

RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING MONDAY MAY 14, 2007 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING

MEMBERS PRESENT: Binder, Dishong, Flaiz, Koons, Porter and Wolfe
OFFICIALS PRESENT: Building Commissioner Hocevar, Street Commissioner Johnson, Police Chief Wetzel, Solicitor Ondrey, Engineer Foley, Fiscal Auditor Lechman and Fiscal Officer Romanowski
GUESTS: Gus Saikaly, Jerry Morgan, Doug Bowen, Geauga County Department of Water Resources; County Commissioner William Young; Gary Dole, Maple Hill Drive; Sue Reid, CVT; Jenna Butkovic, CVT; Tom McCrystal, Cascades Drive; Ann Dunning, Morningside Drive; James Stotter, Chillicothe Road; Dick Dietrich, Maple Hill Drive

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Councilman Koons moved to waive reading and approve the minutes of the April 23, 2007 Regular Council Meeting, seconded by Flaiz. Roll call – ayes, all. Motion carried.

GUESTS: Mayor Brett asked Gus Saikaly, Director of the Geauga County Department of Water Resources, to attend this meeting. Mayor wanted Mr. Saikaly to give insight and information to the Village regarding organizing an effort to take what is currently on septic systems and potentially look to go to sewers.

Gus Saikaly said the topic of sewers has been on peoples' minds more with the advent of the new septic tank rules. There is concern about the bunkers and the impact of the bunkers on aesthetics as well as the value of the properties. There is a point of sale program in the county that requires the upgrade of septic systems. An alternative to the septic systems is central sewer systems. About two-thirds of the Village has sewers except for the areas east of Bellwood. It is estimated there are approximately 350 septic systems in that area that would be up for consideration. Mr. Saikaly's department has had meetings with the residents from Lake Louise as well as Maple Springs who are interested in looking at sewers as an option. What stalled the discussions with Lake Louise was the price tag being too high due to the projected project only being about 60+ homes. The more properties you add to the equation, the more the price will drop. The county has no authorization to do anything without the expressed authorization of Council. If the time comes for this to happen, Council will have to ask the Geauga County Commissioner's office to proceed in developing a sewer system. Once the Department of Water Resources Board approves that request, then Mr. Saikaly would be authorized to proceed. Mr. Saikaly referred to an outline Mayor Brett put together giving reasons for extending sewers and reasons not to extend sewers. The steps that would be taken would include a number of meetings with residents to discuss each step of the

sewer installation process as well as to take input from the community. Mr. Saikaly stated that the projects that do proceed are often based on a preliminary comprehensive study that looks at the problem, what brought the problem about, the necessity of sewers, and the community's feelings about it. Next would lead into an engineering study which would be a study to focus on exactly how to correct the problem, what type of system is needed, the cost of the project, etc. Mr. Saikaly stated that by virtue of the fact that the Department of Water Resources has already had meetings with some of the residents, the need has more or less been determined, at least that is his feeling. Mr. Saikaly feels that if the price were right on the project, everyone would want to proceed. Mr. Saikaly said that if people would want to proceed, then the Village could save the money from having a preliminary comprehensive study and move directly into a preliminary engineering study. The next step would be to move in the authorization stage. All property owners would receive a tentative assessment notice and then there would need to be a public hearing to get feedback. If there were legal action with any residents, it would have to be settled before the project could proceed. Once that is all completed, the construction phase could begin and would take approximately a year. Councilwoman Wolfe asked if Geauga County does the study or if the Village hires someone to do it. Mr. Saikaly said that depends on the amount of work involved. Councilman Dishong asked about the assessment issue and how long a resident has to pay that off. Mr. Saikaly said at the end of the project the homeowners will receive their final assessment notice with the total amount due. The residents will have six weeks to let the county know if they want to pay it all up front, pay part of it and have the remainder assessed or if they want all of it assessed. Whatever part is assessed, the homeowner will pay the assessment plus interest over a 20-year period. They would notify the County Auditor and those assessments would be on their property tax bill. Councilman Binder asked if someone would be allowed to pay off an assessment early. Mr. Saikaly said they could do that but they will still be paying the interest for the 20 years as that is how the assessment was computed. Councilman Koons asked if this was an all or nothing deal - should it all be done at one time to make it more cost effective. The Department of Water Resources feels that when they are ready to make a recommendation to Council, they will most likely recommend stopping at Snyder Road unless there is a definite interest by Council and the Village to go all the way to the Village line. The Department feels that extending service beyond Snyder would bring up the cost of the entire project. McFarland Water Treatment Plant has space right now but given the laws that are effecting septic systems, there are quite a few areas in Bainbridge that will be faced with a similar decision and there will be less space available. Mr. Saikaly said prices don't go down and the longer the Village waits, it will most likely cost more. Binder asked Mr. Saikaly when the assessment estimates would be available. Mr. Saikaly explained that the assessments would be known after the engineering study and they get the cost of the project. This would be before the third residents meeting and they would be able to give the residents a ballpark estimate range. Mr. Saikaly said the engineering study would not be complete until a year from now to get the final numbers. Commissioner Young wanted to make the point to Council that Bainbridge is an area that is going to have a lot more sewers placed. The Department of Water Resources staff can only absorb so much work at a time. Commissioner Young encouraged South Russell Village to move forward as soon as they feel comfortable with going with sewers. Mayor asked Mr. Saikaly about the timeline of the project. Mr.

Saikaly said there would be about one year of a preliminary engineering study, public hearings and other steps required by law which would take three to four months assuming there are no legal challenges. A legal challenge would have to be settled before they could continue. If there were no legal challenges, the Village could be under construction in the fall of 2008 and the project would be completed about fall of 2009 or early 2010. Once the main lines are in, the residents will need to tie in within 6-12 months; by the end of 2010, most residents should be tied in. Mayor asked Mr. Saikaly if he had any idea what the overall savings would be to do this in a comprehensive manner rather than one development at a time. Mr. Saikaly said there is a savings of over 10%, possibly even up to 15%.

Gary Dole from Maple Hill Drive informed Council that at his neighborhood get together last year, they realized that they were all concerned about septic systems going into their neighborhood. Mr. Dole took on the project of sewer research for his neighborhood and sent out notices from meetings his neighborhood had as well as did a survey of whether or not the homeowners wanted sewers. Of all the households on Maple Hill, 8 houses did not respond to the survey and 91% of those that voted, voted "yes" to a sewer project. Mr. Dole said the residents of Maple Hill would like to have sewers put in and would like to see the whole community being involved in this for the cost effectiveness. Mr. Dole asked Council to be very cognizant of the zoning so that they don't put a lot of houses in the area behind Maple Hill, as it will have an adverse effect on the water table. He also wanted to know if there is any kind of cost recovery for those people who just put in a new septic system to be able to afford the sewers. Mr. Saikaly said there is no allowance in the law to give credit to residents who have already spent money in compliance with the law. However, in the ORC 6117 there is a provision that allows the County to offer deferment of up to 75% of the assessment up to 5 years. This could not be on a pick and choose basis, it has to be offered to everyone. Essentially, they are not saving any money; they are just pushing it off a bit. Mayor asked Mr. Dole if it was his intention that since the Maple Hill voting has occurred, if they are asking the Village to be included in a comprehensive sewer plan for the Village. Mr. Dole replied that Maple Hill would like to be included. Tom McCrystal from Lake Louise told Council that his neighborhood went through this process about a year ago and had people from the septic systems as well as people from the Department of Water Resources come out. They also held a poll among the residents which came out about 55% in favor of going to sewers. The residents with new septic systems voted no. Mr. McCrystal stated this his neighborhood had a number of issues regarding costs, residents with new septic systems, residents that aren't moving soon and feel it won't really effect them. Mr. McCrystal stated that he and Ann Dunning didn't feel as though the result of their poll was enough to come back to Council and say Lake Louise wants sewers. Mr. McCrystal is glad Council is addressing the issue and is looking for what is best for the community as a whole.

Mayor referred to a timeline he distributed to Council. Mayor informed Council that an overwhelming majority of the calls he has received have been supportive of taking on the task of sewers. Mayor wanted Council to know that not 100% of the feedback has been positive. Some people have just put in new septic systems and have invested a significant

amount of money. Mayor said if the Village is going to take on the task of organizing organizational meetings, it's not going to be popular with all of the residents. Mayor feels with all the changes regarding septic system requirements, sewers seem to be more acceptable than it used to be. Mayor explained that the way the Village can get involved is in getting information regarding septic and sewers and what is involved to residents so they can make an informed decision. Mayor feels there needs to be a vote from the residents to decide whether this is something the Village wants to do or not want to do and he believes the timeline on this would have to be fairly aggressive. Mayor suggested getting out an informational flyer to residents late May/early June; having an informational meeting for residents mid to late June; an informational meeting regarding the sewer project itself late July/early August; a third meeting mid-September to go through more detail of the potential project with a formal petition of the identified homeowners by mid-October. Mayor indicated that these dates are not set and can be adjusted. Mayor asked Council if this sewer issue is something they want to move forward with. Binder made a motion to have the Mayor and the Public Utilities Committee move forward with the process of organizing and providing informational meetings for residents that are in the area that still have septic systems, seconded by Wolfe. Roll call – ayes, all. Motion carried.

MAYOR'S REPORT: Mayor appointed Danielle Romanowski to the positions of Fiscal Officer and Tax Administrator effective May 1, 2007. Mayor noted that this appointment needs Council's approval. Dishong made a motion to approve the appointment of Danielle Romanowski, seconded by Koons. Roll call – ayes, all. Motion carried.

Mayor appointed Lawrence Adam Lechman to the position of Fiscal Auditor effective May 1, 2007. Dishong made a motion to approve the appointment of Lawrence Adam Lechman to the position of Fiscal Auditor, seconded by Koons. Roll call – ayes all. Motion carried.

Mayor swore in Fiscal Auditor Lawrence Adam Lechman as well as Fiscal Officer and Tax Administrator Danielle Romanowski.

Mayor thanked all the individuals that helped with the recent Spring Trash Day. The response from the residents is that they absolutely love this service and they truly appreciate it.

Mayor reported that this past May 8th there was an operating levy on the ballot for the Village. This levy passed with 888 in favor and 241 against. Mayor thinks this says a lot to the elected officials, the department heads and the employees - that the residents approve what everyone is doing.

Mayor informed Council that on Monday, May 21st he will be involved with a Daisy Scout project. The group will be presenting the Village with a flag and then they will be planting flowers at Village Hall.

Mayor told Council he had a meeting with Mia Moore from First Energy. One of the topics he addressed was the potential of Southwyck Lake using the property where the power lines are for dredging spoils as they look to dredge their lake. Mayor is unsure if this will occur, there are some hurdles and he believes it is a long shot. Mayor also spoke to them about the potential of using their property as an access point for the parking lot for the Muggleton Farm. Mayor also discussed with First Energy a proposed rate change. Since deregulation is in place, First Energy has the ability to change some of the rate structure. They are forecasting a decrease in some of the associated distribution costs, but an increase in generation. Homes that use a small amount of electricity will most likely see a decrease in their bill, however the average home will most likely see an increase.

Mayor said that the Village was approached by the Geauga County Sheriff's office. They have been evaluating new software for police incident tracking. The Sheriff's office has made an offer to all the municipalities in the county to be tied in to this software at varying costs. The software itself is actually of no cost to the Village, however training and support would cost \$4,200. This would replace the Village's existing police incident tracking software. Mayor is not sure if it is the right thing for the Village or not. Some communities have opted to go with it and others have decided not to go with it. The caveat to this is we would have to make a commitment by June 13th as to whether the Village is going with this or not. This would be a non-binding commitment; there would be no motion, no formal paperwork to sign. It would just be an indication to the county and the software supplier that the Village would want to be involved.

Mayor informed Council that the Planning Commission would be meeting tomorrow night, May 15th.

Mayor stated that the Muggleton Property should be closing on May 16th.

Mayor reminded Council that the next couple of meeting dates are changed. Binder reminded Mayor that he will be unable to attend the June 4th meeting as well as the Streets Commissioner. Wolfe was unsure if she could make the June 4th meeting. Flaiz pointed out that we are somewhat locked in because we already advertised for the Public Hearing on that date for zoning code issue. Wolfe said she would be at the meeting.

Mayor said Council would need to go into Executive Session for a personnel matter.

Porter asked the Mayor about the Muggleton ceremony he talked about at the last Council meeting. Mayor said he originally wanted to do something the end of May but he apologizes that he was not able to pull that together in a timely fashion. Mayor is still planning on doing something, hopefully in June.

FISCAL OFFICER'S REPORT: Fiscal Officer Romanowski reported that she received the final appraisal report from Paul O. Van Curen regarding the Muggleton property and has that on file if anyone is interested in reviewing it.

Fiscal Officer informed Council that she got the two new chairs for her offices and her back is feeling much better.

Fiscal Officer referred to the letter from Reminderville Police Department regarding the Public Records training but said she will call them to find out how they know this will satisfy the recent requirements by HB9 legislation.

Fiscal Officer thanked all the departments for their continued help and support, especially with the mailing of the recent newsletter.

Tax Administrator had no report.

FISCAL AUDITOR'S REPORT: Fiscal Auditor Lechman referred to his report distributed to Council. Fiscal Auditor stated that he does balance with the Fiscal Officer not just in the fund balances, but the expenditures and revenues as well. Auditor stated that the Village balances have gone down which is not unusual for this time of year as in February/March we have real estate taxes and this is our normal stream for April. The interest rate is holding steady. Koons questioned the liquor permits – the Village budgeted for \$2,000 and we have \$9,000. Fiscal Auditor said that he did notice that and that would be a good question for the Auditor's office. Fiscal Officer said a month or two ago the Village received notification from the Auditor's office that there was an uncashed check issued to the Village. Clerk Gallagher never received the original check and filled out the necessary paperwork for the Auditor's office to reissue it. They did reissue the payment, so part of that money is from last year. Fiscal Auditor said that probably happened around the time that the Village changed from Key Bank to Charter Bank and there were some problems with deposits from the Auditor's office at that time.

ENGINEER'S REPORT: Engineer Foley reported that the Chelsea Court design review of sewer type, size and alignment is continuing. Most of the preparation recently was for the resident meeting that occurred this evening and he feels it went well. He will proceed to finalize some of the details and complete the plans. A letter from the Ohio Public Works has been received acknowledging the grant and the funding date of July 1, 2007.

Engineer informed Council that regarding the Road Program, the contract documents are complete and the project was initially advertised on May 4th and then May 11th. Bids will be opened on May 18th at noon. Engineer told Council that Chuck Kadun would be at the June 4th Council meeting to go over the road program.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported that at the Zoning Board of Appeals meeting last week, there were two variance requests, one was for a front yard setback for an overhang for the front porch. It was a 4 foot 7 inch encroachment, the Zoning Board granted that variance. The other variance was for a home occupation to be done in an accessory structure, the Zoning Board denied that variance.

Building Commissioner asked for guidance on an issue with the Woman's Club who would like to put some type of little sign that says that the Woman's Club maintains the flower garden on the corner lot. Building Commissioner wanted to know if Council has any objections to this or would they like to attach some sort of guidelines. Council had no objections with the Woman's Club putting up a small sign by the flower garden.

Building Commissioner informed Council that Charter One would like to do an appreciation-type of cookout for customers and would like to encroach onto the Village property on the corner next to the bank. Building Commissioner wanted to know if this was a permissible thing to do. Solicitor said the Village should get an insurance waiver from Charter One Bank and he can put something together. Council had no objections to allowing Charter One Bank to use the corner lot property as part of their appreciation cookout.

POLICE CHIEF'S REPORT: Police Chief Wetzel informed Council that on April 25th he attended a program at Parkside Church called "Your Life. Your Choice." which is a program put on by many agencies for high school seniors to help educate them about drinking and driving. Police Chief was impressed with the program.

Police Chief reported that on May 4th Geauga Bar Association held a program called Law Day for 2007. Detective Sergeant Ferrell was recognized as Law Enforcement Officer of the Year and what made this especially nice was that Councilman Flaiz was able to present Detective Sergeant Ferrell with his award.

Police Chief reported that the new Ford Expedition is in and it is in the process of being set up and hopefully will be on the road in the next two weeks.

Police Chief referred to the recent coin theft case and stated that the gentleman that was charged and indicted and incarcerated on Federal charges will come up for charges June 30th in Geauga County Common Pleas Court for the grand theft charges for the State of Ohio.

Police Chief said he spoke to Swift Painting who was awarded the bid on painting the police station. Swift Painting expects to start painting no later than May 21st and the job will be complete within 4-5 days.

Police Chief informed Council that one part-time officer resigned primarily due to the officer not wanting to carry a taser. Porter asked if the officer gave a reason. Police Chief said he didn't know if the officer was not comfortable enough, or if it didn't fit him or what the problem was. The officer didn't go into a whole lot of details, he just said he wasn't going to carry the taser. Mayor asked if that officer disclosed not wanting to carry a taser previously. Police Chief said the officer did not disclose that to him prior to the policy being approved. Police Chief said one of his supervisors came up to him 4-5 days prior to this incident and told the Chief that that officer was not against the tasers, he just wasn't going to carry it. On the day that officer was given the policy and asked to sign off on it and implement the taser program, the officer went into the Chief's office and

said he would not carry it. Police Chief said we are down to five part-time police officers.

STREET COMMISSIONER'S REPORT: Street Commissioner referred to his report previously distributed. This report included a final wrap up of the winter season and includes salt used, hours put in, etc.

Street Commissioner said the crack/sealing program of the Village Streets has started and they are about 60-75% of the way through the Village.

Street Commissioner reported that on Election Day his department covered all the hours and there were no incidents.

Street Commissioner reported that his department covered 40 senior citizens in the Village for the Senior Trash Pick Up Days, which were May 9-10th. All the citizens appreciate it very much. His department works with the County under the Department of Aging and they assisted with not only logging the calls and pick-ups but also with additional help from two of their employees.

Street Commissioner informed Council that the Village has placed a few advertisements in the local papers – one for the 1989 International Truck. The Village will open those bids June 20th. The second ad was in for two weeks for replacement help for the service department for Marty Danku's retirement. Street Commissioner looks to accept those applications until Friday June 1st.

Street Commissioner said that Trash Day went well. There were 438 vehicles through the driveway which is pretty much in line with what the Village is used to. He stated there were several more vehicles that came through but the quantity of dumpsters stayed the same so maybe more people came through with lighter loads. The Village used 9 dumpsters for trash and 2 very large ones for metal and then the tire collection which the Village will be receiving a grant on.

WEB MASTER'S REPORT: As Webmaster, Street Commissioner told Council he has made some updates to the website with issues as they have been coming up.

Street Commissioner attended the Service Directors meeting today which is the local group involved with the Mayor's group. They are touching on some small, minor, regional purchases which they may consider in the near future.

SOLICITOR'S REPORT: Solicitor Ondrey reminded Council that with Fiscal Officer Romanowski's appointment, it requires that she be a resident within six months. He prepared an ordinance waiving the residency restriction for Council.

Solicitor informed Council that there have been a few documents he has had to review or create in order to do the Muggleton closing but the Village is on schedule.

COMMITTEE REPORTS: Wolfe, and Flaiz had no report.

Councilman Koons invited all Council members to come to breakfast at Trifles restaurant which will be followed by a two-hour training session for employees and an additional two hours for supervisors regarding the Drug Free Workplace program. As part of the Transitional Work program, the Village has to due this training to get our Bureau of Worker's Compensation rates lowered. The breakfast is at 7:30 a.m. and the program begins at 8:00 a.m. Koons informed Council that the Village received a \$2,400 refund from the Bureau of Workers' Comp from our fees and there should be more funding.

Koons reported that the two employees that have attempted to quit smoking are doing fine and they have stopped smoking. Koons feels we should monitor this and see how the employees are doing and then decide what Council wants to do as far as a policy.

Porter told Council that the Village has received the Ohio Municipal League group rating policy through Gates McDonald. The Human Resources committee will look it over before they make any recommendations.

Binder stated that the Finance Committee gave a short budget worksheet to the committee chairs to review with the Department Heads. Binder stresses not to spend a lot of time on these worksheets, they are to identify any significant changes for 2008. Binder asked for the reports back by May 26th. The Finance Committee will be submitting the preliminary budget July 9th. The date of the public hearing for the tax budget will be June 25, 2007 at 7:25 p.m.

Binder said they voted on SB on 117 for cable television franchises. Basically they want to take away the individual franchising rights of the communities and make it a state by state infrastructure. It is going through very rapidly with very little fanfare.

Dishong thanked everyone that helped with the newsletter. Dishong said that though he received a note from an upset resident that wanted the newsletter out earlier, he feels the newsletter got out in plenty of time for trash day, the articles, etc. Dishong thanked everyone for the articles.

ORDINANCES/RESOLUTIONS:

Ordinance amending Section 2.01(114) of the Zoning Code to exclude certain single-family residential septic systems from the definition of "structure". Koons moved to adopt, seconded by Dishong. Roll call – ayes all. Motion carried. Ordinance 2007-21.

Ordinance amending Chapter 1024 of the Codified Ordinances by providing for regulations governing the installation and screening maintenance of single-family residential septic systems within front yards of residential lots. Flaiz moved to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. Ordinance 2007-22.

Koons introduced an ordinance transferring \$301,000 as follows: Safety Fund \$200,000, Operating Fund \$100,000, Cemetery Fund \$1,000, and declaring an emergency. Koons

made a motion to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Koons made a motion to adopt, seconded by Binder. Roll call – ayes, all. Motion carried. Ordinance 2007-23.

Binder introduced a resolution for request of advance of taxes collected as an emergency. Flaiz moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Binder motioned to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. Resolution 2007-24.

Koons introduced an ordinance waiving the residency requirement for the Village's Fiscal Officer, Danielle Romanowski. Flaiz moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2007-25.

Flaiz introduced a resolution authorizing the Mutual Aid Agreement for the Service Department equipment and personnel and declaring an emergency. Flaiz moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Koons made a motion to adopt, seconded by Flaiz. Roll call – ayes, all. Motion carried. Resolution 2007-26.

Mayor gave second reading on an ordinance amending section 2.01(67) and (68) of the Zoning Code concerning the definitions of “lot line” and “lot width”, respectively. There will be a public hearing June 4th at 7:00 p.m.

Flaiz introduced an ordinance approving the amending section VI, E, Authorization Statement to Designate, of the current approved Solid Waste Management Plan for the Geauga-Trumbull Solid Waste Management District and declaring an emergency.

BILLS LIST: Koons made a motion to ratify the bills paid May 2, 2007, seconded by Dishong. Roll call – Koons, Porter, Wolfe, Dishong, ayes. Binder – nay. Motion carried.

Koons made a motion to approve the bills to be paid May 15, 2007, seconded by Dishong. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: Binder, Porter, Dishong, Flaiz had no new business.

Koons said a neighbor told him he thought the Village should replace the signs at the school-crossing zone with flashing lights. Koons was happy to tell him Council is in the process of doing that.

Wolfe asked if the Service Department is now mowing the Muggleton property. Street Commissioner said that Mayor asked his department to clear an area for the recent tree planting.

Dishong made a motion to adjourn into Executive Session to discuss personnel, seconded by Flaiz. Roll call – ayes, all. Motion carried.

Council reconvened at 11:08 p.m.

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

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer