

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
June 14, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, June 14, 2011 at 6:30 P.M. following the Public Hearing on the 2012 Budget in the Village Hall.

Finance Administrator Lechman announced the meeting is being recorded.

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

Councilmembers absent: None.

Mayor White presided.

Mayor White announced the appointment of Nicholas Nemastil as a Volunteer Fireman.

It was moved by Councilmember Schneider, seconded by Councilmember Reynolds, that the Mayor's appointment be approved and confirmed.

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

The oath of office was administered to Nicholas Nemastil by Mayor White.

The minutes of the meeting of May 10, 2011 were presented by the Clerk. Councilmember Reynolds requested that Page 3 Paragraph 3 of the minutes be revised to say: "*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.*" Councilmember Schneider requested the names of members appointed to the Arboretum Committee by the Mayor at the May 10 Council meeting be listed: DeDee Storer, Jan Carlisle, and Meg Lawrence. It was moved by Councilmember Schneider, seconded by Councilmember Bletcher, that the minutes be approved as amended.

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

Pay Ordinance #1130 in the amount of \$1,813,144.12 was presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Bletcher, that Pay Ordinance #1130 be approved.

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

The financial statement for the period ending May 31, 2011 was presented by the Clerk. Councilmember Bletcher asked if the Finance Committee is planning for the time when the Village will be without income from Inheritance Tax. Treasurer Reitman said if the law passes, anyone who dies after June 30, 2013 will not have to pay Inheritance Tax. However, due to the period of time allowed to file and pay the tax the Village could receive money in 2014 and 2015. He feels that forecasting the financial position of the Village beyond that date is difficult, but we should stay aware of the problem.

Chief Szeredy presented a written report for the Police Department for the preceding period. He said it is important to leave valuables out of site in your car. There was a bear sighting on Chestnut Road.

Service Director Biggert presented a written report for his department for the preceding period.

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

Councilmember Barnes reported that a Public Hearing had been held at 6:15 P.M. today to discuss the estimated 2012 Village Budget. All questions from the audience were answered.

Resolution #2011-12 entitled "A Resolution Accepting The Alternative 2012 Village Tax Budget," was introduced by Councilmember Barnes and read by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Welsh, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2011-12 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 Resolution #2011-12 be approved.

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

Resolution #2011-13 entitled "A Resolution Declaring It Necessary To Renew An Existing 3.5 Mill Tax Levy For The Purpose Of Current Expenses Pursuant To Ohio Revised Code Sections 5705.19(A) And 5705.191, Requesting The County Auditor To Certify The Total Current Tax Valuation Of The Village And The Dollar Amount Of Revenue That Would Be Generated By That Renewal Levy, 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 Resolution #2011-13 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 Resolution #2011-13 be approved.

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

Law Director Riehl presented the Stormwater Committee Report. The Committee requested:

1. a report from the Engineer as to where we are in the three phases
2. a clarification if the requirements of the permit are limited to the urbanized area of the Village
3. a determination of the enforcement procedures if the Village is not in compliance.

The following discussion about the Stormwater project followed:

Village Engineer Chris Courtney said there would be little cost difference in partial versus full implementation of five of the six required minimum control measures required by the Phase 2 of the program. The sixth measure which is mapping the whole village versus only the urbanized area would cost more. Mapping the whole Village can be delayed but is inevitable (probably by 2014).

Councilmember Welsh asked if compliance would force the Village to have sanitary sewers. Village Engineer Courtney answered not for now. The cost to provide sanitary sewers to the entire village would be astronomical. Phase 2 is focused on storm sewers and storm water, not sanitary sewers, unless there are several failed septic systems. Councilmember Bletcher said we should be conscious of the possibility and be active in preventing it. He stated that Council needs to get all the information and take a stand.

Engineer Courtney said there probably will be a long lead-in to the next permit level. The current schedule is for Generation 3 Phase 2 to go into effect in 2014.

Councilmember Riley asked how much the Village needs to spend on mapping in 2011 and should we hold off in case grants become available. Engineer Courtney responded that the Village has made progress on the mapping requirement and could delay further mapping work in 2011 in hopes of possible funding.

Councilmember Bletcher verified with Engineer Courtney that the Village has already spent \$67,000 on the project and will need to spend \$30,000 more in 2011 and \$25,000 more in 2012, making a total of \$122,000. He further verified the mapping was Village wide, not only the urbanized area.

Councilmember Riley said maybe we should map only the urbanized area this year in case funding becomes available.

Councilmember Bletcher feels we should try to impact the rules. He feels the rules were made for true urbanized areas, not areas like Gates Mills.

Councilmember Bletcher feels the Village needs a member with legal and environmental expertise on the Stormwater Committee to help with taking a stand.

Councilmember Bletcher asked if different mapping techniques could be used to reduce cost. Engineer Courtney said he is using existing record information from previously projects and utilizing field locations when no other source of information is available.

Councilmember Bletcher asked if natural ravines are included in the requirements. Engineer Courtney said if they flow into the public stormwater system they must be mapped. Engineer Courtney said ravine areas are easily obtained from topo maps.

Councilmember Bletcher asked if other communities are mapping and what techniques they are using. Engineer Courtney said there is a wide range in what techniques they are using. Generally EPA assesses progress as part of the Annual Report review and is satisfied as long as progress is made. Service Director Biggert added there has not been a detailed audit of our storm water mapping yet. Reports are submitted to OEPA who then determines if audits are necessary.

Law Director Riehl feels the mapping is a budget issue. He will get data from Northeast Ohio Regional Sewer District on the potential start of their Regional Storm Water Program and inquire about the NEORS D contributions to mapping efforts and project funding.

Service Director Biggert said the Village will get about \$1200 back per year to spend on local storm water projects.

Councilmember Bletcher said Council should take charge of the mandate and decide what to do and how much to spend.

Councilmember Riley asked when the Village needs to remedy any issues. Engineer Courtney said the Village's largest issue at the moment is the correction of potential illicit discharge.

Councilmember Riley feels Council should decide what to do and at what cost. Will the charge be passed to the home owner?

Councilmember Bletcher recommended the Village hold off on the project because it is just building cost and we don't know enough. Service Director Biggert reported that we have adopted that recommendation and have ceased mapping.

Business from the audience:

- David Shillman said there was an abandoned house on SW Gates Mills Boulevard. The grass is uncut and the pool is fetid. The property is a hazard. He would like Council to consider legislation to address the issue and place a lien on the property for any expenses. Service Director Biggert said he has hired a contractor to mow. Councilmember Schneider suggested putting a puck in the pool to kill the mosquitoes. Law Director Riehl suggested contacting the Board of Health.
- Dorothy Shillman said the condition of the house indicates it is vacant. Village Administration needs to prevent rather than react to situations.
- David Shillman requested landscaping around the gas well head on Gates Mills Boulevard.
- MaryAnn Kish said a home on Battles needs paint. Service Director Biggert said our Ordinances do not address paint on houses. MaryAnn added that someone should go around the neighborhoods and see what needs to be done.
- Law Director Riehl suggested these items be presented to the Planning and Zoning Committee. Councilmember Riley said they will be on the July 5, 2011 agenda.

- Dorothy Shillman said the Gates Mills administration should be concerned about the looks of the houses in the Village. She asked if there is a resale inspection. Service Director Biggert said there is.
- Sandra Turner asked if the mapping for the Stormwater project can be done by anyone other than the engineer. Also, she is very concerned about the dip in Sherman Road. She feels it is a safety hazard.

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Connie White, Mayor