

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
April 12, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, April 12, 2011 at 6:30 P.M.

Councilmembers present: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.

Councilmembers absent: None.

Mayor White presided.

The Mayor announced the meeting was being recorded. A tape recorder was donated by Tyler Robbins. Also, a Paul Meunier watercolor was donated to the Village by the son of Ralph and Pat DiFranco. Councilmember Welsh requested that a proclamation be written to honor Ralph and Pat DiFranco who volunteered for several years helping with the Park Recreation Programs.

The Mayor announced the appointment of Tyler Robbins to the Stormwater II Sub-Committee and presented a corrected list of members of the Animal Welfare Committee. It was moved by Councilmember Riley, seconded by Councilmember Welsh, that the appointments be approved and confirmed.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

The minutes of the meeting of March 8, 2011 were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that the minutes be approved.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Abstain: Nemastil.
Motion carried.

Pay Ordinance #1128 in the amount of \$305,971.01 was presented by the Clerk. Councilmember Bletcher inquired about check 4060 payable to Certified Laboratories. Finance Administrator Lechman said she would send him a copy of it. It was moved by Councilmember Welsh, seconded by Councilmember Schneider, that Pay Ordinance #1128 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

The financial statement for the period ending March 31, 2011 was presented by the Clerk. Councilmember Barnes reported that the Village will be receiving \$1,100,000 in Inheritance Tax which will be used toward the payment of the Village's notes.

Chief Szeredy presented a written report for the Police Department for the preceding period. He reported that April 30, 2011 the Police Department is partnering with the Drug Enforcement Agency and collecting surplus prescription drugs. This will keep the drugs from being misused, contaminating water and land, plus the containers will be recycled.

Service Director Biggert presented a written report for his department for the preceding period. Councilmember Schneider said the new trash hauler, Rumpke, sent a letter to some of the residents telling them to put their cans out the night before. Service Director Biggert said he will follow up with Rumpke and correct the issue.

Chief Robinson presented a written report for the Fire Department for the preceding period.

Council had a discussion about the proposed Glynos property exchange:

Councilmember Riley began the discussion of the proposed agreement among Nicholas P. Glynos, the Village of Gates Mills, and the Gates Mills Land Conservancy by reviewing last month's discussion when Council voted to drop the issue.

Resident Tom Quintrell made a presentation explaining the benefits of the exchange.

Councilmember Reynolds said that even though the 5 acres the Village currently owns may be considered of little value to the Village at this time, it may not be in the future. She feels exchanging 5 acres for 1.3 acres is an advantage to Glynos, not the Village. Council has dedicated a lot of time to this issue and after such voted not to participate in the exchange. Changing the decision now sets precedence for a bad procedure. The trade offs are not balanced.

Nicholas Glynos said that two years ago his parcel was appraised at a high value. This exchange will satisfy everyone's needs.

Councilmember Reynolds noted that based on her conversations with members of the Gates Mills Land Conservancy, they are not endorsing this proposal.

Councilmember Bletcher asked Law Director Riehl if a deed restriction were put on the neighboring properties, would it prohibit their property from being mandatorily pooled. He pointed out that if it didn't, then requiring Nicholas Glynos to put a restriction on his property would not keep it from being pooled thereby eliminating that advantage of the exchange. Law Director Riehl said the restriction theoretically would help prevent the pooling and at least make it more difficult.

Council decided to let their previous decision stand and drop the proposal.

Beth DeCapite, Clerk, presented the signed Fiscal Officer's Certificate in connection with the proposed issue of \$450,000 in notes. A copy of the Certificate is attached to and becomes a part of these minutes.

Ordinance #2011-09 entitled "An Ordinance Providing For The Issuance And Sale Of \$450,000 Notes, In Anticipation Of The Issuance Of Bonds, For The Purpose Of Constructing, Furnishing, Equipping, Improving The Site Of And Access To, And Otherwise Improving A Building To House A Free Public Library And A Community Activity Area, And Declaring An Emergency," was introduced by Councilmember Barnes and read by the Clerk. It was moved by Councilmember Barnes seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-09 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Welsh, that Ordinance #2011-09 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Resolution #2011-10 entitled "A Resolution Authorizing The Mayor And The Clerk To Enter Into A Third Amendment To Indenture Of Lease With Gavi's River, LLC And Declaring An Emergency," was introduced by Councilmember Schneider and read by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Riley, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2011-10 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Schneider, seconded by Councilmember Barnes, that Ordinance #2011-10 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Resolution #2011-11 entitled "A Resolution Authorizing The Mayor And The Clerk To Enter Into A Second Amendment To Indenture Of Lease With N.A.S.T., Incorporated," was introduced by Councilmember Schneider and read by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2011-11 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Schneider, seconded by Councilmember Welsh, that Ordinance #2011-11 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Business from the audience:

- Katherine Malmquist from the Gates Mills Library reported that the Library has two great programs scheduled: “Cleveland and the Civil War” and “Scrolls from the Cleveland Museum of Art”.
- Councilmember Reynolds thanked the Library on their 5-year anniversary.

At 7:35 p.m. it was moved by Councilmember Riley, seconded by Councilmember Reynolds, that Council go to Executive Session to discuss a real estate swap.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Council returned from Executive Session at 8:08 p.m.

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Connie White, Mayor