

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
November 21, 2023

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, November 21, 2023, at 5:30 p.m. with Mayor Schneider presiding. The meeting was livestreamed to the internet.

1. Roll Call starts at 3:53

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

Other Village officials present were Treasurer Siemborski, Police Chief Minichello, Assistant Fire Chief Jamieson, Fire Captain Feig, Finance Administrator Mulh, Village Engineer Courtney, and Law Director Hunt.

Councilmember Turner moved to have Finance Director Mulh act as Clerk Pro Tem in Clerk DeCapite's absence and Councilmember Press seconded the motion.

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

Nays: None

Motion carried.

2. Minutes of the Regular Council meeting of October 17, 2023 starts at 4:30

Councilmember Atton requested by email on November 19 the addition of "MCS was ranked 16th out of 31 districts in Cuyahoga County in terms of achievement, unchanged from a year ago" immediately before "Councilmember Turner added achievement is one of six (actually five) variables that are considered in the overall rating" on Page 2. Councilmember Steinbrink stated he had no problem if that was said (it was said), but he was not in favor of ad hoc changes to the minutes.

Mayor Schneider stated a separate email received November 20 from Councilmember Atton can be added to this month's minutes. It cannot be added to the October 17th minutes because it wasn't discussed. Said email is attached.

Councilmember Press moved to approve the October 17, 2023 minutes as amended and Councilmember Atton seconded the motion.

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

Nays: None

Motion carried.

3. Pay Ordinance # 1279 \$636,740.05 starts at 6:00

Councilmember Press moved to approve Pay Ordinance #1279 and Councilmember Steinbrink seconded the motion.

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

Nays: None
Motion carried.

4. Introduction - Maryanne Haller, Gates Mills Library Manager starts at 6:30

5. Amber Greenleaf, RITA, Summary of HB33 tax code amendments starts at 9:18

House Bill 33, the General Assembly's budget bill, made some changes that we are required to implement in our ordinances (see Ordinance No. 2023-37). Those changes and the services performed by RITA as tax administrator for the Village of Gates Mills were discussed by Amber Greenleaf, General Counsel of RITA.

6. Charter Review Commission Report attached and starts at 38:42

Shawn Riley summarized four possible substantive changes to the Charter - the authority of Council to change zoning, the authority of Council to alter the income tax credit, enlarging the powers of the President Pro Tem of Council, and reducing the size of Council - and then mechanical changes (Exhibit 3) which were for the most part cleanup suggested by our Law Director to make the Charter consistent with state law or other provisions of the Charter.

Mr. Riley reported the Committee recommended, if Council is considering a change to the zoning code, holding a public meeting at which residents would be able to weigh in on the changes and then it would proceed after that on its own. If after a zoning change is made by Council, a group of citizens were able to gather signatures from 10% of the voters, they could propose an initiative to repeal the zoning change.

Mr. Riley reported the Committee considered the other three substantive changes, but they are not being recommended by the Committee. The Committee recommends that the Charter be revised to reflect the mechanical changes identified in Exhibit 3.

At 43:46 Councilmember Press, a member of the Committee, presented the minority report in this matter. Councilmember Deacon, also a member of the Committee, advised of the difficulty and inability to provide a definition for "significant" zoning change. Much discussion ensued. Councilmember Turner asked what our next step with regard to this report is and Law Director Hunt replied Council has authority to put anything on the ballot. A special election costs money. A general election does not.

6.5. Dan Troy, State Representative, 23rd District update starts at 59:30

Mayor Schneider inserted this item in the agenda and introduced State Representative Troy. He discussed redistricting, the current business friendly legislature, the significant continued investment in H2Ohio through HB33, the upcoming property tax reform study, and the condition of Route 322 as well as who holds responsibility - ODOT or the Village.

7. Financial Statement/Treasurer's Report attached and starts at 1:08:38

Treasurer Siemborski made two comments before reading his report. One, for the first time we have some speeding camera enforcement revenue. Secondly, our municipal income tax numbers came in strong in November (\$250,000), are not reflected in the October report numbers, and will help get us back where we wanted to be (probably \$2,100,000 or maybe \$2,200,000 for the year)

At 1:15:25 Councilmember Press asked if the net traffic camera revenue of \$62,000 allowed for collectability and Treasurer Siemborski replied \$62,000 is what we have received so far. Councilmember Steinbrink asked if any consideration was given to putting the expenses for the cameras under Administrative and not under Police because it adds 10% of the police depts. budget. Treasurer Siemborski answered he would give that some thought. We also don't want Administrative cost to look high, we can look at other communities to see how they are reporting it, and the auditor of state might have a point of view. Councilmembers Atton and AuWerter both commented on the need for net traffic camera revenue to be detailed in one spot, not three, perhaps using a footnote.

8. Mayor's Report starts at 1:19:00

- Thank you, Gates Mills Community and Garden Clubs, for the service luncheon held early November, a lovely event every year.
- Read a thank you note from past Fire Chief Robinson to the Mayor and Council for his retirement party and Yeti cooler.
- Introduced resident Dan Kish who generously proposed to donate the back of his Battles Rd. property and his home to the Village for a cemetery. He also is working with Law Director Hunt and his personal attorney to gift his home contents to the Gates Mills Historical Society. His wife Mary Ann, deceased, would be very proud.
- Appointment of Megan Perez to be Co-Chair of the Mayfield School System Liaison Committee, replacing Jim Stafford.

Councilmember Turner moved to approve the appointment to the Mayfield School System Liaison Committee, with Councilmember Steinbrink seconding the motion.

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

Nays: None

Motion carried.

9. Clerk's Report - None - Clerk not in attendance

10. Committee Reports

At 1:26:35 Councilmember Turner read a memo from resident and past Councilmember Larry Frankel: The Community Menorah Lighting will be on Thursday, December 7th at 5:30 p.m. It's the first night of Hanukkah. This is a community event, and all Villagers are welcome to attend. Following the lighting ceremony refreshments will be available - traditional potato pancakes, latkes, and warm beverages - served at Burton Court by Sara's. This is a great opportunity to show community support during these times of hatred.

Cell Tower Update (Councilmember AuWerter) starts at 1:27:28

- The actual tower has been erected on the Gilmour campus. It's expected that Verizon will have their equipment up and go live maybe in January, probably February. Next carrier is expected shortly thereafter.

Fiber Optic/Broadband Committee (Councilmember Deacon) starts at 1:28:00

- Having contacted Hunting Valley (HV) after the Broadband workshop, Councilmember Deacon was told by Brian Coughlin that HV could not share details of their arrangement with Ohio Gig at this time, the matter has not gone to Council, and they are still negotiating. It's probably going to Council either in December or January. We have to wait 30 - 60 days before HV can have a discussion with us around that relationship. We might want to approach Ohio Gig directly.
- Treasurer Siemborski added a proposal was just received from Reid Consulting covering the additional work requested at the workshop. This proposal will be passed on to Councilmember Deacon and Chairperson Whitney, and we may delay or ask Reid to do something differently.
- Councilmember Deacon also learned from Brian Coughlin that HV did not go to a formal RFP process because it's expensive. She requested Law Director Hunt to guide us through the rules. He advised it starts with a RFQ and then you choose whom you feel will do the best work and negotiate with them. It is required in certain circumstances. It should go to competitive bid if it's going to be over \$75,000. Specifications need to be put together to go out for a competitive bid.
- Councilmember Press added HV is not actually spending any money; however, HV is guaranteeing some debt. HV talked with at least three entities - the finalists were Lit Communities and Spectrum and then they ended up going with the third party.
- Treasurer Siemborski stated we left the workshop anticipating that we would do something quickly with HV and that's probably six weeks to two months off.

Wage and Benefit Committee/Insurance Sub-Committee/Finance and Budget Committee (Treasurer Siemborski) starts at 1:32:05

- Wage and Benefit Committee met on November 9 and looked at Health, Dental, and Life Insurance renewals. Ordinances covering these items will be presented later tonight for Council approval. Wage and Benefit Committee proposed an overall wage increase of 3.25% for 2024 - close to neighboring communities and to CPI indicators of 3.00% to 3.50%. The top three levels of the Fire Dept will remain unchanged as they were adjusted in September with the Fire Chief transition.
- Finance and Budget Committee met on November 8 and focused primarily on gross revenues. We spent a fair amount of time talking about traffic cameras and how early it is in the process to determine a set of figures. The Committee encouraged conservatism, so in the second set of budget numbers we lowered the revenue and expenses to an even more conservative level. We talked about our investment policy. There were some specific questions that will need to get reworked into the investment policy statement. In the expenditure category, \$25,000 was suggested as a placeholder for necessary

improvements to our tennis and pickleball courts. Another \$25,000 placeholder was suggested to begin looking at what we can do with senior services here in the Village. Both were elements of the Comprehensive Plan.

- Finance and Budget Committee had a follow up meeting on November 15 and focused primarily on expenses, including the 3.25% wage increase. All department heads (Fire, Police, Admin) attended, and we worked through their budgets and suggestions. Overall, the Committee members felt comfortable. The 3.25% wage increase numbers are reflected in the appropriation ordinance before Council tonight for approval. We did have some more work to do on the overall budget and agreed to come back together in the next week or two, refine the numbers prior to the December Council meeting and also finalize the investment policy statement. We will update our long-range plan numbers once we have the budget approved.

Gates Mills Land Conservancy (Councilmember Turner) starts at 1:36:32

- Annual Meeting is Monday, December 4 at 6:00 p.m. at the Community House. There will be a speaker, refreshments, and the election of new officers. Please join us.
- Prompted by a question from Councilmember Press about the public access issue, although premature, Councilmember Turner explained that the Land Conservancy is going through the renewal process for its authorization through the Land Trust Alliance. The position of the Land Conservancy has been and continues to be that its properties are restricted from access. They are looking for a way to strengthen those restrictions, but at the same time take into consideration the two properties that have been publicly accessed over time - properties that Villagers have contributed to over the years through their levy taxes and should continue to enjoy. Discussion of implementation and communication at the last Land Conservancy Board Meeting is what Councilmember Press was referring to.

11. Police Department Report attached and starts at 1:39:15

12. Service Department Report attached and starts at 1:39:40

In Service Director Biggert's absence, Village Engineer Courtney expounded on State Representative Troy's mention of State Route 322. There are a few bumps, primarily where the concrete joints are reflecting through the asphalt. Mayfield Road was resurfaced about 5 years ago and we spent about \$2,000,000 - we removed the asphalt curbs and replaced them with concrete curbs, replaced all the storm sewer crossovers, and resurfaced the entire road from one end of the Village to the other. Last year we completed the safety upgrade at the intersection of Mayfield and River Roads with new signals and offset the turn lanes for upwards of \$500,000. You can expect Mayfield Road to be on target for resurfacing again in about 5 more years. Around 2028. That will move forward or backward depending on the condition of the road and how funding works through ODOT.

For this year's road program, the wholesale resurfacing of Chestnut, Hawthorne Farms and Blackberry has been completed with some road edge cleanup to do. This was one of those projects where we had the potential to have higher than anticipated costs and get into our contingency allowance depending on the condition of the road.

Once we milled the asphalt off, there were no surprises. Those three roads came in about \$60,000 under budget if you include the contingency money. Yay!

About ten catch basins were rehabilitated on Old Mill coming down the hill from west to east.

We have some drainage work to be completed on SOM Center Road between the circle and the driveway to Gilmour. Also a variety of patching should be taking place in the next two weeks - Gates Mills Blvd., Mayfield Rd., West Hill between Mayfield and Gates Roads, Gates Road from West Hill around to Mayfield Rd.

The Hillcreek culvert headwall extension - the headwall has been poured and is currently curing. Next week they'll be backfilling it and doing all the cleanup. All infrastructure work is expected to be complete within the next two weeks at which time Village Engineer Courtney will start pestering contractors to submit bills asap in order for Finance Administrator Mulh to make payment and everything can be accounted for properly in 2023.

The Mayfield Road culvert project is out to bid. We will be opening bids next Friday. We'll review them and have a recommendation for Council at the December meeting and be able to move forward quickly in 2024.

13. Fire Department Report attached and starts at 1:43:15

In the absence of Fire Chief Majeski, Assistant Fire Chief Jamieson wanted to draw attention to the significant residential structure fire pictured in the report. Russell Township Fire Dept called upon GMFD, as part of the regional mutual aid box alarm system, on October 7 and GMFD responded with a crew of six that assisted for 12 hours in both fire attack and water supply drafting from the pond across the street. Three firefighters here in the Village responded to another call. He is proud of the efforts of the entire crew.

Regarding Councilmember Turner's earlier EMS trend question, Assistant Fire Chief Jamieson responded there has been a steady increase in the need for EMS throughout the region, not just here in Gates Mills, in communities that have assisted living or medical type facilities as well as communities that are completely residential. He suggests the primary reason is aging people who want to stay at home longer. Additional assistance that comes to the home and close availability of health care allow people to age in place, and the reliance on EMS grows. Significant storm events cause spikes in EMS calls.

14. Ordinance No. 2023-30 (Third Reading) starts at 1:47:55

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.

Councilmember Press asked why the language of the ordinance was not modified to reflect security is required only in the event alcohol is served. Mayor

Schneider and Police Chief Minichello responded other variables including number of people, Community House staff recommendations, and parking, on a case by case basis.

Councilmember Steinbrink moved to approve Ordinance No. 2023-30 with Councilmember Turner seconding the motion.

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

15. Ordinance No. 2023-37 (Second Reading) starts at 1:50:48

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.

Councilmember AuWerter asked Law Director Hunt what bearing the timing of the approval had on the deadline. The reply was if the ordinance is placed on third reading in December, an emergency clause will need to be added so that it will be in effect before January 1, 2024. If it is passed this evening, we have the 30-day period for it to go into effect before January 1.

Prompted by a memo from Chuck Spear, Councilmember AuWerter stated our Code is written from Ohio Municipal League language while it is RITA language that we are attaching. Law Director Hunt replied it’s not really RITA language, it’s Ohio General Assembly language that we have to put in. RITA was good enough to put language together for us so that it made it easier to be inserted where it needed to be inserted regardless of which model code was used. Councilmember AuWerter asked if it was worth reviewing our tax code for consistency over time, and the reply was no, there have been no complaints about understanding or administering the tax code. The only issue that ever came up was the SERP issue and that was resolved by the General Assembly in 2020 and being revised here.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-37 be placed upon its final passage. Councilmember Press seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Ordinance No. 2023-37 with Councilmember Press seconding the motion.

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

16. Ordinance No. 2023-38 -Amended (Second Reading) starts at 1:55:07

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. The revised version included the comments from the first reading and the changes were detailed by Law Director Hunt.

Councilmember Atton stated the modifications seemed to be aimed at safety and he is concerned that the underlying document doesn’t take care of the environment in a way that it probably should and that might apply to a number of ordinances we have. Ordinance No. 2023-38 will be placed on second reading.

17. Resolution No. 2023-41 (First Reading) starts at 2:00:22

Resolution No. 2023-41 “A Resolution Exercising the Second Option Year to an Existing Contract with Rumpke of Ohio, Inc. for Solid Waste Collection, Disposal and Recycling Services” was read by Councilmember AuWerter. The option year commences January 1, 2024 at predetermined rates. This is the fifth year of a five-year contract and will have to be rebid in 2024 for 2025. It has been recommended by Service Director Biggert.

Councilmember AuWerter moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2023-41 be placed upon its final passage. Councilmember Steinbrink seconded the motion to suspend the rules.

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

Councilmember AuWerter moved to approve Resolution No. 2023-41 with Councilmember Press seconding the motion.

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

18. Ordinance No. 2023-42 (First Reading) starts at 2:04:25

Ordinance No. 2023-42 “An Ordinance to Increase the Compensation of Certain Village Employees; and Declaring an Emergency” was read by Councilmember Turner. This ordinance and the next three ordinances come by recommendation from the Wage and Benefit Committee meeting held November 9 and referred to by Treasurer Siemborski in tonight’s Committee Reports. The total compensation cost increase is \$135,000 and is included in the 2024 budget.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-42 be placed upon its final passage. Councilmember Deacon seconded the motion to suspend the rules.

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

Nays: None
Motion carried.

Councilmember Turner moved to approve Ordinance No. 2023-42 with Councilmember Welsh seconding the motion.

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

19. Ordinance No. 2023-43 (First Reading) starts at 2:06:37

Ordinance No. 2023-43 “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” was read by Councilmember Turner. This is a 5% increase over 2023 and initially came in at 9.11%. We have had good experience with our agent negotiating reductions in prior years as well.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-43 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 Turner moved to approve Ordinance No. 2023-43 with Councilmember Steinbrink seconding the motion.

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

20. Ordinance No. 2023-44 (First Reading) starts at 2:08:05

Ordinance No. 2023-44 “An Ordinance Authorizing a Contract with Delta Dental to Provide Dental Insurance Coverage for Village Employees and Declaring an Emergency” was read by Councilmember Turner. This is an 8% increase over 2023 and initially came in at 10%.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-44 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 Turner moved to approve Ordinance No. 2023-44. Councilmember Welsh seconded the motion.

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

21. Ordinance No. 2023-45 (First Reading) starts at 2:09:09

Ordinance No. 2023-45 “An Ordinance Declaring the Village’s Intention to Enter into a Health Reimbursement Account for 2024; and Declaring an Emergency” was read by Councilmember Turner. This is a continuation of a benefit already in place for employees with health care coverage.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2023-45 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 Turner moved to approve Ordinance No. 2023-45. Councilmember Welsh seconded the motion.

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

22. Council Matters starts at 2:10:20

Councilmember Steinbrink read a statement, attached, that he prepared regarding Council conduct.

At 2:12:20 Councilmember Press relayed that a resident complained that Council minutes have not been posted on the website for two or three months. Finance Administrator Mulh disagreed, and Law Director Hunt stated he just reviewed October last week. Councilmember Press was curious about the process for finding a Treasurer when Steve Siemborski takes over as Mayor. Mayor Schneider advised that will be up to Mr. Siemborski, who responded that will be worked on more aggressively once the Council has been determined for next year.

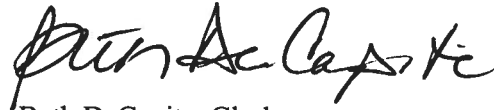
At 2:13:22 Councilmember Deacon wanted to comment on Councilmember Steinbrink’s concern. We, Council, should take it upon ourselves to set a positive tone for conduct in the Village. Other people in the Village look to us, we’re a small community, and relationships are really important. We should consider whether or not to have a code of ethics addressing conduct. We did take an oath that talks about support of the Village and honesty - important values. It’s also important how we treat each other and how our employees are treated as well. That type of code is in place at her place of employment - people treat each other with respect and it was a great place to work because of that. We need to consider doing something like that and commit to being those types of leaders - positive, forward thinking, care about others, and act with integrity.

23. Business from the Audience - None

24. Adjourn

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Beth DeCapite". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Beth DeCapite, Clerk

Approved:

A handwritten signature in black ink, appearing to read "Karen E. Schneider". The signature is cursive, with the first letters of the first and last names being capitalized and prominent.

Karen E. Schneider, Mayor

**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.¹ The purpose of the review was to determine how other communities of comparable size, smaller size

¹ 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.² 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

² 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:

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?

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

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

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

6. [Voter approval vs. Council approval]

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, **misceasance, 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 REPORT FOR THE TEN MONTHS ENDED OCTOBER 31, 2023
November 18, 2023

OCTOBER RESULTS AND FINANCIAL POSITION

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

GENERAL FUND

Revenue for the month of October was \$491,500, consisting of \$264,000 of municipal income tax revenue, \$144,000 of traffic camera gross receipts and \$83,000 of other revenue. Tax amounts represent collections by the taxing agencies (Cuyahoga County and RITA) that are forwarded to the Village. The Village is dependent on the timing of those agencies' billing and collection activities and on the timing of taxpayer remittances.

For real estate taxes, receipts are dependent on the seasonal nature of tax due dates, payments by property owners and county remittances to the Village. For the first ten months of 2023, real estate tax receipts are slightly ahead of the prior year and budget by \$50,000.

Municipal income tax revenue was \$264,000 in October. We have been reporting for several months that tax receipts in 2023 have been less than in 2022. For the ten months in 2023, income tax revenue of \$1,859,000 is below 2022 amounts by \$912,000. As discussed, we have conferred with RITA on expectations for 2023 collections. In the month of November, we received \$251,090, bringing the year-to-date collections to \$2,110,079.

In October, the Village received the first collections from the traffic camera enforcement program. Gross collections appear in the revenue category, while expenses to the Lyndhurst Court and to Sensys Gatso appear in the Police expenditure categories. In the first collection the Village received \$144,000. In October, the Village remitted \$82,000 to the other parties. The net contribution to the Village is \$62,000. These amounts exclude the deposit we made with the Court when the program commenced.

Other sources of revenue total \$707,000 (excluding the traffic camera receipts) and are favorable to the prior year by \$124,000 due to higher receipts in most categories. Of note, the Village achieved higher rental income from the cell tower, Mills Building rentals and interest on investments.

Expenditures for the month of October were \$528,000 for operations. Our monthly operating costs are approximately \$450,000 to \$500,000. For the first ten months of 2023, expenditures were \$5,483,000 compared to \$5,115,000 in 2022. The 2023 amount includes \$932,000 of transfers from the General Fund to Other Funds (\$1,093,000 in 2022). Excluding those transfers, cash expenditures were \$4,551,000 in 2023 and \$4,022,000 in 2022, an increase of \$529,000 (13%).

The Police Department is on budget in 2023. In the Fire Department we spent greater amounts on personnel costs and on ambulance/EMS costs. The additional volume of fire calls requiring our Fire Department personnel has risen 32% this year to 184 calls including a record 42 calls in the month of July. As to EMS, calls are up 21% to 182 calls. EMS costs are \$447,000 in 2023 compared to \$354,000 in 2022) due to more emergency calls. We are not expecting anymore invoices from Mayfield Village this year, as they invoice quarterly. In the Service Department, we spent more on upgrades to the Village

Village of Gates Mills

*Division of Police
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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
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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

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

November 21, 2023

To: Members of Council

I am deeply disappointed by what is occurring in our village. I feel that the lies, ambiguity, and mischaracterizations that have been put forth during the two most recent elections have sowed seeds of doubt with our residents and contributed to the discourse we find ourselves in.

I put myself in the shoes of our residents who received negative campaign letters this election cycle from sitting members of council (who were not on the ballot this fall). I could understand a sitting member of council writing a letter to residents making their case why another candidate is a better choice than an incumbent, but in over 20 years of living in the village, I can't recall ever receiving a negative campaign letter from a sitting councilperson where more space is devoted to the purpose of tearing down colleagues than promoting and advocating for candidates they support and think can do better.

I put myself in the shoes of a new resident who shows up to a council meeting, and sees the bickering, arguing and disrespectful dialogue amongst council members. What must our residents be thinking?

As members of council, we all took an oath to faithfully serve this village and I feel that oath has been forever damaged. How we do things in this village matters.

While the election results aren't yet official, my statement today would be the same, regardless of the outcome. There is blame to go around, but I fear the rancor will continue regardless of the election outcome and this is truly unfortunate. Perhaps too much water has gone under the bridge for some of the relationships on council to be repaired. It is my belief that integrity has been lost, trust has been lost, and confidence has been lost. Perhaps hope is what we are left with, and so with a new year nearly upon us, I hope this council can heal the wounds of division and move forward with handling the important affairs of the village in a civil and collegial manner.

Respectfully submitted,

Craig Steinbrink