

Village of Gates Mills  
MINUTES OF A REGULAR MEETING OF COUNCIL  
August 9, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, August 9, 2011 at 6:30 P.M. in the Village Hall.

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

Councilmembers absent: Reynolds, Welsh.

Mayor White presided.

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

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

The minutes of the meeting of July 12, 2011 were presented by the Clerk. It was moved by Councilmember Schneider, seconded by Councilmember Barnes, that the minutes be approved.

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

Pay Ordinance #1132 in the amount of \$559,524.87 was presented by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Pay Ordinance #1132 be approved.

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

The financial statement for the period ending July 31, 2011 was presented by the Clerk. Councilmember Barnes said Department Heads are doing a good job staying within their budget.

Chief Szeredy presented a written report for the Police Department for the preceding period. He said scrap metal and copper thefts have occurred in Gates Mills. Seventeen hundred pounds of steel that was removed by the contractor at the Old Mill construction bridge project, and the Historic Building sign were stolen. He requested if you "see something, say something". Councilmember Barnes asked how many houses are vacant. Chief Szeredy said he would research that number. Chief Szeredy said house checks for vacant homes combined with vacation checks are 27,944 year to date. Today he gave the Service Director a list of seven houses in disrepair.

Service Director Biggert presented a written report for his department for the preceding period. Councilmember Bletcher asked if Chase Bank was the owner of the vacant houses on Epping Road and Gates Mills Boulevard and were the properties going through foreclosure proceedings. Law Director Riehl said he would check and see if they were in foreclosure.

Councilmember Riley asked for elaboration on the Northeast Ohio Regional Sewer District court ruling that the district has the authority to implement the Regional Stormwater Management Program. Law Director Riehl explained the ruling was caused as a result of communities' objections to certain portions of the plans. The information the Village received incorporates the changes NORSD made in order to be consistent with the ruling. Councilmember Schneider asked if the sanitary sewer department could be sued if a flooding problem persists. Law Director Riehl said that negligence and nuisance would have to be proven. Councilmember Bletcher asked if the sewer assessment being paid by the residents on SOM Center Road is for stormwater or sanitary sewers. Engineer Courtney answered the Village has a contract with the County Sanitary Engineer to operate and maintain the sanitary sewers on SOM Center Road.

Councilmember Bletcher asked about the Wastewater Plant expenses and revenue. He feels the usage fees should be re-evaluated. He pays \$700 per year for his office and his usage is minimal. Councilmember Riley asked if the rate charged by the Village could be changed. Law Director Riehl said it could be. Engineer Courtney said he will get the rates being charged by other communities. Councilmember Barnes asked when the county will start charging for maintenance of the treatment plant. Engineer Courtney said probably one year. Councilmember Bletcher asked what maintenance is provided for \$48,000. Service Director Biggert said the plant is tested every day. Councilmember Bletcher asked about a tap in fee to the sewer line. He paid about \$6000 in Chesterland. Councilmember Riley asked what committee should review the issue. Councilmember Barnes said the Finance Committee will follow up on the topic.

Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Schneider asked about the tree fire in the cemetery on SOM Center Road. Chief Robinson said they do not know what caused the fire.

Resolution #2011-18 entitled "A Resolution Adopting The Cuyahoga County Emergency Operations Plan," was introduced by Councilmember Riley and read by the Clerk. Councilmember Riley explained the Village is required by state law to have a program for emergency management. In the past the Village has entered into an agreement with the County. The County Emergency Plan which is not public, has been revised. The Village can participate in the new plan. There will be no cost to the Village for the plan unless the plan is implemented. Fire Chief Robinson said it is a plan for how to function in an emergency and how to recover costs. It was moved by Councilmember Riley, seconded by Councilmember Nemastil, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2011-18 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Riley, Schneider.

Nays: None.

Motion carried.

It was then moved by Councilmember Riley, seconded by Councilmember Nemastil, that Resolution #2011-18 be approved.

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

Resolution #2011-19 entitled "A Resolution Authorizing The State To Resurface Mayfield Road (US-322) From SOM Center Road To County Line Road," was introduced by Councilmember Barnes and read by the Clerk. The State will pay 100% of the cost unless changes are made by Gates Mills. It will be completed in 2012. Service Director Biggert said he has requested concrete curbs or a concrete-and-gutter system to replace the asphalt curbs. Councilmember Nemastil asked if curbs were needed. Engineer Courtney said without curbs there would be ditches and extra maintenance. Councilmember Bletcher asked what the extra cost for the concrete curbs will be. If there is an extra cost could Council then decide to withdrawal the request. Engineer Courtney does not know what the cost will be. Councilmember Schneider asked if a lane will be open in each direction. Police Chief Szeredy said the lanes are not wide enough to have a lane open on both sides. Councilmember Nemastil asked if the curb could be angled so a car would bounce off. Engineer Courtney said they will be looking at that. Councilmember Bletcher asked if the project could be delayed until the following summer since the Old Mill bridge will be closed next year. Service Director Biggert said the State has it in their budget for 2012. It was moved by Councilmember Barnes, seconded by Councilmember Riley, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-19 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Nemastil, that Ordinance #2011-19 be approved.

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

Resolution #2011-20 entitled "A Resolution Awarding Sections I, IA, And II Of The 2011 Repair And Resurfacing Program To Specialized Construction And Declaring An Emergency," was introduced by Councilmember Barnes and read by the Clerk. Three bid packages were picked up and only one bid was submitted. Councilmember Bletcher asked if we advertised in "Builders Exchange". Engineer Courtney said "Builders Exchange" gets the information from the newspapers. Councilmember Bletcher asked if in the future we could advertise in "Builders Exchange". Councilmember Bletcher asked if contractors have a chance to suggest alternate solutions to a project. Engineer Courtney said nothing excludes them from making suggestions but there is usually a standard road program. Councilmember Riley asked about the Sherman

Road project. Service Director said the bids will be presented at the September meeting. Councilmember Bletcher said last month a couple people expressed concern about Sherman Road. He feels it odd that something was not done to just fix it. It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-20 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Nemastil, that Ordinance #2011-20 be approved.

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

It was moved by Councilmember Riley, seconded by Councilmember Bletcher, that the Clerk be authorized to advertise for bids to sell a police vehicle no longer needed.

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

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that the Clerk be authorized to advertise for bids for salt for highway purposes.

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

Councilmember Bletcher asked if we explored joining other communities to purchase salt. Service Director said our quantity is usually not large enough. Councilmember Riley asked if we mix our salt on premise. We could buy with another community and mix ours. Service Director said Hunting Valley is in a state contract which requires payment for a certain quantity even if not needed. Each year he looks at the possibilities of combining with other communities and participating in the state contract.

Treasurer Reitman requested that the second reading the Active Funds Ordinance #2011-16 be suspended and it be placed on third reading since our current contract expires August 21, 2011. He explained Councilmember Barnes and Finance Director Lechman met with representatives of the Public Sector of Key Bank and deemed the charges are appropriate. They found ways to reduce some of the charges and will take action to reduce them to the extent it is practical. Money will not be tied up for a long period. By keeping deposits at approximately \$1.5 million the service charges will be minimal or eliminated. The interest earned at STAR Ohio is currently .02% and the credit for deposits at Key Bank is .3%. Councilmember Barnes explained that you

cannot compare public entity accounts to commercial accounts because all government funds are collateralized at 105% by State law. Councilmember Bletcher said his banker at Key Bank understood there were differences between government and small business banking, but she is committed to attempt to lower the Village's service charges. Councilmember Barnes said the representatives he and Finance Administrator Lechman talked to also are committed to lowering the service charges. Councilmember Bletcher would like to keep the funds in STAR Ohio and have no service charges at Key Bank. Treasurer Reitman asked Councilmember Bletcher to ask his banker for a formal proposal. Councilmember Bletcher said that is what he would like to do. His banker will work with the Public Funds department to see if there are opportunities they are not aware of. Councilmember Bletcher felt that approval of the Ordinance should be delayed so we don't lose our negotiating power. Councilmember Barnes explained that we can cancel this agreement at any time. Treasurer Reitman said we need some agreement by August 21, 2011. Councilmember Barnes stated the Village has had a great relationship with Key for many years; we have to be careful in these times with how we manage these relationships. Councilmember Bletcher felt it was possible to continue to have a good relationship and free banking. Resolution #2011-16 entitled "An Ordinance Designating Key Bank National Association As Public Depository For Active Funds Of The Village," was introduced by Councilmember Barnes and given its second reading by the Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Riley, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-16 be placed upon its final passage.

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

It was then moved by Councilmember Barnes, seconded by Councilmember Riley, that Ordinance #2011-16 be approved.

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

Law Director Riehl explained that the Stormwater Committee members questioned if the Village could succeed on a challenge to Ohio EPA's determination that Gates Mills is an urbanized area based on the EPA's adoption of the Census Bureau's designation. His memorandum dated August 1, 2011 concluded that such a challenge is unlikely to succeed. This only deals with the Phase II stormwater requirements.

Business from the audience:

Sandra Turner asked Service Director Biggert to comment on the status of the signs at the entrances to the Village. They have deteriorated. Service Director said he should receive a quote yet this week.

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Connie White, Mayor