

**VILLAGE OF GATES MILLS**  
**REVISED COUNCIL AGENDA**  
**OCTOBER 17, 2023**  
**5:30 p.m.**

**COMMUNITY HOUSE, 1460 CHAGRIN RIVER ROAD**

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

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

16. **Resolution NO. 2023-40 (First Reading)**

AuWerter.

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.

17. Council Matters.

18. Business from the Audience.

19. Adjourn.

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

**RESOLUTION NO. 2023-40**

**BY COUNCILMEMBER AuWERTER**

**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.**

**WHEREAS, the Village owns the property known as 1501 Chagrin River Road, Gates Mills, Ohio, 44040 (the "Property");**

**WHEREAS, on July 14, 2015, by Resolution No. 2015- 18 this Council authorized an Amended and Restated Lease for portions of the Property with Gavi's River, LLC ("Gavi's") for general restaurant-related uses, the term of which commenced August 1, 2015, and runs through July 31, 2025 (the "Lease");**

**WHEREAS, Gavi's wishes to renovate the Burton Court area of the Property for the continued use for event purposes by replacing the flooring, re-painting/decorating the walls, and improving the lighting of the space (the "Renovations");**

**WHEREAS, Gavi's has offered to contract with a responsible contractor(s) to perform the Renovations and to front the entire the cost of the Renovations, estimated to be approximately \$50,000, under the following additional terms:**

- 1. The Village Mayor, in consultation with the Village Director of Service, shall have the right to approve the Renovations, which approval shall not be unreasonably delayed or withheld;**
- 2. Gavi's shall supply proof of the final total cost of the Renovations which cost shall be ascertained by the Mayor;**
- 3. A \$150 user fee will be charged by the Village for events held at Burton Court which fees shall be kept by Gavi's River, LLC up to the cumulative amount of \$25,000 or 50% of the total cost of the Renovations, whichever is the lesser amount, and Gavi's shall deliver a monthly report of the prior month's user fees to the Village's Finance Administrator;**
- 4. In the event that the Lease terminates prior to the \$150 user fees totaling the cumulative amount of \$25,000 or 50% of the total cost of the Renovations, whichever is the lesser amount, the Village shall pay the balance of the then unreimbursed amount toward the \$25,000 or 50% of the total cost of the Renovations, whichever is the lesser amount;**
- 5. After the Village's reimbursement obligation to Gavi's as set forth in paragraphs 3 and 4 above is met, the Village shall then have the sole discretion to charge whatever amount of fee it chooses for the use of Burton Court for events by third parties; and**

6. The Village retains its right to use Burton Court for Village-sponsored events free of charge.

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

Section 1. The Mayor and the Clerk are authorized to enter into an agreement with Gavi's River, LLC, under the terms as set forth in the recitals of this Resolution, which agreement shall be approved as to legal form and correctness by the Village Law Director.

Section 2. The actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements, including Ohio R.C. 121.22.

Section 3. This Resolution is declared to be an emergency measure, which is immediately necessary for the general public welfare; such necessity existing for the further reason that it is necessary for the renovations to Burton Court and the revised fees for its use be commenced as soon as possible in anticipation of the increased use of the facility during the upcoming holiday season and so that it renovations may commence as quickly as possible given contractor construction schedules at this time; 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