

RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING MONDAY JANUARY 28, 2008 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING

MEMBERS PRESENT: Binder, Dishong, Flaiz, Koons, Porter, Wolfe
OFFICIALS PRESENT: Building Commissioner Hocevar, Police Chief Wetzels,
Street Commissioner Johnson, Solicitor Ondrey,
Construction Representative Mike Shaver, Fiscal Officer
Romanowski
OFFICIALS ABSENT: Fiscal Auditor Lechman
GUESTS: Sue Reid, CVT; Beth McCreary, Sun News

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer read the roll. Councilman Koons moved to waive reading and approve the minutes of the January 14, 2008 Regular Council meeting, seconded by Councilman Binder. Roll call – ayes, all. Motion carried.

MAYOR'S REPORT: Mayor reminded Council that the Village has been talking to residents of Southwyck Lake about a potential initiative they have to dredge their lake. Mayor said there has been discussion about using the Village's former waste water treatment plant area to hold the spoils that would come from the dredging project and let them "de-water." Mayor said he met with two of the residents from Southwyck Lake and it appears they are going to be moving forward with the project this year. Mayor asked Council to make a motion that the Village is conceptually on board with allowing Southwyck Lake to use the former wastewater treatment plant area with the details to be worked through. Mayor stated issues to be addressed include an agreement, erosion control, addressing the condition of the existing site, what would happen with the spoils once they are there, clean up, etc. Mayor feels it would be a positive thing to share with the folks in Southwyck Lake that this is something that Council supports. Mayor said that Southwyck has been using the resources of the Chagrin River Watershed Partnership to assist with the project and to make sure the Village is protected. Mayor also informed Council that the estimated cost for Southwyck to do this project, if they use the Village's site for the spoils, would be approximately \$150,000-\$175,000. Mayor said if they have to truck the spoils offsite, ballpark cost to do that is at least an additional \$40,000 but probably closer to \$80,000-\$100,000. There was discussion regarding possible value of the spoils after it "de-waters", how it will get from the lake to the Village's property, possible smell, timeline, how much spoil material there would be, etc. Southwyck resident Denis Marino informed Council that Southwyck Lake has formalized their homeowners association with the intent of taking this next step and stated that they are pretty unanimous in supporting dredging the lake. Mayor said the residents that would primarily be affected by the noise of the trucks, the smell, etc., would be the residents of Southwyck. Binder commented that he would propose it pending further information regarding the details. Dishong said that Council would need the details and evidence of support of the homeowners association, given all that, he would be in support of it.

Binder made a motion to support Southwyck Lake moving forward with dredging their lake pending the above, seconded by Dishong. Roll call – ayes, all. Motion carried.

Mayor reported that he and Public Utilities committee held a septic/sewer meeting on January 22nd at Gurney School for residents of Maple Hill. Mayor said approximately 42 residents attended. The revised plan and revised cost of the possible sewer project was distributed and Mayor stated that the cost for Maple Hill with the revised plan per homeowner with the tap in fee but not the tie in fee was \$24,456, up about \$1,000. This would only service Maple Hill and no other residents in surrounding communities would have capacity to tie in, nor would they be required to tie in. At the conclusion of this meeting, it was decided that the Village would do another opinion poll through the mail. There was another meeting on January 24th at Village Hall for residents of Sun Ridge in which a ballpark of 20 residents were in attendance. Mayor said the Sun Ridge plan is slightly different as there is a main line that runs down the street and there is also a connector line that runs behind some of the homes and they would need a pump station. Due to all of these factors, the cost per projected home came in at \$33,612 which is a ballpark \$10,000 higher than the group project price. Mayor said at that meeting it was decided that Sun Ridge would take a poll themselves and present the results to Council.

Mayor informed Council that Planning Commission met on January 17th where they continued discussion on the conservation district. Mayor stated that the Planning Commission is in favor of moving forward with a conservation district and he believes that at the February 21st Planning Commission meeting they will make a motion for Council to adopt into zoning the idea of a conservation district.

Mayor said on January 19th he met with the Chagrin Valley Intergovernmental Council (CVIGC) where they had a presentation from the Chagrin River Watershed Partnership. They discussed the Balanced Growth Initiative which they will be presenting to Planning Commission possibly at the February 21st meeting. The state has come up with the idea of a Balanced Growth Initiative which is a process of identifying where your planned conservation areas and planned development areas are. Mayor explained that in essence you draw up something that states where they are located and you submit it to the state and the state will support your local zoning by having a Balanced Growth Initiative. Mayor said this helps when you go for grants.

Mayor reported to Council that the Village received the \$50,000 grant from the Ohio Department of Natural Resources for the former Muggleton property acquisition.

Mayor stated that several members of Council indicated that the March 24th Council meeting is during spring break and they would be out of town. Wolfe made a motion to cancel the March 24th Regular Council meeting, seconded by Koons. Roll call – ayes, all. Motion carried.

Mayor reported that the Tax Board of Review had a hearing tonight at 6:30 p.m.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that she filed the year end financials with the County Auditor on January 17th.

As Tax Administrator, Fiscal Officer informed Council that Central Collection Agency would have three auditors at Village Hall from 3:00 – 7:00 p.m. on February 12th and 14th collecting taxes from delinquent taxpayers.

FISCAL AUDITOR'S REPORT: Due to Fiscal Auditor's absence, there was no report.

ENGINEER'S REPORT: Construction Representative Mike Shaver from CT Consultants reported that the Chelsea Court project is progressing and is 23% complete in time and 25% complete in dollars. The first pay estimate was submitted today and they are going through the paperwork.

Mr. Shaver reported that there is a conflict with existing utilities not being where they were supposed to be. The sewers were marked wrong but they did get it worked out.

Mr. Shaver stated they were in the process of starting a 4 x 8 box culvert on Southwyck across Chelsea Court and they ran into some problems with electrical. They have negotiated a move and they will come out this week and temporarily cut power to the one lake; no one will be out of power or service. The box culvert should be in within 2-3 weeks, depending on weather.

BUILDING COMMISSIONER'S REPORT: Building Commissioner informed Council that the Milbar property is going out for Sheriff's sale March 11th with the minimum bid being \$975,000. Building Commissioner stated he has received calls on the property so there is potential interest. There was brief discussion about the zoning of the property and whether it can be mixed use, etc. Building Commissioner stated it can be less restrictive, but not more restrictive.

Building Commissioner said there will be a variance coming from the Zoning Board of Appeals for a front yard setback on Maple Hill for an addition.

POLICE CHIEF'S REPORT: Police Chief informed Council that the legal notice for cruiser bids went in the paper this past week and will run for two weeks. The bid opening is scheduled for Wednesday, February 6th at noon. Bids will be considered at the Council meeting on Monday, February 11th.

Mayor stated that Spillman software has yet to deploy and there is a revised date of early February.

STREET COMMISSIONER'S REPORT: Street Commissioner stated that there are contractors in the area working for First Energy and some of them are parking their equipment on Village property - this is mostly for security reasons because they have pricey equipment on the trucks. Within the project is the removal of the two utility poles in the front yard that supplies Village Hall. Street Commissioner stated that both of those

poles will be removed and the new pole and transformer are in place. Through the contractor's cooperation, Street Commissioner said his department will be working with the contractor to get the supply to Village Hall underground so there will be no utility poles and no above ground wires. Street Commissioner stated without that utility pole, there would be no lamppost for lighting. Street Commissioner said he talked with the Mayor about this and Street Commissioner has provided the Properties Committee with some lamppost information that would be very attractive for the Village campus parking lot. Binder asked if Street Commissioner asked First Energy about providing lampposts. Street Commissioner said he would ask Mia Moore about this. Mayor said that this has been questioned in the past but the reaction has not been overwhelming. Mayor stated that the idea to get the line out of the front yard has been around for many years and it seems like that would have been a natural thing for First Energy to do, but it is ultimately the contractor that has stepped up and said that they would do it.

SOLICITOR'S REPORT: Solicitor had no report.

COMMITTEE REPORTS: Wolfe had no report.

Koons stated it was his pleasure to deliver job descriptions to Fiscal Officer. These will be organized and given to employees and Council before any action is taken.

Porter informed Council that the furnace had to be replaced at the rental property at a cost of approximately \$1,800 because the old one died.

Binder said he is still working on the plan for cell phone and he doesn't have an answer yet.

Dishong said the spring version of the newsletter will be coming out right after spring break. The deadline for getting articles in is March 1st.

Flaiz reported that the Building Committee met last Thursday, January 24th and they discussed the ordinance that is on third reading tonight about the tenant/landlord's information and business registration. Flaiz said his committee urges Council to pass that legislation tonight.

ORDINANCES/RESOLUTIONS:

Mayor gave third reading on an ordinance requiring submission of tenant information by owners and lessors and also by tenants. Flaiz made a motion to adopt, seconded by Binder. Roll call – ayes, all. Motion carried. Ordinance 2008-4.

Mayor gave second reading establishing a Parks Committee, the power and duties thereof, and the method of establishing its membership.

BILLS LIST: Koons made a motion to approve the bills to be paid 1/31/08, seconded by Dishong. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: Koons, Porter, and Wolfe had no report.

Binder stated he wasn't at the meeting when Council approved the well monitoring for the Village. Binder stated Council previously discussed quality testing and believes that the Village should keep their eyes on it. There was brief discussion regarding water quality testing and companies that could do it. Solicitor said there are not a great number of certified testing agencies and he believes Dr. Eckstein would be able to give a good recommendation of what the Village should be testing for.

Binder requested that Fiscal Officer send the agenda in Council packets in Word format so he could add comments. Fiscal Officer agreed.

Dishong made a motion to donate \$500 to the Chagrin Falls After Prom Committee, seconded by Binder. Roll call – ayes, all. Motion carried.

Flaiz said there was a motion made last year that the chair of the Finance Committee would be a signer on Village accounts. Flaiz stated once the ordinances went online, he researched it and one of the Village ordinances conflicts with the motion that Council passed last year. One of our ordinances specifies what titles are actually permitted to be a signer on the Village accounts; Finance chair is not one of the people listed in the ordinances. Flaiz said if Council wants Finance chair as a signer on the account, Council would have to amend the ordinance. Flaiz and Solicitor agreed that an ordinance trumps a motion. Flaiz is opposed to amending the ordinance. Mayor said this is a conflict that needs to be cleared up.

ADJOURNMENT: There being no further business to come before Council, Dishong moved to adjourn, seconded by Porter. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer