

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 12, 2010 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Binder, Dishong, Flaiz, Koons, Porter and Wolfe
OFFICIALS PRESENT: Fiscal Auditor Lechman, Fiscal Officer Romanowski,
Building Commissioner Hocevar, Police Chief Wetzell,
Street Commissioner Johnson, Solicitor Ondrey and
Engineer Foley
VISITORS: Parks Committee and Cemetery Board

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer read the roll. Koons moved to waive reading and approve the minutes of the March 22, 2010 Public Hearing with Senator Grendell, seconded by Binder. Roll call: ayes – Binder, Dishong, Flaiz, Koons and Wolfe; Porter abstained. Motion carried. Koons moved to waive reading and approve the minutes of the March 22, 2010 Regular Council Meeting, seconded by Dishong. Roll call: ayes – Binder, Dishong, Flaiz and Koons; Porter and Wolfe abstained. Motion carried.

Porter reported that the Parks Committee met on March 31st to discuss issues that will be coming up this year.

Bryan Kostura said that the boundary changes in the park are being considered to gain more usable space and do as little re-grading as possible. The plans include lacrosse and soccer fields as well as the addition of a baseball field. Soccer and lacrosse fields are not used much of the year, but a junior baseball field would open up the park to other possibilities. In the future, pavilions and picnic tables could entice people to use the park even more. Mr. Kostura also said lighting for the Bell Road side of the park is on the priority list. The Parks Committee recommends that it illuminate the park sign and the parking area for safety and usability. The intent is to use part of the Northeast Ohio Public Energy Council (NOPEC) funding for the lighting project.

Porter told Council that September 19th, September 26th or October 10th are dates being considered for the Fall Festival.

In regards to the ten-acre parcel at the park, Mayor stated that Council has agreed to go ahead with the boundary changes. There is still a lot of work that needs to be done in order to have these changes occur. Significant funds still need to be raised.

Porter pointed out that the ball field has the potential to be rotated to point north or south as most ball fields do.

Mayor said he thinks that Council was not overly in favor of lighting the signage at the park. One option discussed was to move a pre-existing street light to illuminate the parking area so as not to increase the lighting footprint. Flaiz stated that the park is closed at night so he does not see the need to have lighting in the parking lot.

Porter and Flaiz both thought a power source would be beneficial for events such as the Fall Festival. Porter said the Parks Committee was making a recommendation to Council about more decorative lighting. Building Commissioner said he has asked a lighting specialist to make a recommendation. Mayor asked that at the next meeting different options for lighting be presented. Wolfe added that she is not opposed to illuminating the sign. Binder suggested the possibility of solar lighting.

Lee Schiemann reported that a request has been made from a private group wanting to use the park for flying their radio-controlled model airplanes. The consensus was that battery-powered model airplanes are not considered motor vehicles that are prohibited at the park. Council approves of this activity at the park. Solicitor stated his concern about the safety of other patrons at the park. It was decided it would be acceptable as long as the group is mindful of others. Mr. Schiemann will report back to the group's representative of the Council's decision.

Cindy Nairn distributed paperwork on two consultants that were interviewed by the Cemetery Board. Ed Pyle explained that Joyce Bond prepared a proposal and asked for bids from both candidates. Both consultants received the same information. The two companies that responded were Grever & Ward out of Orchard Park, New York, and The Ohio Cemetery Foundation from Cincinnati.

Ed Pyle reported that the meeting with Grever & Ward occurred in March. Correspondence was exchanged with the company from March 10-26th. The Cemetery Board worked hard with Grever & Ward to help them understand the proposal and to have the consultant issue a quote pertaining to the proposal. The response continued to be a restructuring of the cemetery. The response was not informative and did not meet the requested criterion. The Cemetery Board and Mary Beth Wolfe met late March and resubmitted the proposal to this company to ensure he understood the request. A final letter was received on March 26th from Grever & Ward stating they were withdrawing from the bidding process.

Ed Pyle told Council that the meeting with The Ohio Cemetery Foundation was in February. The Cemetery Board explained to both candidates that they were not looking for a reconstruction of the cemetery, but an affirmation of what the Committee had done so far in several different areas. The Ohio Cemetery Foundation was the only respondent that offered clear information directly in regards to the proposal. The Ohio Cemetery Foundation reported the number of hours necessary and the hourly rate (\$130/hour). Other expenses were all outlined with explanations listed. The estimated cost is \$10,140 plus other related expenses. The Cemetery Board recommends proceeding with the Ohio Cemetery Foundation if, in fact, Council is satisfied with one proposal.

Wolfe feels that Grever & Ward seemed to want to take control of the project and disregard the previous work that has been done. The Ohio Cemetery Foundation appears to be willing to work with the Cemetery Board and they feel very comfortable with their proposal.

Binder asked if Wolfe and the Committee feel The Ohio Cemetery Foundation would be filling all the gaps in the knowledge base. Ed answered by saying the Committee requested a turnkey package. There were no areas that this consulting firm stated they would not address. The intent is when the package is again presented to Council, it will be a completed document considered the "master plan". Market analysis of comparison pricing is included in the cost. Flaiz brought up the question of the timeline to complete this process. Ed said that 90 days is quoted in the proposal.

Mayor feels that this consultant's proposal seems to fit very well with the ideas that were presented. Council had been looking for a group with expertise in the formation of cemeteries and also to look at the business plan to make sure, from their perspective, that it makes sense. Ned Foley replied to the Mayor saying that \$130/hour is a reasonable rate for a Landscape Architect. Fiscal Officer reported that \$15,000 had been budgeted for the consultant. Mayor suggested putting a dollar limit on the project.

Ed Pyle told Koons and Council that The Ohio Cemetery Foundation's representatives have not walked the cemetery site due to mid-winter weather conditions. Ed also said Grever & Ward was not the consultant that was hired by Chagrin Falls.

The Cemetery Committee prefers the consultant spend more time reviewing the design or focusing on the administration or operations area rather than take the time to conduct the survey. Mayor asked the Committee if they are comfortable with the three-month timeline. The Board definitely wants to move forward and feels the consultant will be able to complete their work within 90 days. The amount of work necessary for the Board members is unknown at this time. The Committee feels they need to keep the momentum going so the enthusiasm about the project continues.

Wolfe made a motion that the Mayor and Fiscal Officer engage with The Ohio Cemetery Foundation to act as consultants for the Village cemetery with a rate not to exceed \$12,500. This amount includes one trip by the consultant to South Russell, seconded by Koons. Roll call – ayes, all. Motion carried.

Mayor said he would sign the proposal. The Ohio Cemetery Foundation will send back a contract to be signed by Mayor and Fiscal Officer.

MAYOR'S REPORT: Mayor reported that in late March the first meeting of Chagrin Falls Regional Alternative Trails Study (CFRATS) was held. Behnke & Associates have meetings scheduled on April 27th and May 25th. They are to be held in the Chagrin Falls High School cafeteria. Darrell will send an e-blast to make residents aware of the meetings. Mayor believes this will be an interesting process and encourages Council to attend the meetings.

Mayor spoke with Steve Latkovic regarding the Northeast Ohio Areawide Coordinating Agency (NOACA) grants and Safe Routes. Chagrin Falls was awarded the largest grant in Ohio. Mayor would like South Russell to take the initiative in preparing for the next round.

Mayor reported that the Chagrin Valley Intergovernmental Council (CVIGC) meeting was postponed to May 22nd.

Mayor stated that he thought Senator Grendell's update regarding septic legislation was informative and pertinent to the decision facing the Village. Council needs to stay tuned on this piece of legislation. The first piece should be decided in April with legislation being finalized in July. If the Septic Bill gets passed, the Mayor recommends that the Maple Hill residents vote again. He feels there should be a set percentage of yes votes required to move forward with the project.

Binder suggested, if this occurs as Senator Grendell thinks it will, he thought Council should speak to the most vocal proponents of the sewer project.

Flaiz said if this bill passes, he thinks the County Board of Health should look at the final version of the statute and how the guidelines will affect Maple Hill followed by a public meeting. Flaiz would like to see an opinion poll with no determined levels or outcomes. Flaiz would like to see a clear majority. Mayor would like to have some clarity at how the outcome will be viewed before the vote.

Porter said he believes waiting on legislation is the right thing to do. He does not want a certain percentage set, but is looking for a percentage in the high 80s to confirm the decision of moving to sewers.

Wolfe would like to see a decision made one way or another with the finalization of legislation this summer.

Mayor, Dishong, Flaiz and Porter will be attending Congressman LaTourette's function on June 10-11th.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that the auditors are done working on-site and should have their report finalized by the end of April.

Fiscal Officer stated that she went to the State Auditor's Conference last week. In 2012, the GASB-54 will be required. Changes will need to be made to the Village's fund structure to accommodate this change.

Fiscal Officer completed the bank reconciliation and balances with the bank. The financial statements will be posted on the server when the Fiscal Officer and Fiscal Auditor confirm their totals agree as well.

Fiscal Officer was notified by the Treasurer's Office that inheritance taxes totaling \$11,728 were received. She will request an advance of these funds.

As Tax Administrator, Fiscal Officer reported numbers have not been received but when they are she will forward them to Council.

FISCAL AUDITOR'S REPORT: Fiscal Auditor stated he did not have his regular monthly report but he will have it for the next meeting. Fiscal Auditor distributed and reviewed a report regarding income tax rates, credits, residence tax, employee taxes, etc., and explained how the different parts worked and affected each other.

ENGINEER'S REPORT: Engineer Foley reported that the last time he calculated the cost of paving Bell Road the cost was approximately \$823,000. He said, at this time, the current estimate is about 5% higher at \$867,000. He will go ahead with the application for the same requested percentage (55%) and ask for an Ohio Public Works Grant of \$475,000.

Engineer looked at the costs involved to widen Bell Road approximately 5 feet and computed that the cost would be between \$250,000 - \$300,000 to do one side of the road from Route 306 to Chagrin. He said right now there is about a 1½-foot berm, so effectively it would be adding 3½ feet. Engineer said there is no point in widening it any less than that. Engineer said there would be some opportunity to get some Federal money down the road, but now there's not much Federal funding available. There was discussion about widening the road and how wide was necessary. The discussion also included whether it should be one or two sides of the road. Dishong said he thinks it should be included as an option in the plan because if the Village doesn't widen the road when they pave Bell Road, it will never happen. Engineer said there would be a lot of costs involved in creating that wider berm. It would involve a lot more engineering than he and Chuck Kadun can do.

Flaiz asked if this addition would hurt the Village in getting the Round 25 funding. Engineer replied that it would enlarge the program enough that the Village may have a tough time securing funding for it. Engineer will talk to the County Engineer about it but he feels the Village has a strong chance for the funding at 55%. If the Village starts adding another \$100,000+ to that, it might make it tough to get funding. Engineer said the more funding requested, the harder it is to get.

Dishong talked about the 2010 Road Program and said the Street Committee feels strongly about doing all of Manor Brook in 2010. Dishong said if half of Manor Brook is paved in 2009 and half in 2010, the costs will increase approximately 5% because that is the pattern. Dishong said the Village will earn far less than 5% if the money stays in the bank. It would put the residents through two major road programs in two years, and have the new road driven on by heavy equipment next year to do the other part of Manor Brook. Mayor clarified that if Council chooses to go with the larger road program this year, it probably wouldn't have one in 2011 or, if the Village did, it would be a smaller program. Porter said in 2011 they would probably just do crack sealing. There was

discussion about paving the police driveway this year as part of the road program or replacing the current driveway with grindings from the road program. Porter said adding \$6,000 on top of the enlarged road program for the driveway is substantial. He would rather wait to do the driveway.

BUILDING COMMISSIONER'S REPORT: Building Commissioner said there were two issues brought before Architectural Board of Review (ABR): an addition for a kitchen on Fawn Court and another addition on Manor Brook with door and window changes. ABR agreed to both.

Building Commissioner said Zoning Board of Appeals (ZBA) approved a variance on Bell Road for a detached garage.

Building Commissioner reported someone bought the property on Daisy Lane that butts up against the medical center. A house will be built on that property.

Building Commissioner said there is someone interested in the farm property on Chillicothe Road. They are interested in putting in an assisted living center.

Building Commissioner reported that there was an emergency repair of the hot water tank in the rental house.

Building Commissioner reported that the Washington Center storefronts are filled. He also told Council that the Ashleigh Subdivision is going before the Board to put in a neighborhood sign.

POLICE CHIEF'S REPORT: Police Chief reported that the bike patrol is up and running.

Police Chief said that the new cruiser is in and his department will start the change over of equipment tomorrow.

Police Chief informed Council there is a bill on the Bills List for approximately \$9,000 for Motorola; it is for the new radios. He reminded Council that the Village received a 90% grant for these radios.

Police Chief said his department is in the process of doing background investigations on two part-time candidates. He said the department is halfway through that process.

STREET COMMISSIONER'S REPORT: Street Commissioner reported his department replaced a culvert pipe on Ridgecrest Drive.

Street Commissioner reported that a sinkhole was reported on Manor Brook Drive. His department excavated it to find nothing. They have no idea what caused it.

Street Commissioner said the Village has received approval for the tire grant that will be used for Spring Trash Day.

Street Commissioner said the 1-ton dump repairs are just about complete. He hopes to have it on the road by the beginning of next week.

As Webmaster, Street Commissioner reported he has done some minor updates to the website. He is still waiting for a few members of Council to get back to him with passwords for new e-mail accounts.

Street Commissioner said the street sweeping was supposed to start today but the company he had scheduled cancelled on Friday. He has contacted another company and they have put the Village on the schedule.

SOLICITOR'S REPORT: Solicitor said he is working on the agreement with the Western Reserve Land Conservancy regarding the change of the conservation district boundaries.

Solicitor said he is working on the job descriptions and he will forward them to Koons and Wolfe when he is finished.

COMMITTEE REPORTS: Koons had no report.

Binder reminded Council about the meeting at Village Hall on Sunday, April 18th at 12:30 to discuss the financial strategic plans of the Village. Chris Hitchcock, Geauga County Treasurer, and Steve Thompson from Chagrin Schools will be present.

Dishong said the newsletter should be going to Evans Printing this week.

Flaiz reported that the April Safety meeting which was scheduled for Thursday, April 22nd, at 7:30 am has been cancelled.

Flaiz reported that the Planning Commission met last Thursday and approved two new ordinances relating to "housekeeping" of the zoning. The first was regarding the definition of personal services and the second was about the difference between banners, pennants and streamers. Flaiz will e-mail the definitions to Council but would like to introduce them at this meeting because they have to go through three readings and the Village has to have a public hearing at least 30 days after it is introduced.

Porter said the Properties Committee met and they would review Fiscal Officer's numbers on costs associated with the rental house. However, he stated it seems the Village is taking in more money than it is spending on the rental property. It seems to be a source of revenue.

Porter said they talked about the building's heating and air conditioning systems. He said at present it appears while the systems are old, fiscally it is better to repair them rather than replace them. New systems typically last 5-7 years. The older systems have been around 15 or more years. Building Commissioner added that you have to draw a line on the amount of repairs. If a repair is \$100-\$200 then it makes sense to do the repair.

Porter informed Council that a couple members of the Parks Committee walked the park and are pleased to report that there are a lot of trees budding. He said a lot of the plastic covers that were designed to keep the deer away have broken or are completely off.

Porter said the Parks Committee would be meeting at Village Hall on Wednesday, April 21st at 7:00 p.m. at Village Hall.

Wolfe reported that the Utilities Committee has to reschedule their meeting regarding centralized trash.

ORDINANCES/RESOLUTIONS: Dishong introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Specialized Construction, Inc., for the Village's 2010 Road Program at a cost of \$350,031.80, and accepting the bid to include Manor Brook I, Manor Brook II and the Police Department driveway, and declaring an emergency. Dishong moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Binder. Roll call – ayes, all. Motion carried. Ordinance 2010-08.

Mayor gave second reading on Ordinance transferring \$552,000; \$80,000 to Streets, \$200,000 to Safety, \$160,000 to Operating, \$100,000 to General and \$12,000 to Parks, and declaring an emergency. Binder made a motion to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder made a motion to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2010-09.

Binder introduced an ordinance transferring \$12,265; \$9,365 to Safety Fund, \$2,500 to General Fund–Salaries, \$400 to Cemetery fund, and declaring an emergency. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2010-10.

Binder introduced an ordinance to amend appropriations increasing General-Salaries/Benefits \$2,500, increasing Street Maintenance \$150,031, increasing Cemetery \$400, increasing Safety \$11,415, increasing Income Tax transfer \$162,296, and declaring an emergency. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2010-11.

Binder introduced an ordinance transferring \$150,031 from Income Tax to Street Maintenance and declaring an emergency. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2010-12.

Dishong introduced a resolution declaring April 22, 2010 to be Earth Day for the Village. Dishong moved to waive further readings, seconded by Flaiz. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Flaiz. Roll call – ayes, all. Motion carried. Ordinance 2010-13.

BILLS LIST: Flaiz made a motion to ratify the March 31, 2010 Bills List #2 in the amount of \$875.80, seconded by Koons. Roll call – ayes, all. Motion carried.

Dishong made a motion to approve the bills to be paid on April 15, 2010 in the amount of \$46,255.27, seconded by Binder. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: There was no new business.

ADJOURNMENT: There being no further business to come before Council, Flaiz made a motion to adjourn the meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

c: My Docs/Word Docs/Council Minutes