

**RECORD OF PROCEEDINGS**  
**REGULAR COUNCIL MEETING MONDAY APRIL 14, 2008 – 7:30 P.M.**  
**MAYOR MATTHEW E. BRETT PRESIDING**

**MEMBERS PRESENT:** Binder, Dishong, Flaiz, Koons, Porter, Wolfe  
**OFFICIALS PRESENT:** Police Chief Wetzell, Building Commissioner Hocevar,  
Street Commissioner Johnson, Solicitor Ondrey, Engineer  
Foley, Fiscal Auditor Lechman, Fiscal Officer  
Romanowski  
**GUESTS:** Sue Reid, CVT; J, Mark Hickman, Anne Hickman,  
John Krissing, Gary Dole, Marie Barr, Andy Lustig,  
Maple Hill; Ann Jacobson, Bell Road; Cindy Nairn,  
Whitetail Dr.; Richard Baker, Waverly Lane; Michael  
Hogan, Woodside.

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 March 10, 2008 Regular Council meeting, seconded by Councilman Porter. Roll call – ayes, all. Motion carried.

Regarding the Maple Hill sewer poll results, Mayor announced that of the 41 residents polled, the Village received 37 votes – 4 did not vote, 26 were in favor, 10 were against, 1 was agreeable either way. Mayor said that 26 of 41 is 62% and he didn't calculate the other percentages. Mayor stated that now that the results are in, he and the public utilities committee will try to digest it and kick it around and at the next Council meeting, he would try to have a decision from Council based on the results. Gary Dole stated that the results didn't surprise him considering the number of septic systems that have already been replaced on the street and considering there are four people not living on the street at this point in time which would be the people who didn't respond. Mr. Dole stated he has done some additional research and that this information is more for Council since they are in the position now of making the decision about what they are going to be doing. Mr. Dole checked Ohio Supreme Court rulings regarding septic versus sewers and the issue has come up on numerous occasions. Mr. Dole referred to the case of Clark vs. Greene County in 2006 where Justice Resnick said "It is well established that local boards of health have the authority to require that a household sewer be directly connected to a sanitary sewerage system whenever such a system becomes accessible to the property." Mr. Dole said that is not news to anybody, it has already been said all along. Mr. Dole also referred to a case from 1984 in which Justice Resnick said "requiring of sanitary sewer connections reflects the broad base policy determination that individual household sewage disposal systems are inherently more dangerous to the public health than sanitary sewer systems." Mr. Dole said if the Ohio Supreme Court has ruled, a lot of research goes into it and septic systems are not nearly as healthy as sewer systems. Mr. Dole said that he believes there is not one septic system on Maple Hill that would pass inspection unless it has just been replaced. Mr. Dole said that the majority of the septic systems on Maple Hill are not sanitary anymore and if they are

going to make a large scale investment in the process, they should be looking at a sewer system because for the long-term, that's what makes sense for the health of the individuals on the street. Mr. Dole said that Senator Grendel said that sewers are coming, he doesn't know when, but they are coming. Mr. Dole said if the Village doesn't go with sewers right now, they will be asking the people on Maple Hill Drive to put septic systems in as they go and then to pay again to put sewer systems in when the state mandates it. Mr. Dole said Council has to look at the long-range planning of the community and not the short-term. Mr. Dole also said the new standards to regulate septic systems are coming out mid-2009 and those standards will be more stringent than the current standards. Mr. Dole said they need to move on this while there is space at the McFarland plant because if that hits capacity, the residents will have to pay more to expand the plant. Mr. Dole said all council members currently have sewers and he wondered what they would be saying about the septic/sewer issue if they lived on Maple Hill and asked that they think about that. Mr. Dole said that Mayor Brett led the charge when his neighborhood was going through the septic/sewer issue so he knows he believes in it. Mr. Dole wants to be proactive on this and asked that Council think about what is in the best interest of the citizens of South Russell, not tomorrow, not two years from now, but maybe 15-20 years from now because all those systems will have to be replaced, even the new ones will have to be replaced again. Mayor stated that he did not lead the charge to go to sewers in his neighborhood, but he was involved in the process. John Krissinger said he has had various discussions with residents and he believes some of the problems are that the people who have recently put new septic systems in are upset because they would have to replace them. Another issue Mr. Krissinger heard that people were concerned about is the cost of \$25,000 and they don't see any help coming to help with the cost. Mr. Krissinger said we have to do what is right for the future. Ann Jacobson wanted to bring up the aesthetic issues with the septic systems she said the residents are quite creative in their appearance. She said that some people that were opposed to the sewers scared her and told her there would be a pumping station in her front yard that would not look well and would be running all the time. On advice of the Mayor, Ms. Jacobson called Gus Saikaly from the Department of Water Resources and he took a lot of time to listen to her concerns, explain how it worked and said that every part of the plan was negotiable. Mark Hickman said he and his wife are against going for sewers at this time. Mr. Hickman stated that less than two years ago he and his wife came before Council because they were told by the county that they had to put in a new septic system, by law. They came before Council and asked that they do it the most economical way for them which was to put it in the front yard. Mr. Hickman said he knows it is not the most attractive, but he's not going to put money into landscaping if in a year or two he will have to rip it all out. Mr. Hickman said they have already spent incredible amounts of money for this and they cannot afford to rip up this system and sink more money into the ground, literally. Mr. Hickman said that if Council would have told him two years ago that they were considering putting in sewers and would have helped him with the county, they would have been happy with that and probably today would be for sewers. Mr. Hickman said they did what they had to do by law and now he feels they are being punished because now the rules are being changed and he and his wife are not happy with the situation at all. Binder said he understands where Mr. Hickman is coming from, but noted that in thinking – if Council operates on the premise

that at some point in time sewers will be mandated, no one knows what point in time that is and there is going to be a group of people who just put septic systems in. Binder said it doesn't matter if it is in 10 years, 15 years, there are going to be some people that are unjustly harmed by this. Binder said he doesn't know how to get around that – there will be no point in time that someone doesn't have a fairly new septic system and feel they are being treated unjustly. Binder said he is just making the statement – he doesn't have an answer. Porter asked how many new septic systems have been installed in the last five-six years and the answer from residents was about seven. Porter asked if the residents of Maple Hill who recently installed new septic systems would be interested in paying a little less towards sewers than the other residents. Mr. Dole said he asked Gus Saikaily from the Department of Water Resources that question and Gus said he didn't think they could do that but he would look into it – Mr. Dole said didn't hear anything back. Mr. Dole stated that Gus Saikaly said he would look into grant money but it is hard to get. Mayor said this issue will continue to be discussed at the next Council meeting. Mr. Dole pointed out that 2.5 times more people voted for sewers than against.

**MAYOR'S REPORT:** Mayor informed Council that he received a letter from the Sun Ridge Homeowners Association in regards to their opinion poll for sewers. Mayor stated that 24 of the 31 members responded, and of the 24 that responded, 8 were in favor, 16 were not in favor. Mayor said that line is clearer, they are not in favor.

Mayor reported that the Village recently formed a Park Committee that is made up of one Council member, which is the Chair of the Properties Committee, and four residents. Mayor said there were 9-10 residents who expressed an interest in serving on the Park Committee. Mayor said he and the Properties Committee met with these applicants and they were all very interested in contributing to the Village and had some relevant experience. Mayor appointed Ted Kruse and Lee Schiemann to serve 3-year terms on the Parks Committee and Peter Calfee and Michael Hogan to serve 2-year terms. Dishong made a motion to affirm the appointments, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Mayor reminded Council that the Village is under the EPA mandate, also referred to Phase II, which is the Stormwater Management requirement. The Village completed the report and is in the fifth year of that mandate. Mayor said the new requirements for the next 5-year committing cycle are currently still being gelled up and shockingly, some of the requirements are forecasted to get tougher as far as what the Village is on the hook for.

Mayor stated that the Planning Commission met on March 20<sup>th</sup> and the primary thing covered that evening was the conservation development district which is the forecasted overlay idea for the northeast quadrant. Mayor believes that Planning Commission will be in the position to move forward on this at the next meeting which is Thursday, April 17<sup>th</sup>. Mayor stated that at the Planning Commission meeting on March 20<sup>th</sup>, they introduced and moved on the Balanced Growth Initiative and Mayor referred to the handout distributed to Council regarding this. Mayor said the long and short of it is that if you identify the areas which can change at the Village's discretion, the state will in

essence give their stamp of approval which helps support the Village zoning. Mayor said that as long as the Village has done a Balanced Growth Initiative, it does help the Village with getting extra points if we decide to go after any grants. Mayor said this does not change the zoning, there's no negative impact, there's no strings attached to this, it is a good thing to move forward on.

Mayor stated there was a Tax Board of Review hearing just prior to the Council meeting. There was no decision made at that meeting and they have scheduled another Tax Board of Review meeting for April 28<sup>th</sup> at 7:00 p.m.

Mayor said the Northeast Ohio Mayors and City Managers Association (NEOMCMA) has been relatively active. They are still working on the potential statement in regard to the Great Lakes Compact. Mayor also stated that NEOMCMA has been working on an initiative to evaluate what can be done in regard to regional economic development. They have been working on a model from Minneapolis and it's a form of revenue sharing. Mayor said it is somewhat complex and still has to go through the NEOMCMA yet and we will have to wait to see what occurs with that.

Mayor said he met with the individual who acquired the property on East Washington Street. Mayor said this gentleman has purchased a number of different properties and has a positive track record of turning them around.

Mayor said he attended the Health District Advisory Council Meeting and there is no forecast for any future assessment. They do have a levy that is coming due and the Advisory Council will need to go through a process of debating whether to do a replacement or a renewal. Mayor said this is not a huge dollar amount to the residents but Mayor said it is important to stay plugged in.

Mayor stated that the Chagrin Valley Intergovernmental Group has a local individual who works with human resources and is working with two different municipalities. There is the idea that since they are working with them, why not make the human resources resource available to all the different municipalities that make up the Chagrin Valley Intergovernmental Group. Mayor stated he and Porter met with this individual, heard what he is presenting and at this point they don't have a solid plan to present to Council.

**FISCAL OFFICER'S REPORT:** Fiscal Officer reported that she received Senator Voinovich's 2007 Annual Report if anyone is interested in reviewing it.

Fiscal Officer said on March 27-28<sup>th</sup> she attended the Local Government Conference in Columbus which is put on by the State Auditor's office.

Fiscal Officer reported that on March 17<sup>th</sup> she did the Current Agricultural Use Value (CAUV) paperwork as well as the Application for Real Property Tax Exemption and Remission to make the former Muggleton property tax exempt. It may take a while for

the exemption to take effect and that is the reason the CAUV paperwork was also submitted. She will inform Council once that is all final.

Fiscal Officer reminded Council that the Appreciation Lunch is scheduled for April 27<sup>th</sup> at 1:00 at Punderson Manor House and asked that RSVP's be in by the end of the week.

As Tax Administrator, Fiscal Officer referred to the Income Tax Report distributed to Council and stated the net distribution for March was \$78,975.43 and for April was \$77,300.49.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor referred to the Cash Management Report distributed to Council. Fiscal Auditor reported that interest rates are not as strong as we hoped. Fiscal Auditor reported that his report is for both February and March since he was absent at the March 10<sup>th</sup> meeting.

Fiscal Auditor explained the ambulance fees and how that works.

**ENGINEER'S REPORT:** Engineer reported that regarding the Chelsea Court project, the pipe is installed and the chamber is very close to being complete with primarily the grading to be completed.

Engineer stated the regarding the Road Program, it is linked to the Chelsea Court with how much the Village does with Chelsea and Southwyck. Engineer has forwarded his recommendations to Mayor and Streets Committee for review and action. Recommended streets for the 2008 Road Program include; Laurel, Anglers and Laurel Brook in addition to Southwyck – some of which will be done under the Issue 2 project.

**BUILDING COMMISSIONER'S REPORT:** Building Commission stated that the white building near Village Hall put up an awning and the Architectural Board of Review turn the awning down. Building Commissioner said he sent the tenant a letter that he has 20 days to take it down or go to the Zoning Board of Appeals.

Building Commissioner reported that the old Chagtown restaurant on East Washington Street is going to be a Mexican Restaurant.

Building Commissioner said the house on Bell Road that recently had a fire will be coming down within the next 7-10 days.

Binder asked about the property on East Washington that was just purchased at auction – he wanted to know about the delinquent taxes and if the Village will get that money. Mayor said the taxes will be paid.

**POLICE CHIEF'S REPORT:** Police Chief said his department ordered the bicycle and it came in on Wednesday. His department contacted Chagrin Falls and they have loaned

South Russell a second bicycle. The two officers are scheduled to attend the bicycle school the first week of May.

Police Chief said he has looked into the tornado sirens and spoke to another vendor last week. The gentleman came out and drove the community and he anticipates it will be a two-siren system.

Police Chief said the Spillman Software is in and his department is adjusting to it daily.

**STREET COMMISSIONER'S REPORT:** Street Commissioner referred to his report distributed which included an end-of-the-season report.

Street Commissioner reported that he received the approval for the tire grant for the Spring Trash Day for \$1,725.

Street Commissioner stated that the street sweeping would begin Monday, April 21<sup>st</sup>.

Street Commissioner said that Serco, which is working with First Energy, will be removing the poles in the parking lot by Village Hall and the trench is dug to put in the underline wire. Street Commissioner said this should be complete within the next week. Street Commissioner also stated that within that project, it has been noticed that there are other utility poles on the property that can be removed for the campus enhancement. Street Commissioner said this is a project we will want to move on because once they make the new connection, there will no longer be a light in the parking lot.

**SOLICITOR'S REPORT:** Solicitor had no report.

**COMMITTEE REPORTS:** Wolfe had no report.

Dishong thanked everyone for his or her help with the newsletter. Dishong also stated that they will forgo the next newsletter and will look to do a publication that has the village map and facts and will be sponsored by advertisers. The cost would be minimal to the Village but it would be a great thing for the residents.

Flaiz reported that the Building Committee met last week and the business registration process is still ongoing. The letter to the property owners has been finalized and the envelopes have been printed and they will go out certified mail.

Flaiz referred to a draft of an ordinance to limit and regulate outdoor storage of vehicles. Flaiz said this is something that has been hanging around for 1 ½ to 2 years going back and forth between boards/commission. It was decided it should be under property maintenance and they have finally come up with a final draft to come before Council.

Koons reported that Finance will meet later this month but will start looking at the police levy which will come up in November.

Porter said that he met with Building Commissioner to discuss ways to improve employee health care. The employees have some good ideas and they are going to explore them now rather than waiting until November.

Porter said he requested to go into Executive Session to discuss employee compensation and an employee coming off the probationary period.

Porter recommended that the Village purchase five light posts from the Adjusta-Post Company to light the Village campus. Porter said there is some thought that the Village may need more than five posts. Porter said the cost is \$425 each light which would be just over \$2,000 for five or close to \$3,000 if the Village purchases seven. Street Commissioner said there would be some cost with wiring, etc. There was discussion regarding the number of lights, the placement of the lights, whether all should be done at the same time or do some now and more at a later time. There was discussion regarding wattage, type of lights, etc. Porter made a motion to purchase light posts from Mars Electric for the Village campus not to exceed \$3,000, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Porter said that at the last meeting Council agreed to clean the ducts at the Police Department. It has come to his attention that the other buildings including the Service Department, Building Department and Village Hall have not been cleaned in recent memory. The Village has received a bid to have all the ducts cleaned in the Village buildings for about \$1,500. Porter made a motion to authorize the Mayor and Fiscal Officer to enter into a contract with Mighty Ducts not to exceed \$1,500 for the purposes of vent cleaning in the Village buildings, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Porter stated that Mayor charged properties with determining the site for the cemetery prior to the initiation and selection of people to be part of the cemetery committee. Porter said his committee recommends the cemetery for South Russell be established at the site set forth in the Comprehensive Plan which is the area between the strip mall and the rental property across from Village Hall, parcels 29-706407 and 29-706410. Porter says they have evaluated all the properties that the Village owns and it may not be perfect, but they believe it's the most appropriate place. There was discussion regarding the status of the cemetery board, establishing a cemetery and whether or not the cemetery board should decide where the cemetery would be, the prior Ad Hoc Cemetery Committee, the cemetery location, etc.

Binder said Finance should reword the Legal Notice Income Tax advertisement notifying people of income tax requirements for individuals and it should include business as well.

#### **ORDINANCES/RESOLUTIONS:**

Mayor gave second reading on an ordinance establishing the regulation of illicit discharges to the municipal separate storm sewer system in order to comply with

requirements of the National Pollutant Discharge Elimination System (NPDE) permit process as required by the Ohio Environmental Protection Agency.

Flaiz introduced an ordinance supporting the Chagrin River Watershed Balanced Growth Plan in cooperation with the Ohio Lake Erie Commission's Balanced Growth Program.

Flaiz introduced an ordinance amending section of 1480.2 of the codified ordinances by adding paragraph (e) which established limitations on outdoor storage or parking of vehicles in residential districts.

**BILLS LIST:** Koons made a motion to ratify the bills paid 3/31/08, seconded by Dishong. Roll call – ayes, all. Motion carried.

Koons made a motion to pay the bills to be paid 4/15/08, seconded by Wolfe. Roll call – ayes, all. Motion carried.

**NEW/OTHER BUSINESS:** Flaiz and Porter had no new business.

Dishong said that Council will have to replace some of the Village signs and the company that used to do them is out of business so the Village has to make a change. The signs are not cheap, approximately \$1,100 per sign, so Dishong thinks the Village will have to do 1-2 signs at a time over a couple years.

Koons said the Village will be shredding paper on May 17<sup>th</sup> from 9:00 a.m. until noon. The Village will incur the cost of approximately \$400.

Wolfe said she spoke to Liz O'Neil before break and the school district has just passed a cell phone regulation for their employees and she is going to get a copy to Wolfe to look at.

Binder asked if the Mayor's group discussed the umbrella coverage amount. Mayor said Fiscal Officer sent out an e-mail prior to the meeting and the Mayor's were unaware of the amounts at the meeting – they said their finance people would have that information.

Porter made a motion to adjourn into Executive Session to discuss employee compensation, seconded by Koons. Roll call – ayes, all. Motion carried.

Council reconvened at 10:06 p.m.

Porter made a motion to make employee Jeff Pausch a permanent employee for South Russell Streets Department removing him from probationary status and raise his compensation \$1.00 per hour effective April 1, 2008, seconded by Dishong. Roll call – ayes, all. Motion carried.

Porter made a motion to authorize the Mayor and the Streets Department to enter into a contract to purchase a pressure washer as previously identified, seconded by Dishong. Roll call – ayes, all. Motion carried.

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

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Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer