;

(2) The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements and the levying of assessments therefor in one proceeding, if the Council finds that it will be economical and practical to undertake such improvements jointly, ~~and provided that, in the event the improvements and levying of assessments provide for the completion of the water utility service throughout substantially all of the Village, not heretofore so serviced, that such water improvements and assessments be provided for in a Master Plan which shall be passed by Council.~~

(3) The procedure for the awarding of contracts, including contracts for the purchase, lease, sale or transfer of real or personal property.

(4) Such other general regulations as the Council may deem necessary.

**(c) The Council may by a vote of five (5) of its members remove a member of a board, commission, or Council committee for gross misconduct, misfeasance, malfeasance, nonfeasance, disqualification for office, absence without a reasonable excuse for three (3) consecutive regular meetings.**

### **SECTION III-9 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS; EMERGENCY LEGISLATION.**

Each ordinance or resolution providing for:

- (a) The appropriation of money;
- (b) An annual tax levy;
- (c) Improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor; ~~and~~
- (d) Any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety; ~~and~~
- (e) subject matter which is administrative in nature, rather than being legislative in nature.**

shall take effect, unless a later time be specified therein, upon its signature by the Mayor approving the same, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be. **For purposes of this section, “administrative” is defined as any formal action by the Council by motion, resolution, or ordinance that is not “legislative” in nature. “Legislative” is defined as all activity related to the making of laws which are applicable to the Municipality as a whole. By way of example only, “administrative action” includes but is not limited to the authorization or approval of contracts, approval of permits and applications issued to specific persons or properties, declarations of the Municipality’s or Council’s position or intent on a particular issue, and other actions similar thereto. Unless a later time be specified therein, All other ordinances and resolutions shall take effect and be operative in the manner provided by the general laws of the State of Ohio thirty (30) days after their signature by the Mayor approving the same, or if not signed by the Mayor, upon the expiration of the time within which they may be vetoed by the Mayor, or upon their passage after it has been vetoed by the Mayor, as the case may be.**

Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of five members of Council for its enactment. No ordinance or resolution relating to any change in the boundaries of the Municipality, providing for the surrender or joint exercise of any of its powers, enacting, amending or repealing any zoning ordinance, or granting any franchise, shall be enacted as an emergency measure.

~~—Notwithstanding any other provision in this Charter to the contrary, in the event Council shall pass or has heretofore passed an ordinance or resolution as a water service Master Plan as herein provided in Article III, Section 8(b)(2), such ordinance or resolution shall not become effective until Council submits such water service Master Plan ordinance or resolution to the electorate at the next regular Municipal or general election, if one shall occur not less than sixty days nor more than one hundred twenty days after passage of the measure, or at a special election within the time aforesaid, and such ordinance or resolution is approved by a majority of the electorate voting thereon. In the event a majority of the electorate voting thereon shall approve such water service Master Plan ordinance or resolution, no subsequent ordinances or resolutions relating to the completion of the improvements referred to within such Master Plan shall be submitted for approval of the electorate. In the event Council has passed an ordinance or resolution as a water service Master Plan prior to the May 2, 1995, election, and Council shall have caused the Clerk to have delivered by regular mail a summary of such Master Plan to each elector of Gates Mills whose name appears on the poll or registration books at the last preceding general Municipal election no less than thirty days prior to the May 2, 1995, election, and if the within Charter Amendment shall have been approved by a majority of the electorate voting thereon at such election, such approval shall be deemed to be an approval by the electorate of such Master Plan as required by this section.~~

Notwithstanding any other provision in this Charter to the contrary, in the event Council shall pass an ordinance or resolution approving a new lease, or a renegotiated existing lease, (as herein provided in Article III, Section 8(b)(1), of any parcel or parcels of Village owned land for an “unconventional horizontal gas well”, then such ordinance or resolution shall not become effective until Council submits such “unconventional horizontal gas well” leasing ordinance or resolution to the electorate for approval at the next regular Municipal or General Election. An “unconventional horizontal gas well” shall include any well drilled more than one hundred feet vertically below the base of the Clinton sand (or the stratigraphic equivalent), and whose boring head then turns horizontally more than one hundred feet.

## SECTION IV-2 QUALIFICATIONS.

The Mayor shall have been a resident and a qualified elector of the Municipality for at least three continuous years prior to his or her election and shall continue to be a resident of the Municipality throughout his or her term of office. He or she shall not hold any other public office ~~except that of Notary Public or member of the State Militia or Reserve Corps of the United States, unless otherwise provided in this Charter or by ordinance of Council~~ **that is legally incompatible with the position and duties of Mayor.**

If he or she shall cease to possess or if he or she violates any of the qualifications herein enumerated, he or she may be removed from office, but failure to maintain said qualifications shall not render void or ineffective any action in which he or she has participated.

## SECTION IV-5 DUTIES AND POWERS.

(a) **Executive Powers.** The Mayor shall be the chief executive officer of the Municipality. He or she shall:

(1) Supervise the administration of the Municipality's affairs;

(2) Appoint such committees (including Committees of Council) and their chairperson as he or she deems necessary ~~subject to confirmation by a majority vote of the members of Council~~ **and** exercise control over all committees and departments of the Municipality, except Council and committees thereof; **appointments to Committees of Council are subject to the approval of a majority vote of members of Council; "Committees of Council" are those committees established by a majority vote of the members of Council at any given time;**

(3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be enforced therein;

(4) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;

(5) Recommend to Council such measures as he or she deems necessary or appropriate for the welfare of the Municipality and keep Council advised of the condition and future of the Municipality;

(6) Act as the official and ceremonial head of the Municipal government;

(7) Execute on behalf of the Municipality, together with the Clerk or Treasurer, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;

(8) Have custody of the seal of the Municipality and have the authority to affix it to all of the aforesaid documents, but the absence of the seal shall not affect the validity of any such instrument; and

(9) Perform such other duties as are conferred or required by this Charter, or by any ordinance or resolution of the Council, or by the general laws of the State of Ohio **that are** not inconsistent ~~therewith~~ **with the provisions of the Charter or the ordinances or resolutions of the Council.**

(b) **Powers Re Personnel.** The Mayor shall have the power to appoint and promote, subject to such confirmation as may be required by this Charter or by ordinance of Council, any officer or employee of the Municipality, except those required by this Charter to be elected. He or she shall

have the power to discipline, suspend, transfer, reduce in rank or discharge from employment any such officer or employee in the following manner:

(1) ~~With respect to the Chief of Police and the Chief of Fire, they and all other police officers and members of the Police Department, the Mayor shall have the power to discipline, suspend for a period not to exceed sixty days during any calendar year, transfer or reduce in rank any such person. However, if such person so requests in writing within ten days thereafter, such reduction in rank shall take effect only after being confirmed by five members of Council at the meeting of Council next following the expiration of such ten-day period, which meeting may be attended by such officer.~~

~~Neither the Chief of Police nor any police officer or other member of the Police Department, who has received his or her final appointment, shall only be suspended for a period in excess of sixty days during any calendar year or discharged from employment in the Police Department, except for the causes and under the procedures provided by ordinances of Council or if there is no such ordinance, for the causes and under the procedures provided by the general laws of the State of Ohio with respect to his or her removal.~~

(2) ~~With respect to a~~All other nonelected officers and employees of the Municipality are at-will officers and employees and the Mayor shall have the power to discipline, suspend, transfer, reduce in rank, or discharge from employment any such officer or employee with or without cause. ~~However, if such officer or employee so requests in writing within ten days thereafter, his or her discharge from employment shall take effect only after being confirmed by five members of Council at the meeting of Council next following the expiration of such ten-day period, which meeting may be attended by such officer or employee.~~

(3) Except as otherwise provided in subparagraph (1), all actions taken pursuant to the foregoing subparagraphs (1) and (2) shall be final and conclusive, and no reason, notice, written charge or public hearing shall be required.

(4) At such time as Council shall by ordinance provide for a Civil Service Commission and a civil service system pursuant to Article VII of this Charter, the foregoing powers shall be exercised solely in accordance with the rules and regulations of said Commission.

(c) Judicial Powers. The Mayor shall have all the judicial powers granted from time to time by the general laws of the State of Ohio to mayors of municipalities of the class of this Municipality.

(d) Legislative Powers. The Mayor shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council, but shall have no vote therein except in case of a tie. Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer and attested by the Clerk.

(e) Veto Powers. Every ordinance or resolution adopted by Council shall be presented promptly to the Mayor. If the Mayor approves such ordinance or resolution, he or she shall sign it indicating his or her approval and return it to the Clerk within ten days after its adoption by Council. If he or she does not approve it, he or she shall return it to the Clerk within said ten days with his or her written objections, which shall be entered in full upon the journal of Council. If the Mayor does not sign or so return an ordinance or resolution within said ten-day period, it shall take effect in the same manner as if he or she had signed it. The Mayor may approve or veto the whole or any item of an ordinance or resolution appropriating money; but otherwise, his or her approval or veto shall be addressed to the entire ordinance or resolution. When the Mayor has vetoed an ordinance or resolution, or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it, and if, upon reconsideration, the ordinance or resolution or part or item thereof vetoed by the Mayor be approved by the affirmative vote of at least five

members of Council, it shall then take effect without the signature of the Mayor, in the same manner as if he or she had signed it. In all such cases, the votes shall be taken by roll call and entered upon the journal of Council.

#### **SECTION V-2 QUALIFICATIONS.**

The Clerk shall have been a resident and a qualified elector of the Municipality for at least three continuous years prior to his or her election and shall continue to be a resident of the Municipality throughout his or her term of office. He or she shall not hold any other public office, ~~except that of Notary Public or member of the State Militia or Reserve Corps of the United States, unless otherwise provided in this Charter or by ordinance of Council~~ **that is legally incompatible with the position and duties of Clerk.**

If he or she shall cease to possess or if he or she violates any of the qualifications herein enumerated, he or she may be removed from office, but failure to maintain said qualifications shall not render void or ineffective any action in which he or she participated.

#### **SECTION V-4 VACANCY.**

A vacancy in the office of Clerk shall be filled by appointment by the Mayor subject to confirmation of such appointee by a majority vote of the members of Council. If the Clerk-elect fails to qualify for office, a vacancy shall be deemed to exist which shall be filled in accordance with this section. **The appointee who fills a vacancy in the office of Clerk shall serve the remainder of the term of the vacant office.**

#### **SECTION V-5 ..DUTIES.**

The Clerk shall give notice of and attend all meetings of Council; keep a record of its proceedings; and authenticate all ordinances, resolutions, records, documents and instruments requiring the same. In cooperation with the Treasurer, he or she shall keep the books of the Municipality and exhibit accurate statements of all funds received and expended, of all property owned by the Municipality and the income derived therefrom, and of all taxes and assessments. The Clerk shall perform all other duties required by this Charter, or by any ordinance or resolution of the Council, or by the general laws of the State of Ohio **that are not inconsistent therewith with the provisions of the Charter or the ordinances or resolutions of the Council.**

#### **SECTION VI-2 QUALIFICATIONS.**

The Treasurer shall have been a resident and a qualified elector of the Municipality for at least three continuous years prior to his or her election and shall continue to be a resident of the Municipality throughout his or her term of office. He or she shall not hold any other public office; ~~except that of Notary Public or member of the State Militia or Reserve Corps of the United States, unless otherwise provided in this Charter or by ordinance of Council~~ **that is legally incompatible with the position and duties of Treasurer.**



If he or she shall cease to possess or if he or she violates any of the qualifications herein enumerated, he or she may be removed from office, but failure to maintain said qualifications shall not render void or ineffective any action in which he or she participated.

#### **SECTION VI-4 VACANCY.**

A vacancy in the office of Treasurer shall be filled by appointment by the Mayor subject to confirmation of such appointee by a majority vote of the members of Council. If the Treasurer-elect fails to qualify for office, a vacancy shall be deemed to exist which shall be filled in accordance with this section. **The appointee who fills a vacancy in the office of Treasurer shall serve the remainder of the term of the vacant office.**

#### **SECTION VI-5 DUTIES.**

The Treasurer shall keep an accurate account of all taxes and assessments, of all moneys due to and all receipts and disbursements by the Municipality, of all assets and liabilities of the Municipality, and of all appropriations made by the Council. He or she shall examine and approve, if in proper form and an appropriation has been duly made, all payrolls, bills, and other claims, and prepare and sign all warrants. He or she shall assist the Mayor and the Council in the preparation of estimates, budgets and appropriations. He or she shall collect, keep and preserve the moneys of the Municipality in such manner and in such place or places as the Council shall determine, receive and disburse all other public moneys coming into his or her hands as Treasurer in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds, and perform all other duties required by this Charter, or by any ordinance or resolution of the Council, or by the general laws of the State of Ohio **that are not inconsistent therewith with the provisions of the Charter or the ordinances or resolutions of the Council.**

#### **SECTION VII-3 POLICE DEPARTMENT.**

The Chief of Police and such police officers and members of the Police Department as may be provided for by ordinances of Council, shall be appointed by the Mayor; **The appointment of the Chief of Police shall be** subject to confirmation by a majority vote of the members of Council. The Chief of Police shall be subject to discipline, suspension, transfer, reduction in rank and discharge from employment in the Department, pursuant to paragraph (b), Section 5 of Article IV of this Charter. **They The Chief of Police, police officers and members of the Police Department** shall perform such duties as may be assigned to them from time to time by the Mayor, ordinances of Council and the general laws of the State of Ohio.

#### **SECTION VII-4 FIRE DEPARTMENT.**

The ~~Fire~~ Chief **of Fire** shall be an employee of the Municipality. The Chief and the other officers and members of the **Fire** Department, whether they be volunteer, part or full-time employees, shall be appointed by the Mayor; **The appointment of the Chief of Fire shall be** subject to confirmation by a majority vote of the members of Council. The Chief **of Fire** ~~and full-time officers of the Fire Department~~ shall be subject to discipline, suspension, transfer, reduction in

rank and discharge from employment in the Department, ~~in the same manner and to the same extent as are the Chief of Police and officers of the Police Department~~, pursuant to paragraph (b), Section 5 of Article IV of this Charter. The officers and members of the Department shall perform such duties as may be assigned to them from time to time by the Mayor, ordinances **and resolutions** of Council and **by** the general laws of the State of Ohio **that are** not inconsistent therewith **with the provisions of the Charter or the ordinances or resolutions of the Council.**

#### **SECTION VII-5 LAW DEPARTMENT.**

The Law Director shall be the head of the Law Department. ~~He or she~~ **The Law Director** shall be provided with such assistants and special counsel as the Council may from time to time deem to be necessary or desirable. The Law Director and any such assistants or special counsel shall be appointed and may be removed at any time by the Mayor, subject to the confirmation by a majority vote of the members of Council. The Law Director shall be an attorney at law in good standing, admitted to the practice of law in the State of Ohio, but need not be a resident of the Municipality. ~~He or she~~ **The Law Director** shall be the chief legal advisor and attorney for the Municipality and its officers, departments, boards and commissions in their official capacities and shall perform such other duties, consistent with ~~his or her~~ **the** office, as may be assigned to ~~him or her~~ **the Law Director** from time to time by the Mayor and Council. **The Law Director shall also be the attorney for the Municipality's officers and employees when they are sued in their individual capacities, provided they are acting within the scope of their official responsibilities or employment and acting in good faith.**

**The Mayor may also appoint a Prosecutor, subject to the confirmation by a majority vote of the members of Council. The Prosecutor shall advise Municipal officers and employees with respect to criminal enforcement matters and prosecute all criminal matters on behalf of the Municipality.**

#### **SECTION VII-8 PLANNING AND ZONING COMMISSION.**

There is hereby created a Planning and Zoning Commission which shall consist of two members of Council selected by the Council annually and five electors of the municipality, not holding other Municipal office or appointment, to be appointed for terms of four years by the Mayor, subject to confirmation by a majority vote of the members of Council.

~~The new elector member shall be appointed to a term of four years beginning January 1, 1982. The term of office of the present members of the Planning and Zoning Commission shall continue unchanged.~~

The Mayor shall designate the Chairperson of the Commission, subject to confirmation by a majority vote of the members of Council. The Commission shall appoint a Secretary to the Commission, who need not be a member of the Commission and who may hold other Municipal office or appointment. The Commission may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep ~~a journal~~ **minutes** of its proceedings. The officers of the Commission shall be appointed or reappointed at or prior to its first meeting each year. The Commission shall meet upon call of the Chairperson or any two members. A majority of the members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of four members of the Commission shall be necessary for any official action. Members of the Commission shall serve without compensation unless otherwise provided by

ordinance of Council. The Commission shall have such other powers and duties as may be prescribed by ordinances of Council, or by the general laws of the State of Ohio that are not inconsistent therewith with the provisions of the Charter or the ordinances or resolutions of the Council .

#### **SECTION VII-9 BOARD OF ZONING APPEALS.**

The Council shall provide by ordinance for a Board of Zoning Appeals to hear appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning and building in the Municipality. Such Board shall have such other powers and duties and shall follow such procedures as may be prescribed by ordinances of Council. Pursuant to the ordinances of Council, the Planning and Zoning Commission may serve as the Board of Zoning Appeals.

#### **SECTION X-1 INITIATIVE AND REFERENDUM.**

Ordinances and resolutions may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or laws of the State of Ohio. Administrative actions by Council, as opposed to legislative actions, whether made by ordinance or resolution, shall not be subject to referendum. For purposes of this Charter, "legislative" is defined as all activity related to the making of laws which are applicable to the Municipality as a whole. By way of example only, "administrative action" includes but is not limited to the authorization or approval of contracts, approval of permits and applications issued to specific persons or properties, declarations of the Municipality's or Council's position or intent on a particular issue, and other actions similar thereto.

Initiative and referendum petitions shall be filed with the Clerk.

### **NEW ADDITION TO THE CHARTER**

#### **SECTION XIII-8 OATHS OF OFFICE**

Every officer of the Municipality (all elected and non-elected officials and officers, including police officers and fire fighters) and every employee holding a position upon an annual salary, as opposed to being compensated on an hourly basis, before entering upon the duties of that person's office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the Clerk, that the person will:

(a) Support the constitution of the United States and of the State of Ohio, and this Charter and the ordinances of the Municipality; and

(b) Honestly and faithfully, in all other respects, discharge the duties of that person's position or office.

VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
OCTOBER 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	-	2,488,258	2,436,728
Municipal Income Taxes	2,600,000	264,304	1,858,989	2,771,405
Share of Sales and State Taxes	62,000	5,331	57,554	58,527
Total Tax Revenue	5,098,728	269,635	4,404,801	5,266,660
Other Sources:				
Fines and Costs	100,100	4,483	68,678	81,544
Traffic Camera Gross Receipts	200,000	143,965	143,965	-
Building/Liquor Permits & Licenses	48,000	19,555	78,986	42,963
Interest Income	150,000	15,329	124,336	95,456
Rental Income	210,200	9,347	195,699	185,555
Mills Building Rental Income	114,031	10,049	103,533	65,854
Ambulance Income	40,000	11,237	35,850	39,552
SRO Reimbursement	90,858	7,871	76,913	62,715
Misc	100,000	30	23,844	10,132
Total Other Sources Revenue	1,053,189	221,866	851,804	583,771
Assessments:				
School Board/Property Assessment	-	-	-	42,129
Total General Fund Revenues	6,151,917	491,500	5,256,605	5,892,560
Add Year Beginning General Fund Balance		7,621,609	7,811,278	7,366,903
Less Expenses:				
Administration Costs	(see Page 2)	(54,921)	(667,062)	(685,378)
Administration - Transfers		-	(932,500)	(1,093,000)
Police Department Costs	(see Page 3)	(245,457)	(1,655,958)	(1,388,530)
Fire Department Costs	(see Page 3)	(15,909)	(181,760)	(188,429)
Fire Department Ambulance	(see Page 3)	(86,872)	(447,197)	(354,439)
Service Department Costs	(see Page 4)	(125,683)	(1,599,139)	(1,405,449)
Total General Fund Expenses		(528,842)	(5,483,616)	(5,115,225)
Current General Fund Balance		7,584,267	7,584,267	8,144,238
Plus:				
Other Fund Current Balances		2,217,638	2,217,638	2,247,027
Total Current Balance - All Funds		9,801,905	9,801,905	10,391,265

VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
OCTOBER 31, 2023

	2023 BUDGET	2023 Month Expenses	2023 To Date Expenses	2022 To Date Expenses
<b>POLICE DEPARTMENT:</b>				
Salaries and Wages	1,142,000	117,358	924,136	860,353
Overtime	42,000	5,612	37,752	23,131
Health, OPERS, MEDI, Worker Comp	262,656	20,048	205,127	204,188
<b>PERSONNEL COSTS</b>	<b>1,446,656</b>	<b>143,018</b>	<b>1,167,015</b>	<b>1,087,672</b>
Gasoline	28,000	-	16,940	24,172
Repairs and Maintenance	13,000	914	11,809	9,196
Uniforms	14,000	364	7,943	6,541
Training/Conferences	17,000	156	12,029	13,408
Dispatch Operating Fee	162,000	13,393	147,326	140,982
Alarm System Fee	20,000	4,439	18,567	17,091
Maintenance Agreements/Radio Expenses	28,000	-	25,125	19,414
Traffic Camera Program LMC	-	55,755	145,755	-
Traffic Camera Program Gatso	-	26,034	26,034	-
Other Expenses	16,000	1,384	11,564	13,084
V.E.G.	10,000	-	10,000	10,000
<b>OTHER POLICE DEPART COSTS</b>	<b>308,000</b>	<b>102,439</b>	<b>433,090</b>	<b>253,888</b>
Vehicle Purchases	62,000	-	48,451	46,970
Equipment Purchases	9,500	-	7,402	-
<b>CAPITAL EXPENDITURES</b>	<b>71,500</b>	<b>-</b>	<b>55,853</b>	<b>46,970</b>
<b>TOTAL POLICE DEPARTMENT COSTS</b>	<b>1,826,156</b>	<b>245,457</b>	<b>1,655,958</b>	<b>1,388,530</b>

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**FIRE DEPARTMENT:**

Salaries and Wages	130,000	14,099	124,596	102,398
PERS, MEDI, SOC SEC, Worker Comp	30,000	1,060	11,403	8,894
<b>PERSONNEL COSTS</b>	<b>160,000</b>	<b>15,159</b>	<b>135,999</b>	<b>111,292</b>
Vehicle Maintenance	6,000	115	1,559	1,667
Ambulance/EMS <i>see below</i>	382,000	86,872	447,197	354,439
Training/Conferences	5,500	-	1,960	1,722
Contracts & Annual Fees	22,000	613	18,268	18,823
Other Expenses	9,500	-	3,726	3,141
<b>OTHER FIRE DEPARTMENT COSTS</b>	<b>425,000</b>	<b>87,600</b>	<b>472,710</b>	<b>379,792</b>
<b>CAPITAL EXPENDITURES</b>	<b>68,750</b>	<b>22</b>	<b>20,249</b>	<b>51,784</b>
<b>TOTAL FIRE DEPARTMENT COSTS</b>	<b>653,750</b>	<b>102,781</b>	<b>628,957</b>	<b>542,868</b>
<i>Ambulance Income on Cover Page</i>	<i>40,000</i>	<i>11,237</i>	<i>35,850</i>	<i>39,552</i>

VILLAGE OF GATES MILLS  
FINANCIAL STATEMENT  
OCTOBER 31, 2023

	Beginning Year Balance	Year-to-date Actual Receipts	Year-to-date Actual Expenses	Unexpended Balance
Street Const Maint Repair	80,941	166,502	8,903	238,540
State Highway	25,654	13,585	15,000	24,238
Bond Retirement (KeyBank Loans)	2,730	-	-	2,730
	<u>109,324</u>	<u>180,087</u>	<u>23,903</u>	<u>265,507</u>
Capital Improvement	339,875	828,565	501,338	667,102
Water	287,998	16,500	20,494	284,003
Wastewater Plant	14,309	80,267	58,654	35,922
Park Recreation	56,232	20,530	21,907	54,855
Cemetery	47,983	12,000	5,683	54,299
Mayor's Court-Violations Bureau	1,611	17,891	18,634	868
Mayor's Discretionary	334	1,500	1,549	285
Purcell Trust	31,800	-	-	31,800
Land Conservation	110,976	225,134	125,809	210,301
Local Fiscal Recovery Fund (ARPA)	192,312	250,192	75,870	366,634
Building Bond Deposit	103,919	25,134	-	129,053
Underground Storage Tank	11,000			11,000
Safety Fund	56,368	20,585	50,239	26,714
Police Relief & Pension	5,238	227,510	175,494	57,254
Law Enforcement	10	255	-	265
VEST Grant	-			-
OneOhio Fund (Opiod)	569	1,200		1,769
STATE Grants	7,491	12,517	-	20,008
TOTAL OTHER FUNDS	<u>1,377,346</u>	<u>1,919,867</u>	<u>1,079,575</u>	<u>2,217,638</u>
GENERAL FUND	7,811,278	5,256,605	5,483,616	7,584,267
TOTAL ALL FUNDS	<u>9,188,624</u>	<u>7,176,471</u>	<u>6,563,190</u>	<u>9,801,906</u>

GENERAL FUND SUMMARY	BUDGET	OCTOBER	2023 YEAR TO DATE	2022 YEAR TO DATE
Real Estate Taxes	2,436,728	-	2,488,258	2,436,728
Municipal Income Tax	2,600,000	264,304	1,858,989	2,771,405
Share of Sales and State Taxes	62,000	5,331	57,554	58,527
Other Sources	1,053,189	221,866	851,804	583,771
Assessments	-	-	-	42,129
<b>TOTAL OPERATING REVENUES</b>	<b>6,151,917</b>	<b>491,500</b>	<b>5,256,605</b>	<b>5,892,560</b>
<b>OPERATING EXPENSES</b>				
Administration Department	752,800	54,921	667,062	685,378
Police Department	1,826,156	245,457	1,655,958	1,388,530
Fire Department	653,750	102,781	628,957	542,868
Service Department	1,902,870	125,683	1,599,139	1,405,449
Transfers excluding Inheritance Taxes	996,500	-	932,500	1,093,000
<b>TOTAL OPERATING EXPENSES</b>	<b>6,132,076</b>	<b>528,842</b>	<b>5,483,616</b>	<b>5,115,225</b>
<b>SURPLUS (DEFICIT)</b>	<b>19,841</b>	<b>(37,342)</b>	<b>(227,011)</b>	<b>777,335</b>

# Village of Gates Mills

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

## **November 2023 Council Meeting (October Report)**

- 1) The police department was awarded the AAA Platinum Safety Award for all of our traffic safety initiatives. Sgt Day and Officer Newsome represented the department at the award banquet.
- 2) To date, 20 deer have been harvested by bowhunters. This number is up from last year.
- 3) Officer Dylan Hooker attended Firearm Instructor training. He will be assisting Lt. Pollutro as a department firearm instructor.

**\*\* 2,779 camera citations were issued for the month.**

### **Monthly Totals:**

- 57 Traffic Citations.
- 31 Warnings.
- 16 Incident/Accident reports
- 7.454 Patrol Miles.
- 26,145 house checks (YTD).

Gregg Minichello



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



# Gates Mills Service Department

*"Yours in service since 1920"*

TO: Mayor  
and Council Members

FROM: Dave Biggert, Service Director

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

1. In October, 15 building permits were issued for a total construction value of \$986,884.
2. In October 2022, 7 building permits had been issued for a total construction value of \$203,575.
3. The October Planning and Zoning Commission meeting minutes are included for review.

I hope this information is helpful. If you have any questions or need any additional information, please feel free to contact me at (440) 423-1581.

Respectfully Submitted,



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

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

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

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

Members absent: Emily Hamilton.

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

1. Roll call.
2. The minutes of **Tuesday, September 05, 2023** regular meeting of the Planning and Zoning Commission were submitted for approval.

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

Motion by: J. Voinovich                      2<sup>nd</sup>: S. Broome

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

**Motion Approved**

3. A lot consolidation request for the **LAUER** residence at **1910 County Line Road** was heard.  
Jason Baylor, Payne & Payne Builders and Marian Lauer, Owner were present.

Mr. Baylor reviewed the lot consolidation request for the Commission. He stated the Lauer's have owned the 2 properties on County Line Road for the past few years. The main house on the one lot was in such poor condition, the Village condemned the building, and it was demolished. The other lot had a small concrete block house on it which remained. The Lauer's renovated the building years ago and are currently living in it. The owners would now like to build a new home on the other, currently vacant, lot.

In August of this year, he submitted a site development plan for a new house to the Village for review and comment. He stated Mr. Biggert wanted to have the

Village Engineer and Law Director also review and provide comments. The comments received were that the proposed 10' front setback was not enough and felt a 90' setback variance was too much for the BZA to consider. The recommendation was to slide the new house location further west, same location as previous house, or combine the lots and request a variance for locating an accessory structure in the front yard.

Mr. AuWerter reviewed the sequence of purchasing the two properties and when the house was demolished during that period. He asked Mr. Baylor how many options for the new house location were considered.

Mr. Baylor stated they had looked at different options but settled on the current house location based on the Engineers study and recommendations in dealing with the hillside slope. The Engineer has recommended the house should be located away from the top of the existing bank.

Mr. AuWerter suggested there might be a way to re-align the current boundary lines to create two smaller lots, with a house on each, and do it in such a way no variances would be needed.

Mr. Courtney suggested, while it might be worth considering, the severity of the existing slope and topography would make it extremely challenging to accomplish without some type of variance or variances.

Mr. Steinbrink explained his concern about the various options that might be available for consideration and wants to take care of what is decided. Over time, the Commission has come across previous decisions that are difficult to determine how they were made.

Mrs. Lauer stated they would like to remain living on the property for many years to come. The hope would be to use the detached structure to live in when they get older and have their children and grand children live in the main house or possibly have a caretaker or family live in the detached structure and remain living in the main house.

Mr. Hunt stated, if the Commission wants, a deed restriction could be written and put on the property that would allow two structures on one parcel and restrict how the detached structure is used.

Mr. AuWerter asked Mrs. Lauer if a deed restriction limiting the use of the detached structure would be acceptable.

Mrs. Lauer stated they would consider a deed restriction, but it would depend on the language. She would like more information to understand what it means.

Mr. Broome stated the Commissions goal is to only limit a future owner from renting the main house and the detached cottage for the purposes of income.

Mr. Steinbrink stated the Commission has approved similar requests with deed restrictions to limit how the property is to be used.

Mrs. Lauer stated they do not want another person or stranger living in the cottage structure. Their intent is for themselves or family only.

Mr. Baylor asked if the lot consolidation could be considered and approved at this meeting, then the deed restriction and variance can be considered at a later meeting.

Mr. Hunt indicated the approval of the lot consolidation does not necessarily mean the Board will approval the variance which would allow for a new house to be constructed on the same lot.

Mr. AuWerter stated he would not be comfortable approving a lot consolidation and then reviewing for approval a variance for allowing two structures on one lot at a later date.

Mr. Broome suggested the lot consolidation and variance appears to be the best option even though re-defining the current boundary lines is a challenging option.

The Commission recommended a draft deed restriction be prepared by Mr. Hunt for consideration by the homeowners.

After further discussion, a motion was made to defer the discussion until the November meeting.

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

Roll Call:        Ayes: All.  
                      Nays: None.

### **Motion Approved**

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

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

Roll Call:        Ayes: All.  
                      Nays: None.

### **Motion Approved**

5. A variance request to perform work within a protected riparian setback area for the **NOOK** residence at **7611 Old Mill Road** was heard. Notice has been provided to adjoining property owners.  
Charles Fazio, Architect was present.

Mr. Fazio reviewed the request for the Board. He stated the new garage had been at a previous meeting for a side yard setback variance which was approved. The current request is needed to build the new garage in the riparian setback. He also stated the existing garage and most of the existing main house is located within the protected riparian area.

Mr. Biggert indicated the proposed work is different from some of the previous requests of this type, in that the work is not being performed along the existing riverbank or in the water. The new garage is set back far enough no work will be necessary along the bank. He also stated, there is an existing easement area, approximately 10' wide, along the bank from an early bank restoration project. He recommended the area should be marked and a construction fence installed to protect this area.

Mr. Broome indicated the riparian area covers most of the existing property and permission should be granted.

After further discussion, a motion was made to approve the variance request as *noted* to allow the contractor to perform work within a protected riparian setback area for the purposes of building a new garage on the condition a 4' construction fence will be installed and maintained to protect the exiting streambank restoration work.

Motion by: S. Broome                      2<sup>nd</sup>: J. Deacon

Roll Call:     Ayes: All.  
                 Nays: None.

### **Motion Approved**

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

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

Roll Call:     Ayes: All.  
                 Nays: None.

### **Motion Approved**

7. A discussion of a proposed revision to Chapter 1173 Tree Cutting was held.

Refer to audio recording for additional detail.

There being no further business the meeting was adjourned at **6:04 P.M.**

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Craig Steinbrink, Chair



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David Biggert, Secretary

## **Gates Mills Fire Department**

### **October 2023 Fire Department Report**

DATE	NFIRS #	Address/Location	Description of Incident
10-02-23	2023-169	7111 Old Mill	Carbon Monoxide Alarm
10-03-23	2023-170	800 Meadowview Lane	Fire Alarm
10-04-23	2023-171	7036 Hillcrest Lane	Fire Alarm
10-05-23	2023-172	847 Chagrin-River Rd.	Public Service
10-06-23	2023-173	389 Timberidge Trail	Public Service
10-07-23	2023-174	7515 Twin Lakes	Mutual-Aid Fire--Russell
10-07-23	2023-175	7469 Sherman Rd.	Power Line Down
10-07-23	2023-176	1710 Woodstock Dr.	Fire Alarm
10-07-23	2023-177	1200 West Hill Drive	Fire Alarm
10-11-23	2023-178	1491 Chagrin -River Rd.	Fire Alarm
10-12-23	2023-179	1081 Chagrin-River Rd.	Power Line Down
10-14-23	2023-180	7571 Main Street	Carbon Monoxide Alarm
10-17-23	2023-181	7150 Old Mill Rd.	Fire Alarm
10-18-23	2023-182	6966 Mayfield Rd.	Fire Alarm
10-21-23	2023-183	1790 Woodstock Rd.	Fire Alarm
10-26-23	2023-184	1215 Fox Hill Drive	Fire Alarm

CURRENT MONTH TOTAL		2023 YEAR TO DATE	2022 YEAR TO DATE
G.M. FIRE	16	184	139
M.V. EMS	17	182*	150

\*credit 1 from September.

The October training topics were:

October 03, 2023 Review Carbon Monoxide forms, detectors. Review mutual-aid fire call with Russell and pumping operations from draft source. Review radio channels for Geauga County.

October 17, 2023 Drivers training including road course. Review preplans for department operations. Vehicle Checks 1411, 1412, 1413, and 1472. Flu shots from Hillcrest Hospital.

October 27, 2023 Community Halloween event, Night Operations, Public Education, Flow 1 ¾" handline, Tanker relay for onsite filling.

*Thomas Majeski, Fire Chief*

November 2, 2023





# Gates Mills Fire Department

Thomas Majeski, Fire Chief    Office: 440-423-1580    Fax: 440-423-2001

**2023-174: Saturday, October 7<sup>th</sup>, 2023**

**7515 Twin Lakes Trail Structure Fire - Mutual-Aid to Russell Fire Dept.**



1470 Chagrin River Road · Gates Mills · Ohio · 44040 9703



2nd Reading  
10/17/23

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 (\$1250.00) 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:

Number of Police

1

2

3

Number of Guests

under 100

100 to 149

150 or more

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

\*\*\*"

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

1<sup>st</sup> Reading 10/17/23

ORDINANCE NO. 2023-37

BY: COUNCILMEMBER AUWERTER

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

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

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

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

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

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

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

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

**"792.03 DEFINITIONS.**

\*\*\*

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

\*\*\*

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

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

The Tax Administrator for the Municipality is presently the ~~Central Collection Agency~~**Regional Income Tax Agency**.

\*\*\*

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

\*\*\*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

\*\*\*

#### **792.091 RETURN AND PAYMENT OF TAX.**

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

\*\*\*

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

\*\*\*

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

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

\*\*\*

#### **792.094 EXTENSION OF TIME TO FILE.**

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

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

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

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

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

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

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

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## **792.10 PENALTY, INTEREST, FEES, AND CHARGES.**

(A) As used in this section:

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

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

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

\*\*\*"

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

Section 3: This Ordinance shall take effect and be in force form and after the earliest period allowed by law.

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

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

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

ORDINANCE NO. 2023- 38

BY COUNCILMEMBER STEINBRINK

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

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

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

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

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

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

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

**"1377.05 REVISIONS.**

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

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

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

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

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

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

Section 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety, and general welfare of the public and property and for the further reason that there are currently existing conditions of dead, diseased and/or dying trees on private property that pose a threat any minute to the public health, safety, and general welfare of persons and property; therefore, provided it receives two-thirds of the vote of all members of Council elected thereto, this Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

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

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

ATTEST:

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Clerk

APPROVED:

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Mayor



**RESOLUTION NO. 2023 -41**

**BY COUNCILMEMBER AUWERTER**

**A RESOLUTION EXERCISING THE SECOND OPTION YEAR TO AN  
EXISTING CONTRACT WITH RUMPKE OF OHIO, INC., FOR SOLID  
WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES.**

WHEREAS, pursuant to a contract entered into between the Village of Gates Mills and Rumpke of Ohio, Inc. ("Rumpke") for solid waste collection, disposal and recycling services (the "Contract"), as authorized by this Council, which Contract commenced on January 1, 2020, and was effective through December 31, 2022, the Village reserved the sole and exclusive right to accept or reject one or both of two, one-year options to renew the Contract for a fourth and a fifth year;

WHEREAS, the original Contract between Rumpke and the Village was awarded pursuant to a public bidding process to the lowest and best bidder;

WHEREAS, this Council, by Resolution No. 2022-32, passed October 11, 2022, exercised and accepted the first option to renew the Contract for a fourth year, effective through December 31, 2023;

WHEREAS, after due consideration, this Council desires to exercise the second and final option to renew said Contract for a fifth year in the amounts set forth in Rumpke's Proposal for Refuse Collection, Disposal and Recycling Services made part of the Contract (attached hereto as Exhibit A).

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

Section 1: The Village of Gates Mills hereby exercises the second option year provided in that certain Contract entered into between Rumpke of Ohio, Inc., and the Village, which was authorized by this Council, in the amounts set forth on the Proposal of Rumpke made a part of the Contract and attached hereto as Exhibit A. Pursuant to said Contract, the second option year shall commence on January 1, 2024, and be in effect through December 31, 2024, in accordance with all of the terms and specifications in the Contract.

Section 2: Pursuant to the Contract, Rumpke is required to furnish a performance bond as security for the performance of the Contract and shall renew its current bond or supply to the Village a new performance bond prior to January 1, 2024.

Section 3: The Service Director is directed to forthwith cause a copy of this Resolution to be delivered to Rumpke of Ohio, Inc.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and

that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

## EXHIBIT A

### PROPOSAL FOR REFUSE COLLECTION, DISPOSAL AND RECYCLING SERVICES

The undersigned, RUMPKI OF OHIO, INC. hereby proposes to provide refuse collection, disposal and recycling services in accordance with the 2019 Gates Mills Specifications for Refuse Collection, Disposal and Recycling Services for the following prices stated for weekly and bi-weekly collections:

#### *collected Weekly*

FIRST YEAR	SECOND YEAR	THIRD YEAR
\$29.18 Per Residential Unit Per Month	\$29.91 Per Residential Unit Per Month	\$30.66 Per Residential Unit Per Month
FOURTH YEAR (at the option of the Village)	FIFTH YEAR (at the option of the Village)	
\$31.42 Per Residential Unit Per Month	\$32.21 Per Residential Unit Per Month	

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#### *collected Bi-weekly*

FIRST YEAR	SECOND YEAR	THIRD YEAR
\$21.64 Per Residential Unit Per Month	\$22.18 Per Residential Unit Per Month	\$22.74 Per Residential Unit Per Month
FOURTH YEAR (at the option of the Village)	FIFTH YEAR (at the option of the Village)	
\$23.30 Per Residential Unit Per Month	\$23.89 Per Residential Unit Per Month	

A \$5,000 bid security furnished Bond form issued by a Surety Company or by a Corporation licensed in the State of Ohio to provide said surety is attached hereto to guarantee that if the proposal is accepted, the contract will be entered into. The undersigned acknowledges that it has read the 2019 Gates Mills Specifications for Refuse Collection, Disposal and Recycling Services and understands them fully.

The undersigned agrees to sign a contract and provide an executed Performance Bond accompanied by a proper power of attorney within ten (10) days after being notified by the Village of Gates Mills that it is being awarded the contract. The above-referenced contract and bond shall be made on the forms attached to the 2019 Gates Mills Specifications for Refuse Collection, Disposal and Recycling Services.

Drafting proposal 2019

**ORDINANCE NO. 2023-42**

**BY COUNCILMEMBER TURNER**

**AN ORDINANCE TO INCREASE THE COMPENSATION  
OF CERTAIN VILLAGE EMPLOYEES; AND DECLARING AN EMERGENCY.**

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

SECTION 1. Sections 1 through 13, inclusive, of Ordinance No. 1293 be, and the same hereby are, amended so that the same shall hereafter read as follows, to wit:

“Section 1. All elected officials shall serve without compensation.

Section 2. The following compensation is established for appointed employees of the Village, effective December 24, 2023:

Finance Administrator	102,289.20	per year
Asst. Tax Administrator	6,510.40	per year
Village Engineer	30,900.00	per year
Temporary part-time help	11.25 – 26.88	per hour
Community House Manager	33.41	per hour
Community House Custodian	28.82	per hour
Police and Town Hall Coordinator	21.06-25.74	per hour

Section 3. The following compensation is established for members of the Police Department of the Village, effective December 24, 2023:

Chief	93,640-108,799.60	per year
Executive Lieutenant	96,706.48	per year
Sergeants	92,883.70	per year
Detective	86,568.30	per year
Patrolman, First Class	85,173.92	per year
Patrolman, Second Class	78,280.02	per year
Patrolman, Third Class	71,815.64	per year
Patrolman, Auxiliary	23.13	per hour
Patrolman, Part-Time	25.62 – 32.01	per hour

All part-time police officers who work in addition to their regular shift, shall receive overtime compensation for such extra work at the rate of time-and-a-half for all time worked in excess of forty (40) hours in any one-week period. The full-time police officers who work in addition to their regular shift, shall receive overtime compensation for such extra work at the rate of time-and-a-half for all time worked in excess of eighty (80) hours in any two-week period. For all regular members of the Police Department, except the Chief, paid holidays and vacation days shall be counted as time worked, for the purpose of calculating overtime compensation. Sick time, compensatory time used, and unpaid administrative leave shall not be counted as time worked, for the purpose of calculating overtime compensation.

Starting January 1, 1995, employees entitled to overtime compensation may choose to take compensatory time in lieu thereof at the rate of one and one-half times the amount actually worked. The method of payment must be selected by the last day of the pay period in which the additional time was worked.

Compensatory time shall be granted at the discretion of the department supervisor and shall not interfere with the efficient operation of any department.

Accumulated compensatory time shall be limited to eighty (80) hours. In the event an employee works overtime when the employee's "compensatory time bank" is at eighty (80) hours, he or she shall be paid for such overtime. Employees shall have the option of cashing out up to forty (40) hours of compensatory time at the end of each calendar year. When the employee is terminated or changes employment, any unused time in the employee's compensatory time bank will be paid.

Section 4. The following compensation is established for members of the Volunteer Fire Department of the Village, effective December 24, 2023:

Fire Chief/Emergency Coordinator	49,920.00	per year
Assistant Fire Chief	9,609.08	per year
Fire Captain	8,682.44	per year
Fire Lieutenant 1	3,109.60	per year
Fire Lieutenant	2,147.34	per year
Education Officer (Asst Chief or Teacher/trainer)	33.14	per hour
All Officers except Fire Chief		
Per drill (2 ½ hour Training Event)	45.30	per event
Each building or auto fire (if flame)	47.24	per hour
Each field fire or emergency (no flame)	35.73	per hour
Firemen		
Per drill (2 ½ hour Training Event)	45.30	per event
Each building or auto fire (if flame)	36.77	per hour
Each field fire or emergency (no flame)	22.01	per hour
Attendance at school (not in Gates Mills)	22.57	per hour
Special Duty for bad storm or event (stay at station)	30.37	per hour
Fire Hydrant Flushing	16.75	per hour

Section 5. The following compensation is hereby established for the members of the Service Department of the Village, effective December 24, 2023:

Service Director/Building Official/ Building Inspector	108,799.60	per year
Service Manager	39.11	per hour
Assistant Service Manager	36.23	per hour
Laborers, First Class	33.41	per hour
Laborers, Second Class	28.82	per hour
Laborers, Third Class	23.41	per hour
Laborers, Temporary	12.20 – 23.45	per hour

Section 6. Each full-time employee of Gates Mills shall receive a leave of absence from regular duties without loss of pay for time away while serving on jury duty, for a period not to exceed thirty-one (31) days in a calendar year. Each full-time hourly rate employee of the Service Department shall receive overtime compensation at the rate of time-and-a-half for all time worked in excess of forty (40) hours per week. Paid holidays and vacation days shall be counted as time worked, for the purpose of calculating overtime compensation. Sick time, compensatory time used, and unpaid administrative leave shall not be counted as time worked, for the purpose of calculating overtime compensation.

Starting January 1, 1995, employees entitled to overtime compensation may choose to take compensatory time at the rate of one and one-half times the amount actually worked. The method of payment must be selected by the last day of the pay period in which the additional time was worked.

Compensatory time shall be granted at the discretion of the department supervisor and shall not interfere with the efficient operation of any department.

Accumulated compensatory time shall be limited to eighty (80) hours. In the event an employee works overtime when the employee's "compensatory time bank" is at eighty (80) hours, he or she shall be paid for such overtime. Employees shall have the option of cashing out up to forty (40) hours of compensatory time at the end of each calendar year. When the employee is terminated or changes employment, any unused time in the employee's compensatory time bank will be paid.

Section 7. For the purpose of this Ordinance, a year shall consist of a period of fifty-two consecutive weeks. Effective December 28, 2008, a full-time employee is one who works more than 5 months a year, and at least 30 hours a week.

Section 8. Vacations.

(a) Each full-time employee of the Village, whether paid a salary or on an hourly basis, shall be entitled to ten (10) work days vacation with pay during each calendar year on a non-cumulative basis after a deferral of one (1) year of continuous full-time employment with the Village. Each full-time employee who has completed five (5) years of continuous full-time employment with the Village shall be entitled to fifteen (15) work days vacation with pay during each calendar year on a non-cumulative basis. Each full-time employee who has completed fifteen (15) years of continuous full-time employment with the Village shall be entitled to twenty (20) work days vacation with pay during each calendar year on a non-cumulative basis. Vacation time shall be granted at the discretion and approval of the department head or the department head's designee. This Section shall take effect and be in force from and after January 1, 1994.

(b) Subject to the deferral period of one year in subsection (a) of this section, each full-time employee who is re-employed by the Village is entitled to have the employee's prior, full-time employment with the Village counted in determining his or her accrued vacation benefits. An employee's prior service with the State of Ohio or another political subdivision shall not be considered for purposes of accrual vacation time unless the

employee was initially employed with the Village, the State of Ohio, or another political subdivision of this State prior to July 5, 1987.

Section 9. Sick Leave.

(a) Each full time employee of the Village of Gates Mills, whether paid a salary or on an hourly basis, shall be entitled to accumulate sick leave at the rate of 4.62 hours per pay period. An employee is eligible to use accumulated sick leave after being employed for four (4) months.

(b) Sick leave is defined as leave with pay granted to a full time employee who is necessarily absent from duty due to illness or injury which renders such employee unable to perform regular duties or any other duties which might be assigned by such employee's supervisor or responsible administrative officer, exposure to contagious disease which could be communicated to other employees, and to illness in the employee's immediate family (spouse, child, parent, brother, sister or any person who is a member of the employee's household).

(c) Sick leave may be used for doctor/dentist appointments.

(d) The employee's supervisor or other responsible administrative officer has the option to request a report from a doctor or hospital if any sick time is reported. An employee who is absent for five (5) or more consecutive days or who is admitted to a hospital, shall submit a doctor's report to such employee's supervisor or other responsible administrative officer, upon returning to work. In the event of a death in an employee's family (spouse, child, parent, brother, sister or any person who is a member of the employee's household, in-laws, and grandparents), such employee may utilize no more than three (3) days of sick leave if the services are local, nor more than five (5) days of sick leave if the services are held more than 300 miles from Gates Mills, and evidence of the distance traveled shall be submitted to such employee's supervisor or other responsible administrative officer, upon returning to work.

(e) Sick leave shall be granted to an employee only with the approval of such employee's supervisor or responsible administrative officer, upon reasonable notice but not less than one (1) hour prior to the time such employee would normally report for duty. The supervisor or responsible administrative officer may require a doctor's certificate or other written evidence that such employee is eligible and qualified to receive sick leave pay under this Section.

(f) An employee may not accumulate more than 120 days of sick leave by the end of any calendar year. For every five (5) days of sick leave which would have been accumulated in excess of 120 days, one (1) day of additional vacation will be granted to such employee during the following calendar year.

(g) An employee having accumulated fifty (50) or more days of sick leave shall be entitled to receive a lump sum payment of one (1) day's pay for every three (3) days of accumulated sick leave upon termination of employment by death or by retirement under any official retirement program applicable to full time Village employees in effect at the time

of such termination. If the employee moves from full-time to part-time, the sick leave balance will be held until the employee dies or retires.

Section 10. Holidays. There shall be eleven (11) Village holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and five nameless days, which shall be floating holidays to be selected by each full-time employee of the Village of Gates Mills with the approval of such employee's department head or the Mayor, without regard to whether such day is an official holiday or not. Each full-time hourly-rate employee shall receive a regular day's pay for each Village holiday during the continuation of employment, whether such employee works on such holiday or not. Each full-time employee, except the Police Chief, Fire Chief, Service Director, Finance Administrator, and Building Inspector, whether salaried or paid hourly, who is required to work on a Village holiday, shall receive a regular day's pay for such work in addition to any other compensation such employee may be entitled to receive. Sick time shall not be counted as time worked, for the purpose of calculating overtime compensation for the holiday. All holidays shall be taken during the calendar year of entitlement and shall not accumulate from year to year. Holiday time shall be granted at the discretion and approval of the department head or the department head's designee. This Section shall take effect and be in force from and after January 1, 1994.

Section 11. All full-time employees of the Village of Gates Mills shall receive longevity pay in the form of additional compensation for continuous, full-time service to the Village, as follows:

- a. \$500 after 5 years of service
- b. \$1,000 after 10 years of service
- c. \$1,250 after 15 years of service
- d. \$1,500 after 20 years of service

This additional compensation shall be paid on the second pay date of the anniversary month. If the employee terminates before the anniversary month, the additional compensation for that year will be forfeited.

Section 12. Effective December 24, 2023 employees shall be eligible to receive annual pay incentives. The amounts paid are allocated based on job evaluations by the Police Chief, Fire Chief, Service Director and Mayor as follows:

- a. \$7,000 for the Police Department, with no more than 25% to any employee
- b. \$5,000 for the Fire Department, \$500 to be paid to each service department employee who is a member of the volunteer fire department
- c. \$5,500 for the Service Department, with no more than 25% to any employee
- d. \$4,000 for the Department Heads (Police Chief, Fire Chief, Service Director, Finance Administrator), with no more than 50% to any employee

These additional incentive compensations shall be paid in November or December of each year.

Section 13. Effective December 28, 2008, each employee of the Village who works more than five (5) months a year, and at least thirty (30) hours per week, whether paid a



salary or on an hourly basis is eligible to participate in the Village-sponsored health insurance program. Those eligible who elect to participate shall contribute to the cost of such program at the rate of six percent (6%) of the health insurance premiums paid.”

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

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

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

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

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 2023-43**

**BY COUNCILMEMBER TURNER**

**AN ORDINANCE AUTHORIZING A CONTRACT WITH AETNA HEALTH CARE TO FURNISH AND PROVIDE HOSPITALIZATION AND HEALTH CARE COVERAGE FOR VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY**

WHEREAS, in the opinion of this Council, the statutory requirements of legal advertising and sealed bids would not produce a lower or better bid than the bid of Aetna Health Care and, therefore, in this instance, the applicable statutory requirements should be waived.

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

SECTION 1. Pursuant to the authority vested in this Council by Article III, Section 8 of the Charter of Gates Mills, it is hereby determined that the statutory procedures and requirements for the advertising and acceptance of bids, the awarding of contracts, and the expenditure of funds pursuant thereto shall not apply to the contract hereinafter authorized.

SECTION 2. The insurance proposal submitted by Aetna Health Care to furnish and provide hospitalization and health care insurance coverage for Village employees, pursuant to the OH OAMC 1000 80/50 with drug health plan as set forth in said proposal be, and the same hereby is, accepted.

SECTION 3. The Mayor and other proper officers of the Village be, and they are hereby, authorized and directed to do all things necessary and appropriate to enter into and implement the proposal and contract incident thereto, upon the terms and conditions thereof and this Ordinance.

SECTION 4. This Ordinance is hereby declared to be an Emergency Ordinance necessary for the immediate preservation of the public health, safety, convenience and welfare for the reason to be effective by the January 1, 2024 start date for the insurance; therefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

ATTEST:

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

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 2023-44**

**BY COUNCILMEMBER TURNER**

**AN ORDINANCE AUTHORIZING A CONTRACT WITH  
DELTA DENTAL TO PROVIDE DENTAL  
INSURANCE COVERAGE FOR VILLAGE  
EMPLOYEES AND DECLARING AN EMERGENCY**

WHEREAS, in the opinion of this Council, the statutory requirements of legal advertising and sealed bids would not produce a lower or better bid than the bid of Delta Dental and, therefore, in this instance, the applicable statutory requirements should be waived.

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

SECTION 1. Pursuant to the authority vested in this Council by Article III, Section 8 of the Charter of Gates Mills, it is hereby determined that the statutory procedures and requirements for the advertising and acceptance of bids, the awarding of contracts, and the expenditure of funds pursuant thereto shall not apply to the contract hereinafter authorized.

SECTION 2. The insurance proposal submitted by Delta Dental to furnish and provide dental care insurance coverage for Village employees, pursuant to the Delta Dental PPO plan as set forth in said proposal be, and the same hereby is, accepted.

SECTION 3. The Mayor and other proper officers of the Village be, and they are hereby, authorized and directed to do all things necessary and appropriate to enter into and implement the proposal and contract incident thereto, upon the terms and conditions thereof and this Ordinance.

SECTION 4. This Ordinance is hereby declared to be an Emergency Ordinance necessary for the immediate preservation of the public health, safety, convenience and welfare for the reason to be effective by the January 1, 2024 start date for the insurance; therefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

ATTEST:

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

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 2023 - 45**

**BY COUNCILMEMBER TURNER**

**AN ORDINANCE DECLARING THE VILLAGE'S INTENTION TO ENTER  
INTO A HEALTH REIMBURSEMENT ACCOUNT FOR 2024; AND DECLARING AN  
EMERGENCY**

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

SECTION 1. That the Village declares its intention to enter into a Health Reimbursement Account ("HRA") for 2024 which will reimburse employees one-half of their eligible out-of-pocket medical expenses, per calendar year, up to \$1,750 if they have single coverage or up to \$3,500 if they have two-person or family coverage under the group health plan offered by the Village. (For purposes of illustration only: if an individual pays \$500 in eligible medical expenses, that person will be reimbursed \$250; if a family pays \$4,000, it will be reimbursed \$2,000.)

SECTION 2. The HRA shall only reimburse employees for eligible expenses, defined as co-payments, co-insurance, and deductibles incurred by the employee or the employee's family members who are currently enrolled in the Village's group health plan. Any eligible expenses incurred prior to enrollment or after the employee ceases to be enrolled in the HRA are ineligible for reimbursement. All eligible expenses must be submitted for reimbursement within one year of the eligible expense being incurred and prior to termination of employment. Upon termination of employment, any amounts remaining are forfeited. An employee shall be reimbursed for eligible expenses within a reasonable time after the eligible expense has been submitted to the HRA administrator. An employee may permanently opt out of enrollment in the HRA and waive future reimbursements from the HRA at any time by providing written notice to the HRA administrator.

SECTION 3. The group health plan offered by the Village in 2024 shall be Aetna Health Care's OH OAMC 1000 80/50 plan.

SECTION 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the Village and its employees in order to provide available healthcare coverage to eligible Village employees and the means to cover the cost of such without an interruption in coverage; 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 the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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

ATTEST:

\_\_\_\_\_  
Clerk

APPROVED:

\_\_\_\_\_  
Mayor