

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 13, 2017 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Dishong

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

VISITORS: Gary Dole, Maple Hill Drive

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 corrected the spelling of “Mark Cline” from the Red Cross on page 1 of the minutes. Carroll made a correction on page 7, the fourth line down, changing it to read “have sat down”. Carroll made a motion to approve the minutes of the January 23, 2017 Council meeting as amended, seconded by Nairn. Voice vote – all in favor. Motion carried.

MAYOR’S REPORT: Mayor stated he emailed his report to Council and department heads; there were no questions.

The Mayor informed Council that 52 letters were sent notifying residents there will be a follow up discussion at the February 27, 2017 Council meeting regarding stormwater issues. The Engineer and Street Commissioner will not be present at that meeting, but will be present at the March 13, 2017 meeting.

FISCAL OFFICER’S REPORT: The Fiscal Officer said the annual financial report should be filed with the State Auditor by mid-week. The State Auditor’s office is currently working on scheduling the Village’s 2015-2016 audit.

The Fiscal Officer reminded Council that the Village is currently in year three of a three-year agreement for property and casualty insurance. The premium for the insurance for 2017 is \$23,331 and it is on the 2/14/17 Bills List. She will start shopping insurance companies and reviewing the coverages in October for the February 2018 renewal.

Fiscal Officer reported she and the Mayor went to the Mayor and City Managers meeting on February 9th because one of the speakers was Myron Pakush from the Ohio Department of Transportation (ODOT). They used this as an opportunity to inquire about the status of the Bell Road project invoice. Mr. Pakush will research the issue and follow up with the Village. Fiscal Officer informed Council that they may have made some headway on the issue because she has

now heard from Randy Over from ODOT and he is checking with ODOT's financial office to get the status of the project paperwork.

Fiscal Officer addressed the centralized income tax collection issue included in the State's budget. After discussion, Council would like the Solicitor to draft a resolution of opposition to centralized tax collection. This will then be forwarded to various State legislators as a strong statement of the Village's opposition on the issue.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his report from January 31, 2017 and stated all funds balance those of the Fiscal Officer.

Fiscal Auditor reported that the Village received \$4,000 from Dominion East Ohio Gas for the easement grant at the Police Department. The Village also received various reimbursements from the Bureau of Workers' Compensation and salt reimbursement from Chagrin Falls Schools.

Kostura made a motion to approve the January financials as submitted, seconded by Canton. Voice vote – all in favor. Motion carried.

ENGINEER'S REPORT: The Engineer reported that he had CT Consultant's Structural Engineering Department inspect the Lake Louise bridge. Chuck Ross, who is one of CT Consultant's head structural engineers, was out on site and looked at the bridge and reported it looks fine. It has a lot of redundancy built in and it isn't as bad as it looks, which is promising. Engineer told Ross there will be a substantial construction project in that area of the Village which will require heavy trucks and equipment to use the bridge, and Ross said he didn't see a problem with the bridge handling that weight. Engineer expects the report on that bridge by the end of March.

Regarding stormwater issues, Engineer said he has met with the Chagrin River Watershed Partnership (CRWP) to review the individual property owner's complaints. They have talked with people, met with people, toured properties, canvassed neighborhoods and looked at everything there is to look at firsthand and have narrowed the list down to a series of recommendations. Most of the recommendations are to the individual property owners with suggested remedies to particular property issues. There are some things the Village can do in terms of improvements in the Village's right-of-way (ROW), including re-establishing ditches or placing some armor stone, or reinforcing the edge of the roadway.

Engineer told Council that CT Consultants has a stormwater study for the Village that is dated. Last year, at Council's request, Engineer put together an off-the-cuff updated number to fix the problems that were identified in that report. Engineer stated that report was geared towards the Chelsea Court drainage improvement area and broadened out from there. The Engineer would like to update that study and re-focus it on the problem the Village is having at the Chillicothe Road, Mike Klonowski (red ranch) culvert crossing area. He said of all the problems the Village has looked at on the big comprehensive stormwater list, that one stands out to be one that needs a long range view in addressing. Engineer said he will be coming to Council with a work

authorization request in the neighborhood of \$10,000-\$12,000 to put together an updated stormwater study.

The Mayor reviewed stormwater issue areas and said in the recent snow meltdown and rain, the Lantern area flooded again. The Federated Life Center has told the Village they can put a cap on their pond to make it act more like a retention pond.

Regarding the Chagrin Lakes water issues, the Mayor said the Lantern has done everything they are required to do. He reminded Council that the ponds in the Chagrin Lakes neighborhood are actually streams that have been dammed up.

The area of Chillicothe Road where the red ranch is located has a lot of water issues.

In reviewing the water issues in the Waverly/Kimberwick area, it was determined the school has done nothing wrong. The Chagrin River Watershed Partnership (CRWP) has given a lot of good ideas the homeowners can use to address water issues; one is to put in a bioretention pond.

There is a water issue on Lakeview Lane where water from all directions is going to one point and it is beginning to wash away the road.

Engineer stated that the Village has the obligation to maintain the stormwater infrastructure in the ROW. However, there are problems well outside the ROW and the Village can't spend public money on private improvements. The Engineer and CRWP have come up with specific recommendations to resolve the private issues, but it is up to the property owners to maintain the stormwater on their property just like it is the Village's responsibility to maintain the stormwater on its property and the ROW.

BUILDING INSPECTOR'S REPORT: Building Inspector reported that the Planning Commission approved a height variance on a new house.

Building Inspector informed Council that the McSherry barn was torn down and the wood from the barn is going to be used on a new Burntwood Tavern.

Building Inspector issued the permit for the underground storage tank removal at the gas station.

There is a new dentist's office which will be built at 5189 Chillicothe Road. They will be tearing down the current house and building an office building. When more than an acre is disturbed, the Environmental Protection Agency (EPA) is requiring a retention basin be put in. Therefore, a retention basin is on the site plan for that property.

Building Inspector reported that Paw Paw will have to get a variance because they are upgrading their water system and will be taking down their water tower and putting up a building for the pumps.

There was discussion regarding the lighting at the insurance company building at the corner of Bell Road and Chillicothe Road. Building Inspector reported that they have changed some of the

lighting and directed it more towards the building, but the issue is the intensity of the lights. Chief said the glare is gone because it is more of a spotlight than a floodlight. Solicitor said because the new owner didn't change the use of the building, he wasn't required to go to the Planning Commission to approve the development. Therefore, there was no review of the lighting. The Village has one zoning regulation about glare. There was discussion about the difference of passing a zoning ordinance versus a Council ordinance.

POLICE CHIEF'S REPORT: Police Chief informed Council the Village received one bid for a new Ford Police Interceptor SUV in the amount of \$29,375, or if the Village accepts their \$1,000 trade-in offer for the 2007 failing Ford Expedition, it would bring the cost to \$28,375. There was discussion about the low trade-in value on the used vehicle and the issues that vehicle is having. Carroll made a motion to accept the bid from Liberty Ford for \$28,375, seconded by Nairn. Voice vote – all in favor. Motion carried.

Police Chief reported the Cops and Kids fishing event will take place on June 25, 2017 at Lake Louise.

STREET COMMISSIONER'S REPORT: Street Commissioner reported he did a lot of touring this past month regarding stormwater issues.

The Street Committee will be meeting on Friday, February 24th at 7:30 a.m.

Street Commissioner reported that the annual stormwater meeting will take place on February 27th at 9:00 a.m. in preparation for the April 1, 2017 stormwater report filing requirement.

SOLICITOR'S REPORT: Solicitor had no report.

COMMITTEE REPORTS: Nairn, Porter, and Canton had nothing to report.

Carroll stated that the Emergency Operations Planning (EOP) Committee will be meeting Tuesday, February 14th at 7:30 a.m. to review the changes to the EOP and start discussing a tabletop exercise.

Carroll reported that the Human Resources Committee will be meeting February 16, 2017 at 7:45 a.m.

For Planning Commission, Kostura reported that the owners of the final lot on Ashleigh came in looking for a 3-foot variance approval for the height of their home. The variance was due to their walkout basement figuring into the height restriction calculation. The variance was approved.

Kostura said currently the Zoning Board of Appeals (ZBA) is structured so only two of three are needed to pass a variance on ZBA. For several years, they thought they needed three of three people to pass a variance. Now a decision needs to be made on whether it should be kept at two people to pass a variance if only three people show up, or if Council wants it that if three

members attend a meeting, it still needs three people to approve a variance. The quorum is only three and most of the time ZBA only has three people that show up even though the board is made up of five. Kostura said another option is to have two alternates to the Board so that in the event two people couldn't show up, two alternates could be called on. Kostura said he doesn't have a problem with keeping the ordinance the way it is, although having alternates is an interesting option because it allows more people to be involved - however, at the same time, if these people are not regularly involved and then there is a decision that comes before them, they don't have the history on what has been going on in the Village.

The other issue Planning Commission discussed was the lighting issue at the insurance company building.

ORDINANCES/RESOLUTIONS:

Kostura introduced an ordinance de-certifying the transfer of \$150,000 from the Income Tax Fund to the Special Equipment Fund and declaring an emergency. Kostura moved to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **Ordinance 2017-06.**

BILLS LIST:

Kostura made a motion to ratify the 1/30/17 Bills List in the amount of \$21,263.77, seconded by Nairn. Voice vote, all in favor. Motion carried.

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

The Mayor said if people are added to the boards as alternates, it would give them a way to come and watch to see if they are interested.

Solicitor said the problem with the ZBA attendance was Greg Gamm was spending more time in Florida and Christine Houston had a lot of travel problems. He said he wouldn't characterize it that most of the meetings were only attended by three people, but there were some meetings more recently that only three people attended. He said that maybe with the newly appointed board members there will be stronger attendance again.

Mayor said Bainbridge Township has two alternates to their board. Solicitor said the townships now have alternates per the county's model. Any change to the board structure would have to be made through legislation. The Solicitor said if this change was made, there would be five members with two alternates who would only serve on the occasions that someone else was absent.

At 8:46 p.m. Porter made a motion to go into Executive Session to discuss possible property acquisition, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 8:59 p.m.

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

Meeting adjourned at 9:00 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer