

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 26, 2010 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Dishong, Flaiz, Koons, Porter, Wolfe and Binder
OFFICIALS PRESENT: Fiscal Auditor Lechman, Fiscal Officer Romanowski,
Building Commissioner Hocevar, Street Commissioner
Johnson, Solicitor Ondrey and Engineer Kadun
VISITORS: Michael Hogan, Bryan Kostura, Dick Baker,
Cailyn Kiarich, Kathleen Klespies and several students
from Mr. McKenna's class

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 April 12, 2010 Regular Council Meeting, seconded by Dishong. Roll call: ayes – all. Motion carried.

Bryan Kostura said that the Parks Committee has chosen September 26th or October 31st as possible dates for the Fall Festival.

After discussion, Porter made a motion that September 26, 2010 be designated as the date for the Fall Festival to be held from 1:00 – 5:00 with a rain date of October 10, 2010, and authorized the Mayor to enter into a contract with Lolley the Trolley and the New Orleans Stompers, seconded by Koons. Roll call: ayes – all. Motion carried.

Bryan Kostura reported that last year approximately 400 trees were planted in the park for Arbor Day. Even though tree cages were purchased to protect the trees from deer and winter weather, many trees were lost. The Parks Committee would like to purchase higher quality cages before winter of 2010 to protect the trees. The trees could also be sprayed with a natural, non-toxic deer repellent. Porter is projecting a maximum project cost of \$1200, which would fall within budget. Wolfe asked if the property conservation would approve the use of deer repellent. Mayor thought that they would, but said a confirmation should be requested. Porter said the Committee would get more information and return to Council at the next meeting.

Wolfe said the Cats Den Garden Club is interested in planting daffodils around the South Russell park sign. Porter spoke for the Parks Committee saying the flowers would be a nice addition to the area.

MAYOR'S REPORT: Mayor reported that he and Koons attended the planning session for the Chagrin Falls Regional Alternative Transportation Study (CFRATS). The first public session is April 27th at the Chagrin Falls High School Commons at 7:00 p.m. A

survey inquiring about needs and issues relevant to this project was developed by the group. This survey will be e-blasted to Village residents as well as distributed at the meeting tomorrow evening.

Mayor reported that there was a significant fire on Manor Brook Sunday morning at 12:30 a.m. Binder reported that the family escaped due to their smoke alarms and said, "It is true that smoke alarms save lives".

Mayor asked Lieutenant Ferrell to report on the immigration issue that occurred over the weekend. Lt. Ferrell reported that early Saturday morning a van was seen in South Russell with expired Washington State plates. Nine people were distributing flyers for Power Direct, a marketing company out of Las Vegas. The Department of Homeland Security, Immigration Naturalization Services (INS) and Immigration Customs Enforcement (ICE) were notified. The Elyria ICE agent requested that the individuals be taken into custody so he could speak with them. The driver was the only one who spoke English. The detainees were interviewed via a speakerphone and an interpreter. Eight of the nine individuals are illegally here from Guatemala. The nine were transported in Geauga County Sheriff's van to the County jail. One was allowed to leave; however the others were to be picked up today by the ICE unit. Eight of the nine people face deportation. No criminal activity occurred in any of the areas these people were sighted, but they were illegal immigrants. Chagrin Falls, Bainbridge, Russell Township and South Russell worked together to get the situation under control in a swift manner. All flyers recovered were given to ICE agents.

Lt. Ferrell stated that a few of South Russell's police officers will be attending the Your Life Your Choice presentation tomorrow at Parkside Church. Fourteen hundred kids will be attending.

Lt. Ferrell reported that equipment is still being installed in the new cruiser.

Mayor stated that earlier today he met with the Building Committee Chairman, Building Commissioner and the Solicitor to review the zoning code as it pertains to the Architectural Board of Review (ABR).

Mayor attended Precious Resource's Earth Day celebration on April 22nd.

Mayor reported a letter was received approximately one year ago from the Chardon Courts in regards to the possibility of billing South Russell for their cost-overruns, which is their legal right. The Court sent the Village an invoice for \$1,909 for court fees. The strategy from the Mayor's office has been to ignore these charges. Solicitor said he does not know how far they would push the issue. Flaiz agrees with the Mayor that this invoice should be ignored. Mayor is choosing not to pay the invoice at this time.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that the 2010 Construction Guide from the Ohio Department of Transportation regarding summer construction jobs is at Village Hall if anyone wants to review it.

Fiscal Officer stated that there is a bill on the Bills List for Gable Elevator in the amount of \$295 for the elevator agreement that is being put on hold per the Building Commissioner. Removing this bill from the Bills List will change the total to \$41,216.60.

As Tax Administrator, Fiscal Officer reported the gross distribution for April, which is March collections, was \$63,475.97. After refunds and overhead, the net distribution was \$54,672.69. Year-to-date totals \$344,017.03.

As Tax Administrator, Fiscal Officer informed Council that she received a notice last week that a taxpayer had paid taxes on an S-Corp, which is not taxable. Over the next two months this \$127,000 refund will need to be made. That amount will come out of distributions.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his month-end report as of March 31, 2010. The Village is at the high point for the year just under \$2 million. Revenues are up in the first quarter compared to last year. Expenses are also higher than this time last year; however, revenue has increased more than expenses.

ENGINEER'S REPORT: Engineer Kadun reviewed the Engineering report. The Ohio Public Works Commission (OPWC) application for 2010 Round 25 costs to upgrade Bell Road west is approximately \$867,000. Engineer Foley recommends the Village request 55% (\$473,000).

Engineer Kadun stated that Engineer Foley is re-writing the Erosion Control ordinance.

Engineer Kadun reported that Specialized Construction will be moving equipment in on May 14th with milling and recycling scheduled to begin on May 17th. Curing takes a week if the weather cooperates. The paving process will only take 3-4 days.

Engineer Kadun stated that Manor Brook III has mostly surface damage. It is thought that, with milling of two inches and two inches of asphalt added to the road, it will probably hold up as long as the other two sections. It is thought that the cost of paving Manor Brook III and curb work to complete the project would be approximately \$20,000. Engineer Foley has a built-in contingency, to cover any unknown problems, so the cost might be as low as \$15,000.

Mayor recommended that if Council did decide to go ahead with Manor Brook III, the contingency remain intact. This is a long stretch of road and the possibility that additional costs might arise is fairly high. Mayor reminded Council that in doing Manor Brook I and II in 2010, two years of road work would be done in one calendar year, saving wear and tear on the road. Mayor thinks it would be wise to get the whole street done at one time. Engineer Kadun said that the surface of the first few hundred feet from Manor Brook II is in really bad shape. In a few more years additional money would have to be spent to do recycling down to four inches. The cost could be twice as much in five years.

Mayor stated that at the beginning of the road program discussions, it was decided to do Manor Brook I and II getting two years' work completed in one year. The average road program is \$200,000 a year. If the total for Manor Brook I, II and III is \$375,000, it would still be the equivalent of two years scaled back.

Binder said that if Engineer Kadun feels that doing surface work on Manor Brook III would give it an ultimate life expectancy of the other two sections, then he feels it would be a good idea. Engineer Kadun replied that he thought nothing would have to be done to the road again for 10-12 years.

Koons stated he thinks it is a good idea to do the whole street at once. He commends everyone for continuing to look at the situation to get the most benefit for the money. The approximate cost for all of Manor Brook to be completed is approximately \$368,000.

Wolfe asked the Engineer if he thought that the Manor Brook/Alderwood section would need additional work due the proximity of the wetland area. Problems occurred the last time this section of the road had work done. Engineer only sees surface damage at this time. Previously when those problems arose, more extensive damage was noticeable before the work was started.

Mayor reported that Manor Brook III was completed in 1995. Manor Brook I and II were done in 1999.

Engineer Kadun told Wolfe and Council that if a road is milled and recycled down to four inches it would last conservatively 10-12 years, possibly 15. It is dependent on the Village's tolerance of how bad a road gets before it is repaired.

Engineer Kadun reported that Alderwood looks fine at this time. Mayor stated that it was re-paved in 2007.

Porter said this has been a "job creep" process. Many additions have been made to the original road program and he wonders when it will stop.

Dishong stated that \$18,000 spent now compared to easily 2-3 times that much in 4-5 years is a big savings even though it is a lot of money for the whole project.

Engineer Kadun said, in his opinion, if Manor Brook III were not paved now, it would have to be done in 3-4 years. Again it comes down to the tolerance of the Village. Cascades Road in Lake Louise is in terrible shape but there are only 10-11 houses on the dead-end street.

Mayor said the decision to complete Manor Brook I and II at the same time is wise. Manor Brook III is another step. If asking what is the best thing for the Village, from an end product or a financial perspective, doing it now is of significant value. Right now, we

are revenue poor and cash rich. We have money in the bank doing nothing for us. For years the Mayor has thought the Village is falling behind on the road program. Engineer Kadun's index shows a number of roads at 58-62. Mayor believes this is the right way to go.

Flaiz asked Engineer Kadun, if the Village had gone out to bid the whole Manor Brook project (I, II and III) at the same time, does he feel it would have been a lower overall cost. Engineer replied that it could possibly have been lower, but he doesn't feel it would have been substantial.

Wolfe wanted to make sure that, if the additional sections of Manor Brook are done this year, there would be no road program in 2011. Mayor said he agrees that the Village would not plan on doing a road program next year. Mayor said he thinks Council would look foolish to wait to complete Manor Brook III in a couple of years and possibly damage a relatively new road when repairing such a short section.

Engineer Kadun told Council that after the asphalt goes down, starting roughly in mid-June, there would be a 30-45 day period in which heavy trucks were kept off the new pavement. Binder reported 531 Manor Brook recently caught fire and is on that street. Consideration needs to be made for construction trucks if possible.

Engineer Kadun suggested a change order for the dollar amount of the road program. Solicitor Ondrey reported that it could be done by motion. Mayor asked if there was any further discussion on the topic.

Dishong made a motion to authorize the Mayor and Fiscal Officer to issue a change order to Specialized Construction not to exceed \$20,000 for the paving of Manor Brook III including curb and gutter repair, seconded by Binder. Roll call – ayes: Dishong, Flaiz, Koons, Wolfe and Binder; nay - Porter. Motion carried.

BUILDING COMMISSIONER'S REPORT: Building Commissioner started looking into lighting at the park. At the current time, there is no electrical service for that area. The first step would include getting an extension from CEI, which was quoted at approximately \$1,300 to run the wire. Building Commissioner thinks the additional charges would be approximately \$400.

Mayor said he thinks at some point in time it would be beneficial to have power at the park, but it would make sense to wait to see what the long-term needs will be, e.g., what additions will be made (pavilion, comfort station, etc.). Mayor believes Binder's recommendation of solar lighting to illuminate the park sign would be a good idea at this time.

Dishong said he thinks it is a good idea to wait on getting the electrical service until there is a master plan in place for the park. Solar lighting will fill the current need and is relatively inexpensive.

Porter said that he would report this information to the Parks Committee. The need for an overhead light vs. solar lighting was discussed. Mayor suggested that Council wait for a recommendation from the Committee.

Building Commissioner attended an Architectural Board of Review (ABR) meeting last week. Topics included the variance for the garage on Bell Road, a granite sign for Ashleigh, and also approved the signage for the preschool. Panini's is scheduled to officially open on May 4th.

POLICE CHIEF'S REPORT: No report due to absence.

STREET COMMISSIONER'S REPORT: Street Commissioner reported that street sweeping was completed last week. The conversion of the police cruiser to a Service Department car has begun. Letters went out to the residents regarding the Manor Brook paving. Signs will be posted regarding construction dates. Election Day will be May 4th in the Service Garage. Senior trash pick-up dates are May 12th and 14th.

Mayor told Council that the Service Department did a great job restoring the one-ton dump truck to like-new condition, and it was completed under budget.

SOLICITOR'S REPORT: Solicitor told Council that the Police Prosecutor's contract needs to be renewed. Dennis Coyne is requesting a two-year contract at the same hourly rate as last year. Solicitor will adjust the wording of the ordinance slightly.

Flaiz introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into a contract for a two-year period beginning January 1, 2010 for police prosecutor services with Dennis Coyne at his current rate of the 2009 contract.

Solicitor Ondrey has requested a legal description of the new ten-acre boundaries from the Western Reserve Land Conservancy attorney. At that time a one-page agreement will be written to amend the boundaries. They will not be subject to the easement. Solicitor expects that this work will be finished by the next Council meeting.

COMMITTEE REPORTS: Dishong reported that the newsletter has been printed and will be mailed tomorrow. Precious Resources was featured in this newsletter.

Koons stated that the Human Resources Committee met to discuss job descriptions.

Koons continues to try to schedule a Certified Emergency Response Team (CERT) meeting.

Binder announced that the Finance Committee would meet April 30th at 7:00 a.m. at Village Hall.

ORDINANCES/RESOLUTIONS: Flaiz introduced an ordinance amending the zoning code concerning the definition of “personal services”.

Flaiz introduced an ordinance amending the zoning code by defining “banner”, “pennant” and “streamer” signs and prohibiting streamers in the business and industrial districts.

BILLS LIST: Koons made a motion to ratify the April 15, 2010 Bills List #2 in the amount of \$27,101.58, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Koons made a motion to approve the bills to be paid on April 30, 2010 in the adjusted amount of \$41,216.60, seconded by Binder. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: Dishong said there was an article in the Wall Street Journal regarding police departments making job cuts across the country from big cities to small towns. South Russell has had its challenges, but he feels good that the Village continues to provide a strong police force for the residents.

Koons said he recently spoke with Lenny May regarding the possibility of the Intermediate School being demolished and an addition being put on to Gurney School. Koons thinks it’s important to consider this when thinking of ballfields at the park. He also feels it would be beneficial to inquire about ballfields at St. Joan’s School before proceeding with any plans.

Dishong spoke to Dave Maistros. He said Dave is not interested in adding a baseball field on the ten-acre parcel of land. Dave said there is not a shortage of baseball fields; there is a shortage of good fields. Binder said the baseball field on the ten-acre drawing was essentially a T-ball field and wouldn’t be useful for much of anything anyway.

Wolfe said it had been brought to her attention that South Russell is the only municipality in the Chagrin Falls School District that has not responded to the After Prom Committee in regards to their annual request for \$500. Wolfe made a motion to make a \$500 donation to the After Prom Committee to provide an alcohol-free environment for the students, seconded by Binder. Roll call – ayes: Binder, Dishong, Flaiz, Porter and Wolfe; Koons abstained. Motion carried.

Binder spoke with Gurney School Board members who said they didn’t foresee anything happening with an addition to the school until the water issue has been resolved. Gurney’s well has gone out several times. Mayor reported that Eckstein’s contact information was given to the School Board.

Binder said he feels police coverage for the Village was not at the level it should have been on Saturday night when the fire occurred on Manor Brook. Mayor will look into the staffing issue.

Binder asked the Street Commissioner to look into whom the Village needs to contact to get the utility poles removed that aren't being used. The Street Commissioner reported that the last customer off the pole is required to remove it. Flaiz said there are a lot of poles standing that aren't serving a purpose.

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

Prepared by: Becky Peterson
c: My Docs/Word Docs/Council Minutes