

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 9, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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; Chris Revnew, Sun Ridge Lane; Marshall Kidd;

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll.

Dishong moved to approve the minutes of the April 25, 2016 Council meeting, seconded by Kostura. Voice vote – all in favor. Motion carried.

VISITORS:

Chris Revnew stated he is attending the Council Meeting for a Government class.

MAYOR'S REPORT:

The Mayor met with local artist Susan O'Connor, who finished the new oil painting of Village Hall. Elected officials receive a framed print of the painting when they finish serving their term of office. The Mayor added that he has come up with an alternative idea for a plaque under the tree to be planted at the park for former Mayor Brett. Dishong stated that Ted Kruse liked the idea of having more than one tree for past Mayors. Koons will be inviting the past Mayors to attend the appreciation luncheon as well as a few past employees.

Bike Ohio would like to hold another event at the park, but the Mayor is concerned where the cars will park if the event has another large turnout. The Mayor will meet with the owner to discuss possible options.

The Boy and Girl Scouts have been utilizing the park for their scouting events.

The Mayor met with resident Todd Lyle concerning the waterline repair at his property. The Engineer explained that in some municipalities residents are responsible for their water lateral line and some aren't; it depends on the rules of the municipality. Mayor informed Lyle there is

nothing the Village of South Russell can do about the situation since Chagrin Falls services the property with water.

The Solicitor agreed with the Engineer and added this is a Chagrin Falls' issue. The Solicitor asked if Lyle thinks the break may have been caused by the road repair. The Mayor stated that Lyle has made mention of the recent road work possibly being the cause of the break. The Engineer said he would like to speak with Chagrin Falls or the contractor that repaired the line to see how they think the break may have occurred. The Solicitor said there may be a statute of limitations for the reimbursement. The Street Commissioner said the line was pulled out of the main and the water started to appear when a curb was installed.

The Mayor will meet with Waverly residents and Chagrin Falls School officials on May 23rd at 6:30 p.m. concerning the water drainage issue.

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

As Tax Administrator, the Fiscal Officer received a form from the Central Collection Agency (CCA) due to the new legislation in place that requires employers that owe over a certain threshold of withholding taxes to submit that to CCA semi-monthly. These taxes are due within three business days of the end of the semi-monthly period. If the taxes are not submitted within that small window, the penalties are significant. CCA feels this strict timeline is hard for most employers, so they would like to change this to three days after the 15th of the following month. CCA would need to have permission from the Village to do this and therefore Fiscal Officer is asking Council to approve this change by motion. The Solicitor was concerned about the new state requirements and possibly putting the income tax collection at risk if this change was allowed. The Solicitor will look into this issue and research options.

The Fiscal Officer requested that Council hold a Public Hearing regarding the proposed zoning ordinance amendment. Kostura moved to hold a Public Hearing on July 11, 2016 at 7:30 p.m. for an ordinance amending the residential district regulations of section 402 of the zoning code of the Village of South Russell by establishing new reduced minimum dwelling unit dimensions for residences in the Chagrin Heights Subdivision, seconded by Dishong. Voice vote – all in favor. Motion carried.

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 reviewed the fund balances on his report.

Kostura moved to approve the April 2016 Financial Statements as submitted, seconded by Nairn. Voice vote – all in favor. Motion carried.

ENGINEER'S REPORT: The Engineer reported that Fawn Court, Champion Lane, Woodland Court, Kimberwick Court and a 250-foot section of Garden Park will be included in the 2016 Road Program. The bid advertisement will be in the paper on Friday, May 13th and the estimated cost of the project is \$340,000.

The Engineer is currently working on the Ohio Public Works Commission (OPWC) Issue 2 pre-application for the culvert repair on Cascades Drive. The repair will most likely take place in 2017.

BUILDING INSPECTOR'S REPORT: The Building Inspector explained the changes for the zoning code, which requires the July 11th Public Hearing. This amendment will reduce the minimum house size in the Chagrin Heights Subdivision. The current minimum requirements are 2,000 square feet for a one-story home and 2,400 square feet for a two-story home. This will be reduced to 1,000 square feet for a one-story home and 1,400 square feet for a two-story home with the proposed change.

The Mayor asked the Building Inspector to update Council on the property on East Washington Street next to Panini's. She stated that the front yard is cleaned up. They obtained approvals to use the property as a pizza shop but these approvals are expired so it will remain a residential home. The property owner will receive a notice soon for the unkempt lawn.

The Building Inspector stated that the Zoning Board of Appeals (ZBA) will meet May 12th to discuss a proposed two-story barn that is 8-feet over the height requirement. Another request for a lot split will be discussed on the Snavely property; the frontage doesn't meet the Zoning Code requirements so he is seeking a variance.

There is a house on Chillicothe Road that completed some repairs without proper approval. The Architectural Board of Review requested that they make some changes to what has been done, such as removing several windows that were installed.

POLICE CHIEF'S REPORT: The Chief attended the Chagrin Valley Dispatch Council meeting in April on the Mayor's behalf. They entered into an agreement to dispatch for Solon and Glenwillow. They also authorized a 16% reimbursement to the current agencies, so the village will be receiving about \$9,588 and there shouldn't be an increase for next year's services. Koons added the village should receive some additional refunds from Solon signing an agreement as well. Chief said he is pleased with their service and their new software has allowed the Police Department to be able to access all information from the computers in the cruisers.

Chief stated that Channel 19 shadowed Officer Kramer for a story on the department's new security assessment program. The story will air on Monday, May 16th at 11 p.m.

Chief informed Council that recently a flower delivery person was attacked by a dog and bitten on both arms and legs. This is the same property that Lieutenant Fabian was bitten by a dog in the past. The Safety Committee is working on revising the dog ordinance to define a dangerous dog.

Kostura thanked the Police Department for meeting with the Boy Scouts and giving them a station tour, allowing them to look in the cruisers, getting them fingerprinted and allowing them to use the radar gun. The kids and parents enjoyed their experience.

STREET COMMISSIONER'S REPORT: The Street Commissioner referred to his month end report.

The Street Department will be displaying the new flags on the telephone poles for Memorial Day.

The Street Commissioner said that most of the fencing at Rarrick Cemetery is damaged so his department employees will be replacing it.

Kostura asked how many tons of salt the Village has asked to purchase for next year. The Street Commissioner will be ordering 1,500 tons of salt. The salt dome typically has about 1,200 to 1,500 tons of salt in stock at the end of each winter season.

SOLICITOR'S REPORT: The Solicitor stated the Ohio Supreme Court rendered a decision that emphasized a majority of public bodies cannot communicate by email. The concern is that if four or more members of Council are communicating about a topic, then the conversation must be held in a public session. If not, this is a violation of the Sunshine Law. The Solicitor added the normal practice is to discuss topics in public session, but he just wanted to remind the Mayor and Council.

COMMITTEE REPORTS: Nairn and Canton had nothing to report.

Porter stated that he met with the Building Committee a couple weeks ago and spoke about various issues they will refer to the Mayor.

Carroll stated the Safety Committee met and discussed the Emergency Operations Plan. The next meeting to discuss the Emergency Operations Plan will be held May 31st from 3-5 p.m.

Dishong stated the Parks Committee met and plans to hold the Fall Festival on October 2nd. They received approval from the Western Reserve Land Conservancy (WRLC) to plant three acres of corn for a maze at the park. The Street Commissioner will determine a good area where the corn will be planted. Council thought it sounded like a fun idea.

Dishong also stated that the concert in the park was discussed, and possibly holding the concert on the East Washington side of the park to allow for more parking.

Kostura said the Finance Committee will meet May 18th at 7:30 a.m. at Village Hall and the Street Committee will meet May 20th at 7:30 a.m. in the Service Building.

Kostura said the Planning Commission met April 26th to discuss the zoning ordinance revisions and a lot split request from Snavely, which the Commission approved.

ORDINANCES/RESOLUTIONS:

Kostura introduced an ordinance transferring \$400,000 from the Income Tax Fund to: \$200,000 to the Safety Fund and \$200,000 to the General Fund, and declaring an emergency. Kostura moved to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried.

Ordinance 2016-12

Canton introduced a resolution authorizing participation in the ODOT Winter Contract (018-17) for road salt. Canton moved to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Canton moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Resolution 2016-13**

Porter introduced an ordinance amending the residential district regulations of section 402 of the zoning code of the Village of South Russell by establishing new reduced minimum dwelling unit dimensions for residences in the Chagrin Heights Subdivision.

Porter gave second reading on an ordinance amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved.

Kostura gave second reading on a resolution declaring it necessary to levy a tax in excess of the 10 mill limitation for current expenses.

Nairn gave second reading on an ordinance repealing Chapter 270 of the Codified Ordinances of the Village of South Russell so as to eliminate the Cemetery Board.

Nairn gave second reading on an ordinance to approve the current replacement pages to the South Russell Codified Ordinances.

BILLS LIST:

Kostura moved to ratify the April 29, 2016 bills list #2 in the amount of \$4,294.79, seconded by Dishong. Voice vote – all in favor. Motion carried.

The Building Inspector received a bill from Gable Elevator for a battery replacement at Village Hall in the amount of \$306 and the annual service contract from P.K. Wadsworth for all village buildings in the amount of \$1,433.25. Porter would like these added to the May 13, 2016 bills list.

Kostura moved to approve the May 13, 2016 bills list in the amount of \$13,418.08, seconded by Nairn. Voice vote – all in favor. Motion carried.

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

Dishong asked if there is anything the Police Department can do about the threatening IRS calls. Chief suggested hanging up the phone immediately.

At 8:26 p.m. Dishong moved to enter into executive session to discuss employee compensation and pending litigation, seconded by Kostura. Roll call – ayes, all. Motion carried.

Marshall Kidd questioned the notification of variance requests. The Building Inspector replied that the current requirement is a notification to property owners within 500 feet of the property being discussed, but the proposed change is to notify property owners contiguous to the property. A legal notice is also advertised in the local paper.

Council reconvened at 9:04 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 9:04 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen