

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
May 10, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, May 10, 2011 at 6:30 P.M.

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

Councilmembers absent: Barnes, Schneider.

Mayor White presided.

It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that Councilmembers Barnes and Schneider be excused from the meeting.

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

The Mayor announced that the April 30 Shredding Day was successful. Trees, landfills, and water were all positively impacted by the project.

The Mayor announced the appointment of members to the Arboretum Committee: DeDee Storer, Jan Carlisle, and Meg Lawrence. It was moved by Councilmember Welsh, seconded by Councilmember Nemastil, that the appointments be approved and confirmed.

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

Finance Administrator Lechman announced the meeting is being recorded from this point.

The minutes of the meeting of April 12, 2011 were presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Bletcher, that the minutes be approved.

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

Pay Ordinance #1129 in the amount of \$279,525.91 was presented by the Clerk. It was moved by Councilmember Nemastil, seconded by Councilmember Welsh, that Pay Ordinance #1129 be approved.

Roll call: Ayes: Bletcher, Nemastil, Reynolds, Riley, Welsh.
Nays: None.

Motion carried.

The financial statement for the period ending April 30, 2011 was presented by the Clerk. Councilmember Reynolds asked about the future of the Estate/Inheritance tax. She was told the Ohio House of Representatives passed the bill that would permanently repeal the estate tax in 2013. It now is being considered by the Ohio Senate.

Chief Szeredy presented a written report for the Police Department for the preceding period. He said the "Drug Take-Back" operation in conjunction with the Shredding Day was very successful. In 2010, 242,000 pounds of prescriptions were received and this year 376,600 pounds were received. This collection and destruction of prescription drugs helps protect the quality of the soil and water supply.

Service Director Biggert presented a written report for his department for the preceding period. He reported that each resident should report to the Illuminating Company if they have a power outage. This helps the company locate the problems and see where there are repeat issues.

The StormWater Phase II program was discussed:

1. Councilmember Bletcher said the EPA previously announced a new required disposal method for the street sweepings that would result in expense for the Village. Now the EPA sends a letter that alters the mandate so we can legally re-use our cinders. Councilmember Bletcher questioned why the EPA letter about the change was sent to the Village by Chagrin River Watershed Partners and not directly to the Village. He also questioned the dates within the letter; page 1 is dated March 10 and pages 2,3,4 are dated April 6, 2011. Service Director Biggert said he received the correspondence by email around May 3, 2011.
2. Councilmember Bletcher asked what the expected total cost of the StormWater mapping will be. Village Engineer Courtney said that the plan is not final. It keeps changing, becoming more complex and therefore more expensive. However, the regional Sewer District has indicated they want to participate in the cost. Law Director Riehl said the court has ruled to allow North East Ohio Sewer District to implement a stormwater plan, but it is being challenged by the suburbs, diocese, retail associations, etc. as to the constitutionality of the methodology and whether it is a tax instead of a utility charge that is determined by the amount of impervious surface, including roadside ditches.
3. Councilmember Bletcher asked under what phase the mapping is being done and what the mapping involves. Village Engineer Courtney said the Village is in the second year of a 5-year permit cycle under Phase II. The mapping includes catch basins, road side ditches, creeks, streams, etc. on public and private property.
4. Councilmember Bletcher stated the problem for the Village is that currently the total cost of this project is unlimited. \$50,000 was budgeted for 2011. He questioned how much should be done, suggesting the Village should slow down on the projects in hopes of outside financing. It is possible, like the EPA's requirements on street sweepings (#1. above), the rules can be changed. He asked Finance Administrator Lechman to report next month how much has been spent so far for this project. Village Engineer Courtney said virtually nothing was done in 2010 in hopes of receiving financing.

5. Councilmember Riley asked what would happen if the Village did not get a permit. Village Engineer Courtney said the EPA may charge fines.
6. Councilmember Bletcher recommended the Village have conservative goals, re-evaluate what we should spend.
7. Law Director Riehl stated that any source of money from North East Ohio Sewer District is down the road.
8. Councilmember Riley requested that the Stormwater II Committee meet and instruct Council as to what should be done.
9. Councilmember Bletcher suggested the Village submit a topographic map and stop the project since there appears to be no benefit and unlimited cost. Village Engineer Courtney said a certain point must be reached within a 5-year cycle.
10. Councilmember Riley stated he has confidence in Service Director Biggert and Village Engineer Courtney and their interpretation of the law. He without expertise is not comfortable to tell anyone how to do their job. Councilmember Bletcher has lack of confidence in the EPA which changed their minds about street sweepings and failed to send the letter directly to the Village so there would be a chance for a response before the deadline.

It was moved by Councilmember Riley, seconded by Councilmember Welsh, that The Stormwater II Committee meet and report to Council next month.

Roll call: Ayes: Bletcher, Nemastil, Reynolds, Riley, Welsh.

Nays: None.

Motion carried.

Correction at June 14, 2011 meeting:

~~Councilmember Reynolds feels the run-off of stormwater effects all the villagers' lives. It is important to balance the Council's responsibility to the citizens versus cost.~~

Councilmember Reynolds feels the negative impact of unchecked stormwater run off does affect the quality of Village life as it impacts the health of the Chagrin River, the Chagrin River Valley, and Lake Erie itself. It is important to balance the Council's responsibility of protecting citizens' property values and their lifestyles with the associated costs to the Village."

Village Engineer Courtney stated mapping is only part of the project. The other parts will rely on the maps.

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

Mayor Connie White read a proclamation honoring Ralph and Pat DiFranco.

Finance Administrator Lechman announced the Public Hearing for the estimated 2012 budget will be held at 6:15 before the June council meeting.

Business from the audience:

- Katherine Malmquist from the Gates Mills Library reported that the Library has a 6-part series on the Lakeview Cemetery scheduled. There will also be a summer reading program.
- Jan Carlisle requested that Service Director Biggert put in the Pink Sheet the need for each resident to call the Illuminating Company when there is an outage. She also asked if the properties in the village are being inspected for the Stormwater II project. Also, she would like to know how much has been spent on the project. Councilmember Bletcher requested that Finance Administrator Lechman report on the expenditures in 2008, 2009, 2010, 2011.
- Councilmember Nemastil asked if a personal property has run off, does the resident need a permit. Village Engineer Courtney said “no”.
- MaryAnn Kish recommended that residents with generators also call the Illuminating Company when they have an outage.

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