

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JANUARY 25, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Canton, Carroll, Dishong, Kostura, Nairn and Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Solicitor Ondrey

VISITORS: Bruce & Cindy Nairn, Whitetail Drive; Patty Mills, Manor Brook Drive; Vince & Georgeann Massa, Whitetail Drive; Carol Barr, Countryside Drive; Ed & Liz Scolnick, Covington Lane; Pat Holtz, Fox Way; Joan Demirjian, Chagrin Valley Times;

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag.

Mayor Koons asked if there were any nominations for the vacant Council seat. Dishong moved to nominate Cynthia Nairn to the vacant Council seat, seconded by Porter. Voice vote –Motion carried.

Cynthia Nairn was sworn in to the office of Council member by Mayor Koons.

Fiscal Officer Romanowski read the roll. Carroll moved to approve the minutes of the January 11, 2016 Council meeting, seconded by Kostura. Voice vote – all in favor. Motion carried.

VISITORS:

Patrick Holtz attended the meeting to express his concern of the Gulf Station’s variances that were reviewed by the Zoning Board of Appeals (ZBA) at their January 20th meeting. Holtz asked Council to consider putting together a working group to discuss the potential use of this property. Fox Run has discussed the potential purchase of the property as well. The Mayor stated the Building Inspector will be addressing this topic at the February 8th Council meeting.

Dishong asked Holtz if he was aware that there was a gas station at this location when he purchased his home. Holtz stated that he was aware but was hoping for a better solution for this property.

MAYOR’S REPORT: The Mayor stated that Dishong is assigned to the Parks Committee due to being Chairman of the Properties Committee, which is addressed by ordinance.

Mayor reported that he met with the Street Commissioner to discuss the upcoming trash day. There were issues last year with traffic being backed up to the intersection of Route 306 and Bell

Road. The Street Commissioner would like to hire additional help for the event and Chief suggested having residents enter at the Police Department drive so there isn't a traffic jam on the road. Additional discussion will continue at the February 22nd meeting. Trash Day will be held Saturday, April 30th.

Mayor asked if Council had any comments or suggestions for the goals and objectives list he distributed. Porter asked if there was a need to send six newsletters out this year and added that sometimes the Village has a problem finding enough material to fill the newsletter. Mayor said it may be easier to do a quarterly newsletter.

Porter also asked why the Mayor has scheduled to meet with the Chagrin Valley Times two times a month. Mayor stated that he is looking to develop good communication with the newspaper so the community receives accurate information.

Kostura asked how the Mayor would like to promote the cemetery. Mayor stated he would like to educate the public that this service is now available to them.

The Mayor performed his first marriage ceremony. The Mayor received \$150 from the couple which will go to purchase flags for the Show Your Colors program.

The Mayor has scheduled a meeting with the Waverly Lane residents before the next Council meeting at 6:00 p.m. on February 8th.

Mayor stated the Geauga Growth Partnership will hold a "State of the County" meeting on February 5th.

The Mayor requested that the Building Inspector provide an update at the next meeting concerning the Gulf Gas Station & Joyce Building variances that were reviewed by ZBA.

FISCAL OFFICER'S REPORT: The Fiscal Officer reviewed her report.

The Fiscal Officer asked Council to review the Tax Board applicants. Council will need to appoint two members and the third member will be appointed by the Mayor. The Mayor asked the Solicitor if Council can appoint alternates to the Board but the Solicitor suggested against that option since there is a section of the legislation that allows for a temporary alternate if needed. Discussion followed.

The Fiscal Officer stated the deadline for the Lean Ohio Bootcamp program is in June and asked Council to consider this program.

Kostura asked why income tax increased in 2013. The Fiscal Officer reported the income tax rate increase went in to effect January 1, 2012 and those taxes were collected in 2013.

Carroll brought attention to the notice for the Newly Elected Officials training presented by the Ohio Municipal League (OML), which will be held in Independence this year. Carroll recommended this class to Mayor and Council, even if they aren't newly elected.

SOLICITOR'S REPORT: The Solicitor stated that signage requirements are becoming a common legal topic with many changes and he will be putting together some things for the Planning Commission to review. The Courts have adopted some outlooks that are forcing all communities to reevaluate their sign ordinances.

Mayor asked the Solicitor to educate Council of the Planning Commission and ZBA process and duties at the February 8th meeting. The Solicitor added that one of the purposes of the Planning Commission is to review things like Holtz requested. He suggested possibly asking Planning Commission to review this topic instead of putting together a working group as Holtz recommended.

COMMITTEE REPORTS: Nairn and Canton had nothing to report.

Mayor would like the Safety Committee to review the suggestion of adopting a cell phone ordinance and asked Kostura to inform Council on what he would like to see included. Kostura researched this topic and found the following facts from the Insurance Institute for Highway Safety:

- Drivers under 20 years old make up 27% of distracted drivers and fatal crashes in the United States
- 33% of drivers between the ages of 18 and 64 report texting and driving on a regular basis
- Talking on the phone makes an individual 4 times more likely a crash
- Texting and driving increases your likelihood of a fatal crash by 8 times

Kostura also stated:

- There are currently 15 states that have laws in place that only allow hands free devices while driving
- There are 46 states that have texting bans

Current laws in Ohio state:

- Juveniles ages 16 to 17 year old are not permitted to use phones while driving
- There is a no texting ban for all drivers
- There is no handheld ban
- Even with enforcements in other states, statistics only dropped slightly.

Kostura added there are other things that create a distraction while driving such as eating, putting on makeup, putting data into a GPS, talking to a passenger, dealing with children and listening to the radio.

Kostura gave various options to address the issue which included:

- Making the current offense stricter

- The village could require hands-free devices only
- The village could enact a complete ban of cell phone use while driving within the Village limits.

Kostura said the more reasonable selection is to enforce the current laws in place and make a more concerted effort to look for offenders which would fall under the responsibility of the Police Department. He would like to set a tone within the village that talking on the cell phone while driving is an unacceptable behavior.

Chief stated that out of all local communities he researched, Moreland Hills is the only place that enacted a ban against texting while driving. It went into effect in 2013 and the Police Department has only written a handful of citations.

Dishong thanked Kostura for conducting research on this topic. While working for AT&T he has seen the distractions of driving. AT&T has a device the company uses for their no texting while driving campaign, which shows the distraction can be worse than drunk driving. Dishong agreed with trying to enforce the existing laws instead of creating additional duties for the Police Department to enforce.

Canton stated that as a teacher, there is a constant battle with students using cell phones. He agrees that the current laws should be enforced.

Carroll said if the Village doesn't enforce the current rules then it's a moot point to enact new rules. Carroll added that the Safety Committee will discuss this issue in depth.

Porter said some of these rules are difficult to enforce and at times are challenged in court. He agrees with enforcing current laws.

Chief added another challenge is knowing how old someone in order to have the ability to pull them over for using their cell phone. Chief said accidents in South Russell are down 50% since 2010, which is the opposite for other surrounding communities.

The Fiscal Officer recently offered a safety meeting for the employees and showed some videos and statistics concerning distracted driving. She said it is safer for the Street Department employees to use the in-truck radios then to use a cell phone.

Nairn asked what is currently in place in village ordinances regarding the issue. Chief stated the village has a driver inattentive ordinance, which has been used to write citations in the past.

Porter suggested the village make the primary offense the driver inattention. Chief agreed that this option would be the easiest to enforce for all drivers.

Dishong added that he would like to see the bike lane decals installed as well.

Dishong stated the Human Resource Committee is continuing to work on the employee handbook revisions.

Kostura stated the Planning Commission is scheduled to meet February 18th at 7:30 p.m. Mayor asked Kostura to contact the Chairman to possibly reschedule due to a conflicting Chagrin Valley Jaycee's event.

Kostura will schedule a Finance Committee meeting with Nairn and stated the Streets Committee will meet February 3rd at 7:30 a.m.

Porter will be scheduling Public Utilities and Building Committee meetings soon.

Carroll stated that the Safety Committee would like to meet the first Monday of every month at 8:30 a.m. at Village Hall and asked Nairn to check if these dates would work with her schedule. The next meeting will be held March 7th. Chief would like to hire a few additional part time employees.

Ondrey stated that although committee meetings are open to the public, under the open meeting act, visitor input can be limited. Committees can also go into executive session to address items that are allowable per the Sunshine Law.

ORDINANCES/RESOLUTIONS:

Kostura gave third reading on an ordinance amending the Tax Ordinance to amend section 881.99(D). Kostura moved to adopt, seconded by Porter. Roll call – ayes, all. Motion carried.

Ordinance 2016-02

Kostura gave first reading to a resolution transferring funds from the Income Tax Fund to Street Maintenance \$200,000, Safety \$200,000 and Operating fund \$100,000 and declaring an emergency. Kostura moved to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Resolution 2016-03**

The hunting ordinance is tabled and a representative from the Ohio Department of Natural Resources (ODNR) will attend the February 22nd meeting.

BILLS LIST:

Kostura moved to ratify the January 15, 2016 bills list #2 in the amount of \$8,745.06, seconded by Dishong. Voice vote – all in favor. Motion carried.

Kostura moved to approve the January 29, 2016 bills list in the amount of \$59,208.67, seconded by Dishong. Voice vote – all in favor. Motion carried.

NEW/OTHER: Dishong, Canton, Carroll, Kostura, Nairn and Porter had no new business.

Mayor stated he was bitten by a dog on an extremely long leash at the South Russell Village Park over the weekend. The dog owner apologized and walked off quickly. Mayor had to get several shots to prevent infection and will need to start rabies shots if the dog is not found soon.

ADJOURNMENT: Being that there was no further business before Council, Nairn moved to adjourn, seconded by Canton. Voice vote – all in favor. Motion carried.

Meeting adjourned at 8:30 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen