

RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING MONDAY SEPTEMBER 10, 2007 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING

MEMBERS PRESENT: Binder, Dishong, Flaiz, Koons, Porter and Wolfe
OFFICIALS PRESENT: Police Chief Wetzel, Building Commissioner Hocevar,
Street Commissioner Johnson, Solicitor Ondrey, Engineer
Foley, Fiscal Auditor Lechman, Fiscal Officer
Romanowski
GUESTS: Steve Thompson, Superintendent Chagrin Falls Schools;
Dr. Bethany Hurtuk, School Board President; Dick Baker,
Waverly Lane; Connie Kramer, Snyder Road, Bainbridge;
Joan Kramer, Elm Ct., Chagrin Falls; Chris Perucci,
Sheerbrook Drive; Sue Reid, CVT.

Mayor Brett called the Regular Council meeting to order and asked for a moment of silence in remembrance of the lives lost six years ago on September 11, 2001. Mayor then 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 August 13, 2007 Regular Council meeting seconded by Councilman Dishong. Roll call – ayes, all. Motion carried.

VISITORS: Police Chief Wetzel introduced Richard Michael Kramer who was present to be sworn in as a new full-time police officer for the Village. Mike has been an officer in the Bainbridge Police Department for 16 years. Aside from being a patrolman for Bainbridge, Mike was instrumental in drafting up grant proposals and developing Bainbridge’s employee evaluation program. Mike also spent 8 years with the Army Reserve. Police Chief recommends the Village appoint Mike Kramer to the position of full-time patrolman. Dishong made a motion to appoint Richard Michael Kramer to the position of patrolman first class, seconded by Wolfe. Roll call, ayes all. Motion carried. Mayor swore in Richard Michael Kramer.

New Chagrin Falls School Superintendent Steve Thompson introduced himself to Mayor and Council. Mr. Thompson reminded Council that there is an issue on the ballot in November and invited Council to attend a public meeting being held on October 9th at 7:00 p.m. in the new Performing Arts Center or another one on October 10th in the Gurney Elementary School gymnasium at 7:00 p.m.

MAYOR’S REPORT: Mayor reported that since the last Council meeting, the second informational sewer meeting took place on August 14th. Present at the meeting were Gus Saikaly from Water Resources, Bill Wendel from the Geauga County Health Department and a surprise guest appearance of Senator Tim Grendell. Mayor stated the session was well attended and regardless of resident’ opinions of sewer or septic, the overall feedback is favorable regarding the process that is taking place in making the decision. Mayor said the third meeting will most likely take place early October with the poll of identified

residents probably occurring in mid-November. Solicitor said there isn't any formal procedure in the Ohio Revised Code for something of this nature. Solicitor said the Village needs to keep in mind that the poll is non-binding and Council can take it into consideration for decision making. Solicitor would recommend against the Village taking the position that whatever the poll results are, that the Village be obligated to follow. Solicitor said ultimately Council has to decide whether or not they will allow the extension of sewer lines. Solicitor said Council must remember this is an opinion poll and the Village should devise means to make sure it is as fair and representative as possible. There was brief discussion regarding model polls from other communities or outsourcing the poll so that the Village is completely objective. It was decided that the Village would consider all options before making a decision on how to conduct the poll.

Mayor reported that on August 8th a transformer at the substation went out and First Energy brought in a temporary transformer that is still being used. First Energy has forecasted that the original transformer should be back online by the end of the week and predicts no service interruption in hooking this up. Mayor reported that First Energy has the ability to call residents to notify them of a known power outage. Councilman Binder questioned emergency reverse 911 and what the protocol of that is. Mayor explained that the Police Chief, Lieutenant or the Mayor can make the call to First Energy for emergency reverse 911 calls. Koons questioned Police Chief regarding how long it would take to notify all the residents in a reverse 911 emergency situation. Police Chief said the county is updating their system to 16 phone lines, it currently has 8. It also depends on the length of the message but if it was a 30-second message to 500 residents, it could be done in approximately 20-25 minutes.

Mayor updated Council that the Village is going through the process of identifying businesses located in the Village. This is being done so the Village can know how many businesses are in the Village and also to form a better relationship between the Village and the businesses. Mayor stated the businesses should know they are in South Russell and the services the Village provides as well as the tax filing requirements of the Village.

Mayor said he has a meeting this week with a representative from Waste Management regarding services and recycling and what happens with the recyclable material. Mayor will also discuss the possibility of going to contract for centralized trash collection.

Mayor reminded Council of the discussion at the last couple of Council meetings of looking to use the First Energy substation for parking for the Muggleton property. Mayor said despite good efforts, this doesn't appear as though it will work. Mayor said the Village is switching gears and is looking to put in a parking lot approximately 65 x 65 feet in the northeast corner, approximately 100-150 off the property line from the substation area. Mayor told Council if anyone has any contrary opinions to that idea to let him know. Mayor said the recycled material from the road millings is what would be used to make this parking area as well as the purchase of three culvert pipes at a ballpark cost of \$200.

Mayor informed Council he attended a conference held by Congressman LaTourette regarding government surplus and rural funding. Rural funding comes in when one would start talking about either stormwater or sanitary infrastructure or public water systems. The good news is there are some government programs available that will provide grants or loans for projects like this. The good/bad news is that most of the eligibility is based on the median income level of the residents which puts the Village well out of reach for these programs. Mayor stated that he talked to Congressman LaTourette's office and there are some small grants that the Village may be eligible for and he will look into those once it is decided how the Village will proceed with the sewer/septic issue.

Mayor referred to the Parks Commission meeting held before the last Council meeting. It was Mayor's opinion that first Council would make a motion that the cemetery is an initiative that the Village would do and then the Village would establish the board. Councilwoman Wolfe made a motion in favor of the Village pursuing a cemetery, seconded by Councilman Porter. Roll call – Flaiz, Koons, Porter, Wolfe, Dishong, ayes. Binder, nay. Motion carried. Mayor said the next step is for Council to decide on a logical spot for a cemetery to go. Based on the motion made at the last Council meeting, Mayor will start to work on reestablishing a cemetery committee. Mayor said Council would need to put together a mission statement as well as responsibilities and financials.

Mayor informed Council that the next Planning Commission meeting has been changed to September 27th at 7:30 p.m. where they will continue to work on the comprehensive plan. Mayor said they are working on the topic of the northeast quadrant and they are continuing to look at the idea of a conservation district. Mayor stated if the conservation district would occur, that would give the Village the ability to control setbacks, buffering, etc.

Mayor reported that the Farmers Market continues to improve and every week is a record setting week for the vendors. Mayor thanked Koons and Flaiz for all their help assisting with the parking.

FISCAL OFFICER'S REPORT: Fiscal Officer Romanowski referred to the flyer distributed to Council regarding the Attorney General's certified training for elected officials. Solicitor reminded Council that the law states that elected officials or their designee must take this class on public records. Solicitor stated that while Council can select a designee to attend on their behalf, there may be a real benefit in receiving the knowledge. Mayor stated that though they can designate Fiscal Officer to be the designee for the Village, he encouraged Council to attend this session. Solicitor informed Council there has been revamping which brought about this requirement and the law is tougher than ever before and the penalties are riskier than ever before. Solicitor recommended Council know as much as possible regarding public records and stated he believes this may effect how Council communicates with each other and increase their knowledge of what Council needs to be thoughtful of. Councilman Koons made a motion to designate the position of Fiscal Officer as the official designee for Mayor and Council for the

certified training for elected officials, seconded by Dishong. Roll call – ayes, all. Motion carried.

As Tax Administrator, Fiscal Officer reported that she has not yet received the September income tax deposit amount and she will have that report at the next meeting and she will e-mail it to Finance when she receives it.

FISCAL AUDITOR'S REPORT: Fiscal Auditor Lechman reported that with the short week last week, as well as an issue with the bank the financials are not yet complete and he will have that report at the next Council meeting. Fiscal Auditor informed Council that the state decided in order to save money, they are no longer going to send statements of what was deposited by direct deposit into the Village account. In the past, the Village would receive a statement indicating what tax money was deposited into the bank account, how much, and the date of the deposit. In order to cut back on the cost of mailing those out, the state no longer mails that statement out. The state set up a code system that should be on the bank statement indicating the details of the deposit, but Charter One is not coding this correctly. Fiscal Auditor stated that the service to get this coding correctly will cost the Village, so the state's savings is the Village's expense. Fiscal Auditor stated that with the Village being so small, it is not easy to discern just by the dollar amount what the deposit is for. Fiscal Auditor and Fiscal Officer are working with the bank to get this straightened out, but this is another issue of why financials are not done.

ENGINEER'S REPORT: Engineer Foley reported that the 2007 Road Program is complete but the final cost is not yet known. Engineer stated original contract amount was \$122,667.50 but the Village did authorize some additional work which increased the cost to \$139,896.52; however the projected final cost will be approximately \$126,455.00. Engineer gave Fiscal Officer the estimated bill of \$102,485.32 and said if Council would approve Fiscal Officer to pay this estimate then he would have the final pay amount due at the first meeting in October,

Engineer informed Council that there is discussion going on now for the next highway bill which will effectively occur in 2008. What is being asked of communities is to consider projects they may have in the future. Engineer said the Village has discussed a bike path in the Village and he suggests that if there is interest in pursuing a bike path, some of the next highway bill money could be earmarked for that project. Engineer recommended correspondence with the congressman's office if this is something the Village wanted to consider. Engineer said there are many projects earmarked by the last transportation bill and a bike path is an absolute candidate. Mayor asked Engineer to provide a list to Council of projects possibly eligible.

Engineer reported that there have been some changes with Chelsea Court project. Engineer reminded Council that there were some issues with a couple of the residents and ultimately what the Village was trying to accomplish in the end could not be done. This started to raise some questions of how exposed the Village wants to be with dealing with this issue on private property now and in the future. Engineer said it became apparent

that there is an existing sewer outlet, though not very big, but it is a good alternative to avoid dealing with some complicated issues on private property. Engineer said he would replace the existing sewer with a 30-inch sewer all the way down Chelsea and bringing it back into the property east of the Newman property to provide relief of flooding issues. Engineer said this would be working on public right-of-ways for the most part. Engineer said that everything they planned downstream has not changed. Engineer feels the end result is a much more doable project and the cost is still within budget. Engineer said he believes this is a much better solution and he is in the process of finalizing the plans. Mayor questioned the project timeline and Engineer feels things are still on target. Koons asked about the effect on the street itself. Engineer said there will be some repair but those streets have been pigeonholed for an upcoming road program. Engineer said except where they have to dig through the street, the road should not be damaged.

BUILDING COMMISSIONER'S REPORT: Building Commissioner Hocesvar told Council that there was some concern regarding a demolition at 1561 Bell Road. Building Commissioner reported that the contractor registered, pulled the proper permits and the Health Department sealed the septic tank and the proper procedure was followed. There was an issue about a line crossing the street and a bus running over it but it was a telephone line; the power has been off since August 29th.

Building Commissioner reported that the Milbar property is going up for Sheriff's sale on October 25th. Priced at 1.9 million, minimum bid of 1.2, liens 1.5 million.

POLICE CHIEF'S REPORT: Police Chief Wetzel reminded Council that there is a tabled ordinance regarding the restructuring of the Valley Enforcement Group (VEG) so that they can own property as a group. There are no changes in the funding. Solicitor said that he reviewed the final draft that was virtually the same as the prior draft that he believes was fine. Solicitor informed Council that this is an agreement to establish a regional council of government, which is a new thing. Solicitor stated the Village had VEG in the past but this is the first formal agreement to enter into any type of VEG. It is strictly construed to establish VEG under the new regulations. Solicitor said the Village is in the group for a year but can get out at the end of the year if desired. Solicitor explained that VEG will have its own separate set of by-laws. It has been a device under Ohio Revised Code to allow municipalities/communities that are physically close to each other to join to try and find devices and ways to cooperate in whatever subjects they want to get in to.

STREET COMMISSIONER'S REPORT: Street Commissioner Johnson informed Council that the new school zone flashers are up and running. School zone flashers were in place and operating four hours after the start of the first day of school.

Street Commissioner reported Council that Wednesday, September 12th there is a bid opening at noon for salt bids and he will present those at the next Council meeting for approval.

Street Commissioner informed Council that he and the Solicitor prepared a letter of agreement regarding the salt dome usage in the winter for the Ohio Department of Transportation. This letter of agreement is in Columbus for their review.

Street Commissioner reported that after almost a month, the new employee is fitting in well and doing a good job.

Street Commissioner stated that he got one phone call from a resident that was very much in favor of the proposed moving of mailboxes on Bell Road.

SOLICITOR'S REPORT: Solicitor Ondrey informed Council that the Zoning Board of Appeals had a variance session regarding the property where Charter One bank is located. Charter One Bank is now a separate parcel from the shopping center and nothing has changed physically on the property.

COMMITTEE REPORTS: Flaiz, Porter, had no report.

Koons informed Council that Althans Insurance is sending out questionnaires for employees requesting them to update their health information. Althans will then use these questionnaires to get current prices for health care. Koons said the contract with Althans ends on November 1st. There was brief discussion about evaluating a health savings account and changing the expiration date of the insurance coverage. It was decided to address both of these issues with Althans Insurance.

Wolfe referred to information she distributed regarding document shredding. Wolfe reminded Council that the subject came up of Council managing accumulating sensitive documents at home and the proper way to dispose of these documents. There was discussion regarding shredding documents and proper procedures regarding record retention. Solicitor recommended that nothing be destroyed until after attending the Public Records class in October. There was brief discussion about offering this service to the residents in correlation with Trash Day and getting cost estimates, etc.

Binder said the Village is running behind on the budget cycle. Once he gets August Financials, he will put together a revised budget schedule and get that out to Council and Department Heads.

Dishong thanked Street Commissioner for getting the school zone flashers in on time. Dishong is very pleased that they were put in on time and under budget.

Dishong reported that Carey Shoemaker is working out very well. The Streets Committee is in the final evaluation process for another Street Department employee which they hope to get on board soon.

Dishong thanked everyone for submissions to the newsletter. The newsletter is currently at the printer and Dishong hopes to have it out by the end of the month - the very beginning of October at the latest.

Dishong told Council that he, Koons, Mayor, Street Commissioner, and Police Chief had a meeting to formally start the planning for the Muggleton Festival which will be Sunday, October 21st. There was discussion regarding some of the plans for the festival including parking, how to spread the word of the festival, games, hayrides, music, tents, food, etc. There was also talk of possibly getting a sponsor to fund Lolly the Trolley to get people from parking at Gurney School to the festival. Additionally, there was talk of having something similar to a Grand Marshall of the event. Mayor reported that on the budget side of the event, there is going to be some cost involved. Mayor recommended the Mayor's discretionary fund be used to pay for the expenses. Dishong stated the next planning meeting for the festival would be on September 21st.

Mr. Chris Perucci asked to speak. Mr. Perucci said his belief was that the time on the old school zone sign was 8:00 a.m. and the new sign is now 7:00 a.m. Mr. Perucci commended the police department for having an officer standing by the new school zone flashers and waving people to slow down.

Mr. Perucci commented that by putting a parking lot on the Muggleton property, that would open the property to public access. Mr. Perucci asked if Council is prepared to publish policies that effect access rights to the property as well as ensuring the Village has the proper insurance coverage. Dishong replied that all those issues have been discussed and will be taken care of.

Mr. Perucci questioned if the festival is going to be a Muggleton Festival or a South Russell Fall Festival that just takes place on the former Muggleton property. He wanted to know if this was an event for the acquisition of the Muggleton property or a South Russell fall festival. Dishong answered that it is a South Russell Village festival taking place on the Muggleton property. Mayor commented that there will a process of naming the property and whether or not Muggleton stays in the name.

ORDINANCES/RESOLUTIONS: Flaiz made a motion to take the Valley Enforcement Group ordinance off the table, seconded by Dishong. Roll call – ayes all. Motion carried. Flaiz made a motion to adopt an ordinance authorizing the Mayor to enter into an agreement establishing the Valley Enforcement Regional Council of Governments for the supervision and control of the Valley Enforcement Group, seconded by Dishong. Roll call – ayes, all. Motion carried. Ordinance 2007-36.

BILLS LIST: Koons made a motion to ratify the bills paid 8/31/07, seconded by Porter. Roll call – ayes, all. Motion carried.

Engineer asked if Council would consider paying the estimated payment to Kokosing for the road program. There was discussion regarding whether or not to pay the estimated payment now and the final balance later in the month or early next month. It was decided to wait and pay the road program bill all at once.

Koons made a motion to approve the bills to be paid 9/14/07, seconded by Flaiz. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: Flaiz, Koons, Porter, Wolfe and Dishong had no new business.

Binder commented that he liked the electronic distribution of the Council packets, but he thinks Council should set up some type of criteria as what should be e-mailed out. There was discussion regarding what and how things should be distributed to Council and it was decided everything would remain being sent electronically.

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

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer