

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 8, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Kostura, Porter, Canton and Nairn

MEMBERS ABSENT: Carroll and Dishong

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Street Commissioner Johnson, Building Inspector Heilman, Solicitor Ondrey, Engineer Haibach, Fiscal Auditor Lechman

VISITORS: Valerie Mariola, Russell Township; Bill McDonnell, Fox Way

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll. Mayor would like to hold off on approving the minutes until the next meeting because he said there are some items that need to be clarified.

VISITORS:

Mayor stated that the Building Inspector will be discussing the Zoning Board of Appeals (ZBA) variance requests at the end of the meeting. Anyone that would like to speak at a Council meeting may do so by requesting to be added to the agenda.

MAYOR'S REPORT: The Mayor called on Nairn, who apologized for not speaking up at the last meeting but wanted to thank Council for her appointment. She thanked everyone for their vote of confidence and said she looks forward to working with everyone.

The Mayor asked Council to let him know who they would like to appoint to the Tax Board of Review.

The Mayor said Kostura, Nairn, Carroll, Canton and the Fiscal Officer are interested in attending the Lean Ohio Bootcamp.

Mayor would like Council to consider whether or not they want to verify village residency for trash day. It was noticed that some people that no longer live in South Russell or have never lived in the village are dropping items off for trash day. The Street Commissioner, Police Chief and Fiscal Officer are working on a revised layout and plan for Trash Day and will present it to Council when it is complete.

The Mayor attended the Geauga Farmers' Market meeting and provided Council with a list of their sales over the past several years. They are at Lowes Greenhouse on Saturdays until March 12th. The farmers' market charges vendors \$20 per table or 5% of sales over \$400. The Geauga

Farmers' Market was offered \$5,000 to locate to another community, but they enjoy the village and have declined that offer.

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

The Fiscal Officer stated the Village insurance renewal premium is listed on the bills list and the cost is allocated to the respective funds.

The Fiscal Officer informed Council that the Fire Prevention Officer and the alarm company did the annual alarm test. During that test it was found that the Building Department office and the Street Department lunchroom cannot hear the alarm signals. They received a quote for \$486 to get the proper equipment to fix this issue. The equipment is on order and should be installed in the very near future.

The Chagrin River Watershed Partners' annual report is available for anyone interested in reviewing it.

The Fiscal Officer explained that the operating levy expires at the end of the year. She has prepared a resolution to get the funds certified from the County Auditor which is part of the process to get the levy on the November ballot. The Finance Committee is recommending a renewal of the levy rather than a replacement.

Kostura asked who will be removing the deer carcasses in the future. The Street Department will be taking care of this issue.

Kostura questioned the utility usage and expense report that was provided to Council and asked why the village is saving more on the gas bill recently but not so much with the electric. Porter explained that the warmer weather has contributed to the low gas bills this winter season and that the village was already with NOPEC for the electric rates so the bills won't show much of a difference.

Susan O'Connor quoted the Village \$400 to paint a new picture of Village Hall. Traditionally, elected officials receive a copy of a painting of Village Hall when their service ends. The current painting is 30 years old, but there are only two copies left so it is time to have a new one made. Samples of the artist's work were shared with Council and there were no objections to move forward with having her paint a new photo of Village Hall.

FISCAL AUDITOR'S REPORT: The Fiscal Auditor presented his report to Council and said that he and the Fiscal Officer balance to the penny on all funds. He also went over the fund balances on his report.

Kostura moved to approve the January 2016 Financial Statements as submitted, seconded by Nairn. Roll call – ayes, all. Motion carried.

ENGINEER'S REPORT: The Engineer has begun working on the 2016 Road Program and will be contacting the Streets Committee to discuss potential road projects.

The Engineer has also been updating a large map of village streets since the map located in the Street Department office is outdated by approximately 15 years. He will also be printing an aerial photo map to replace the outdated picture in Council Chambers, which is more than 15 years old.

The Engineer has been in communication with ODOT to finalize the Bell Road Project.

BUILDING INSPECTOR'S REPORT: The Building Inspector stated a Zoning Board of Appeals (ZBA) meeting will be scheduled soon for the building on the corner of Chillicothe and Bell Road, the former location of Dr. Holtz's office. The owner would like to add a couple additional parking spaces. The Building Inspector stated that in 1978, the Village granted an easement for the property owner to use the building until it is altered, which would make the easement ineffective. In the meantime, they are permitted to use the building as they have been.

The Lantern project is moving along and they will be looking for an occupancy permit within the next couple weeks. The Building Inspector will be setting up a tour for Council before the building is open for business.

There was an issue at the rental house with the hot water heater, which was addressed.

The Building Inspector, Police Chief and Street Commissioner have met and reviewed the lighting project at the Police Department as well. The Service Department employees will modify two lights in the police locker room as a trial and see how they like the lighting and then will assess how to proceed.

POLICE CHIEF'S REPORT: The Police Chief referred to his monthly report.

The Police Chief said that the traffic signal stopped working twice within the last month and Signal Services came out for the repair. There was a wire that shorted out on the lines and it shorted the control box of the system. The village currently is operating on a loaner control box while Signal Services gets a new controller from the manufacturer. The control box issue will be covered under warranty and the village won't receive a bill for the service, however there may be a charge for the wire repair on the lines.

The Police Department attended a training hosted by University Hospital to discuss tourniquet use. They also received training on administering Narcan, the opiate antidote drug. All officers will be provided with the items they learned to use.

STREET COMMISSIONER'S REPORT: The Street Commissioner reviewed his monthly report.

The Street Commissioner is relocating the flagpole on the village's corner lot of Chillicothe and Bell Road.

The Street Department had their first full burial at the cemetery on January 30th.

The Fiscal Officer scheduled a Bureau of Workers Compensation (BWC) walkthrough of the service garage. The BWC responded with a list of some minor items that need to be addressed, but stated that overall everything was in great order.

The Street Commissioner is putting together some ideas for the upcoming trash day and stated that using the Police Department entrance has been discussed to improve traffic flow. He will be reviewing the amount of manpower that is needed as well.

Blue Dog has provided the village with a quote to mow the village properties and their prices didn't increase from 2015. The Street Commissioner stated that the Land Conservancy has requested that the village cut back on some mowing at the park. This issue will be discussed with Blue Dog. The two cemeteries will continue to be mowed by the Street Department.

The Street Commissioner will be ordering signs for the parking ban areas in the village per the newly adopted ordinance. Canton asked what will happen if there is a special event going on such as a graduation party. The Street Commissioner stated they will contact the Police Department for street parking approval. Mayor Koons suggested maybe contacting the Homeowners Association Presidents to inform them of the new rules and how to obtain special approval.

The next Street Committee meeting will be held Friday, February 19th at 7:30 am in the Street Department office.

Kostura asked about a report of vandalism with a sign at the village park. The Street Commissioner explained that a sign informing park users of the leash rules has been removed and tampered with several times. The Street Department has corrected the issue.

SOLICITOR'S REPORT: The Solicitor met with the Mayor recently to discuss various village topics.

COMMITTEE REPORTS: Canton had nothing to report.

Kostura stated the Finance Committee met February 4th and discussed the levy renewal, which currently brings in about \$166,000 yearly. The committee is asking to place the renewal on the ballot a year early. This would give the Village two opportunities to put it on the ballot in 2017 in the event that it doesn't pass this November.

Kostura stated the February Planning Commission meeting was cancelled.

Kostura asked Porter to send him his notes for the Road Program discussion from last year.

Porter said the Building Committee will meet February 9th at 10 am at the Building Department.

Nairn and Carroll will schedule a Safety Committee meeting soon.

ORDINANCES/RESOLUTIONS:

Kostura introduced a resolution requesting the County Auditor certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a renewal levy of 4.2 mills for the purpose of current expenses of South Russell Village.

BILLS LIST:

Kostura moved to ratify the January 29, 2016 bills list #2 in the amount of \$20,736.46, seconded by Nairn. Voice vote – all in favor. Motion carried.

Kostura moved to approve the February 12, 2016 bills list in the amount of \$32,210.18, seconded by Nairn. Voice vote – all in favor. Motion carried.

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

Mayor said he met with the Chagrin Falls Fire Department and he would like to offer the updates and/or testing of fire alarms to residents. Mayor will research this topic further. Canton said he is very appreciative of the vacation watch program that the Police Department provides as well.

The Mayor said that the Chagrin Falls After Prom Committee has requested a donation for their event. Canton said that the parents are very generous with their time when planning these events. Kostura added that he likes the idea that kids will be at a fun, safe event instead of somewhere where they could be getting into trouble. Kostura moved to donate \$500 to for the Chagrin Falls After Prom event, seconded by Nairn. Voice vote – all in favor. Motion carried.

The Building Inspector explained if a resident wants to build or remodel their home or building, they have to apply for a zoning permit. If they want to do something that doesn't comply with the Zoning Rules, they will have to appeal their request to the ZBA. The Building Inspector can grandfather for side, front and rear yard setbacks if a subdivision is platted out years ago but has changed since then. All other requirements must meet current Zoning Rules.

For the Joyce building case, at the time the neighborhood was developed, the side yard clearance for the homes required them to be 1/6 width of the lot, but not less than 10 feet. Current zoning states that a two-story house, habitable space above grade must be a minimum of 2,400 square feet and single-story homes must be 2,000 square feet. Joyce Builders originally was asking for a shorter side lot clearance, but he withdrew that application. He then came back asking for a variance to reduce the habitable square footage of the house, a side yard setback of 4.8 feet and a lot coverage variance of 7% to go from the required 35% to 42%. There is a house on the other side of this property. These variance requests were denied by ZBA. Discussion followed concerning why certain zoning rules are in place.

Koons explained there is a property nearby that is built four feet from the property line. The Building Inspector added the property owner also owns a lot next to the lot requesting to be built on, but the other lot is in Russell Township. The builder is trying to avoid their zoning by building on the lot in South Russell only.

Nairn asked if the other houses in the neighborhood are bungalow style homes. The Building Inspector stated that they are, but there are a few houses comparable to the proposed house size though they are set back a little further.

Koons asked if they could share a driveway with their neighbor and the Building Inspector stated that the Zoning Code does allow for a homeowner to pave or concrete their drive right up to the property line.

Kostura asked what size of square footage may be attractive for a standard house for that neighborhood and if a survey has ever been taken. He believes this will need to be addressed by the Planning Commission eventually. The Building Inspector stated that a survey was never conducted.

The Solicitor said the builder stated it is hard to market small homes and a house that doesn't provide a 3-4 bedrooms is hard to sell. He added the tension is between the difference of market and what is wanted by the builder.

Kostura asked what the biggest hurdle is for a builder. The Building Inspector replied it is the side yard setback.

Porter said he realizes the neighbors want to keep the character of their neighborhood and that is why they are opposed to the planned house, but asked if there is anything in the Zoning Code that addresses the character of a neighborhood. The Solicitor stated there isn't anything that addresses this topic. He brought up one of the duties of the Architectural Review Board in Chagrin Falls is to consider the scale of the home compared to the neighborhood. This legislation would then help in a situation where someone would be trying to build a large home next to smaller homes. He warned Council if this is something the Village would like to enforce, it entails a book of many standards.

The Building Inspector then discussed the gas station property which is zoned B-2 – limited business. The gas station has been on the corner of Chillicothe and Bell Road since the 1950's and is a non-conforming use in the village. They were granted permission to use the property as is, but if they ever wanted to expand the building then they would have to conform to current zoning.

Circle K came to Planning Commission informally several months ago and said they were interested in purchasing the Bell Station. They wanted to add onto the building and sell grab-and-go foods, such as hotdogs, subs and some other items. The original proposal was withdrawn.

The current proposal is to angle parking, replace the pumps and have a 25-foot setback for parking areas. He also requested a solid fence around the dumpster, which is not permitted by current zoning and this request was withdrawn. Another variance was requested for the canopy raising it from the 15 foot max to 16 feet and 8 inches, and the final variance request is the lot coverage for 49.45%. The building is currently 1,252 square feet and the potential buyer would like to increase the building to 2,845 square feet.

Porter asked how commercial lot coverage is determined. The Building Inspector said it determined the same way as residential; with the paved and building area determining the lot coverage. The lot coverage and canopy variance requests were approved, the fence and parking were withdrawn, and the non-conforming expansion was denied. The Building Inspector said the investment would be approximately \$2 million.

The Building Inspector stated that if someone purchases this property and wants to build on it, they can build a 35-ft. high office building, closer to the property line, which would allow for someone on the upper levels of the building to be able to look down into the houses. The Building Inspector thinks that the Planning Commission needs to review the current Zoning Code.

Kostura asked what the current setback is from the Fox Run properties to the back of the existing building. The Building Inspector said the length of the property is about 115 feet so an estimate would be about 35 feet or so. The proposed expansion would have been 10 feet closer to Fox Run. The Building Inspector added that the proposed buyer was willing to make the mounds of dirt as high as requested by the neighboring residents and plant anything they want for screening. The lighting would have been directed down.

Kostura asked what the biggest concerns were from the residents. The Building Inspector said one of the major concerns was that the change to the gas station would lower their property values, and that they were told the existing gas station wouldn't be expanded upon when they purchased their homes. The Dr. Rood building is the closest structure to the gas station and he didn't express any concerns to ZBA.

The Solicitor verified that the applicant has 30 days after the minutes are approved to appeal the decision of the Board. If either applicant decides to appeal the decision, it would then go before the Common Pleas Court. He added that the minutes are reviewed by the court and the process usually takes about 6-12 months. Typically the person appealing would have to prove that they cannot use the property as it is currently zoned for its permitted uses.

On another note, the Building Inspector informed Council that Dave Hocevar, the village's previous Building Commissioner, was recently given a lifetime achievement award from the Ohio Building Officials' Association.

The Mayor is going to visit Biosolutions to get information on water quality tests for properties around the Lantern to see if the increased usage has any effects on the water table. This will give the village a benchmark for the quality and quantity before and after the Lantern opens. The Solicitor said that during the planning of the Lantern project, they hired a hydrologist, Dr. Eckstein, who reported to the Planning Commission on extensive testing.

Porter suggested this is possibly something that the village can look into having United States Geological Survey (USGS) monitor in the future.

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

Meeting adjourned at 9:04 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen