

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
February 9, 2010

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, February 9, 2010 at 6:30 P.M. in the Village Hall.

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

Councilmembers absent: Barnes.

Mayor White presided.

It was moved by Councilmember Riley, seconded by Councilmember Bletcher, that Councilmember Barnes be excused from the meeting.

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

The oath of office was administered to President of Council Pro Tem Schneider by Law Director Charles Riehl.

Mayor White announced the appointments to Boards and Commissions, a copy of which is attached to and will become a part of these minutes. It was moved by Councilmember Schneider, seconded by Councilmember Nemastil, that the appointments to Boards and Commissions be approved and confirmed.

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

The minutes of the meeting of January 12, 2010 were presented by the Clerk. Councilmember Bletcher requested that the reason for going into Executive Session be changed to "pending litigation". It was moved by Councilmember Reynolds, seconded by Councilmember Bletcher, that the minutes as amended be approved.

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

Pay Ordinance #1114 in the amount of \$815,779.03 was presented by the Clerk. Check #2752 payable to C.W. Courtney was questioned by Councilmember Bletcher. It was decided not to issue any more checks to C.W. Courtney until the over-estimate expenditures are clarified. It was moved by Councilmember Bletcher, seconded by Councilmember Schneider, that Pay Ordinance #1114 be approved.

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

The financial statement for the period ending January 31, 2010 was presented by the Clerk. The Clerk pointed out that the surplus in January is not indicative of the financial position of the Village since Real Estate tax receipts are high in January and some expenditures in January are for the year, not month.

Chief Szeredy presented a written report for the Police Department for the preceding period.

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 Schneider read a letter from Dr. John Kramer about the H1N1 shot distribution on December 13, 2009. He praised Fire Chief Robinson and Executive Lieutenant Whitmer for the way the event was organized and run. He feels due to their development of an effective distribution system the Village is prepared for a pandemic.

Resolution #2010-05 entitled "A Resolution Accepting The Bid Of Classic Ford Mazda For The Purchase Of Three Police Vehicles," was introduced by Councilmember Nemastil and read by the Clerk. It was moved by Councilmember Bletcher, seconded by Councilmember Nemastil, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2010-05 be placed upon its final passage.

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

It was then moved by Councilmember Nemastil, seconded by Councilmember Bletcher, that Resolution #2010-05 be approved.

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

Councilmember Reynolds explained that in 2009 the Community Building was used six times by non-profit organizations and 9 times by others. The cost increase provided for in Ordinance #2010-03 passed January 12, 2010 is a hardship for non-profit organizations. The large increase has the potential to cause ill will that is not worth the additional nominal amount the Village would receive. It was moved by Councilmember Reynolds, seconded by Councilmember Riley that Ordinance #2010-03 be reconsidered.

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

It was then moved by Councilmember Reynolds, seconded by Councilmember Riley that Ordinance #2010-03 be defeated.

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

Ordinance #2010-06 entitled "An Ordinance Amending Section 957.01(A) Of The Gates Mills Code Pertaining To Rules For The Community House," was introduced by Councilmember Reynolds and read by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Riley, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2010-06 be placed upon its final passage.

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

It was then moved by Councilmember Reynolds, seconded by Councilmember Bletcher, that Ordinance #2010-06 be approved.

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

Ordinance #2010-07 entitled "A Resolution Designating Certain Individuals For House Bill 9 Certified Training," was introduced by Councilmember Welsh and read by the Clerk. It was moved by Councilmember Welsh, seconded by Councilmember Bletcher, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2010-07 be placed upon its final passage.

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

Councilmember Bletcher and Councilmember Welsh stated they will attend the training so do not need a designee. It was then moved by Councilmember Welsh, seconded by Councilmember Bletcher, that Ordinance #2010-07 be approved as amended.

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

Resolution #2010-08 entitled "An Emergency Resolution Urging The State To Place A Moratorium On Oil And Gas Well Drilling In Heavily Populated Residential Area Until Amendments To The Ohio Revised Code With Respect To Drilling Have Been Made And Declaring An Emergency," was introduced by Councilmember Nemastil and read by the Clerk. It was moved by Councilmember Nemastil, seconded by Councilmember Bletcher, that the rules

requiring resolutions to be read on three different days be suspended and that Resolution #2010-08 be placed upon its final passage.

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

It was then moved by Councilmember Nemastil, seconded by Councilmember Bletcher, that Resolution #2010-08 be approved.

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

Business from the audience:

Irene Oliver, Riverview, said a gas well is going to be drilled across the street from her and she is concerned it creates an explosive risk. Councilmember Bletcher asked Fire Chief Robinson if he could watch the drilling closely. Chief Robinson said ODNR has increased attention to proposed wells. The tank will be strapped down.

Sandra Turner gave an update on the gas well bill being considered by the legislature. She thanked Council for their support.

Katherine Malmquist from the Gates Mills Library reported the use of the library's meeting room is free and open for non-profit organizations. It holds 16-20 people at tables or 24 people with just chairs. There are several upcoming programs.

At 7:15 P.M. it was moved by Councilmember Riley, seconded by Councilmember Nemastil, that Council go to Executive Session to discuss with legal counsel compensation of a public official and possible purchase of property.

Council returned from Executive Session at 7:45 P.M.

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

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Connie White, Mayor