

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
NOVEMBER 28, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Fiscal Auditor Lechman

VISITORS: Mary Kay O'Toole, Foxhall Dr.; Nicole Sweet, NOPEC; Charles Ramer, NOPEC

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 made a motion to approve the November 7, 2016 Council Meeting minutes, seconded by Nairn. Voice vote – Nairn, Porter, Canton, Dishong, Carroll were in favor. Kostura abstained. Motion carried.

VISITORS:

Charles Ramer from Northeast Ohio Public Energy Council (NOPEC) reported that First Energy has decided to pull out of their contract with them. NextEra Energy Services of Ohio, a Fortune 500 company, will be the new service provider effective January 1, 2017. The rates they received from NextEra are better than the rates they received from First Energy. Ramer explained that the Public Utilities Commission of Ohio (PUCO) requires them to send an opt-out letter every 3 years to their customers to remind them they are in this program and offer them the opportunity to opt-out if they so choose. All 500,000 opt-out letters went out in the mail with an effective date of January 1, 2017. NOPEC expects a seamless transition with the only change being on the bills; rather than it stating "NOPEC First Energy", it will state "NOPEC NextEra." The customer will receive a better rate and there is no longer an opt-out fee. He stated if the Village stays in the same program it is currently enrolled in, the rate will change from the 6.9 cents to the new rate of 5.1965.

Nicole Sweet explained the different programs available with the new supplier. The program rate can remain flat or fixed for a period of time and as NOPEC watches the market, they can adjust the rate. The goal is to always be 2-3% below the market. The residential rate is 4.929 cents and 5.1965 cents for the commercial program, which is fixed through next summer.

(7:35 Carroll arrived)

Ramer said residents can go online to the Apples to Apples website to view and compare the rates of multiple suppliers. He also stressed that these comparisons and costs must be reviewed

carefully because some are introductory offers only for a specific period of time. Sweet said that NOPEC offers guaranteed savings; they may not always be the lowest every day, but they do offer guaranteed savings from the general market.

Ramer said he will be coming back to Council in January to review rates and various options for the Village. He also explained that deregulation of utilities has been in place for 15 years which gives consumers the right to shop for their service and has saved them billions of dollars. However, if reregulation were to take place, consumers would no longer have an option to shop for their own providers.

Solicitor clarified that NOPEC's recommendation was that residents needn't do anything if they want to stay with NOPEC and the Village didn't need to do anything in terms of a new contract with NOPEC. Ramer confirmed and said nothing has changed except there is a new supplier for NOPEC customers and confirmed there are no opt-out fees for residential or commercial customers.

Ramer also stated that NOPEC will be distributing a legal opinion by the end of the year to the Village regarding the obligations associated with the energy savings grant the village received, as well as the Council of Government (COG) bylaws.

MAYOR'S REPORT: Heather from Chagrin River Watershed Partnership (CRWP) is looking for office space and the Mayor is helping her.

Mayor congratulated everyone on the passing of the Operating Tax Levy by 75%.

On Friday December 9th, from 2 p.m. - 9 p. m., Panini's will give a portion of their profits to the John Oliver Zippay fund which is now close to \$30,000.

Jeremy Bayer from the American Red Cross will meet with the Emergency Operations Planning Committee at Village Hall on January 10, 2017 at 9 am to review the Emergency Operations Plan and give his input.

The Dominion East Ohio Gas line project on east Bell Road is going well.

The first appraiser contacted to do an appraisal on the Krappe property declined, saying that it is a difficult property to appraise. The Building Inspector is meeting with an appraiser from Howard Hanna on Friday, December 2nd at noon to get their input.

The Eagle Scout who is going to be installing a new kiosk on the East Washington Street side of the park will be installing it soon.

Lucy, the former Building Department secretary, has been continuing to help with the Zoning Board of Appeals (ZBA), Architectural Board of Review (ABR) and Planning Commission (PC)

until the Village finds a replacement, but she wants to be done by the end of the year. Maggie Tomaro has said she is willing to help the Village until a replacement is found.

Mayor stated two people are leaving ZBA and he would like to move Andy Hitchcock from Planning Commission, to ZBA, and bring on Bob Brown to take the second position on ZBA. That would open a position on the Planning Commission, but the Mayor doesn't have anyone for that position yet.

Carroll asked how the Mayor plans to find a replacement for the Planning Commission and asked if there would be an ad placed in the newspaper or on the website. Mayor said he has the list of people who applied for the last open Council seat and has placed all those people on various committees. Carroll stated that there may be some residents in the community that would like to get involved but don't know there are any positions available - so an ad in the paper or posting on the website may be helpful. Solicitor will research and verify which appointments will need Council's approval.

FISCAL OFFICER'S REPORT: Fiscal Officer said the plan is to have the new phone system in by the end of the year.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his monthly report and stated he balances with the Fiscal Officer to the penny on all funds. Fiscal Auditor reported fund balances dropped dramatically in October due to the payment of the 2016 Road Program project.

Fiscal Auditor reported cash balances are still up \$240,000 for the year, but he sees the number coming down because there are two months remaining without any big sources of income coming in. He stated having a surplus at the end of the year could prove to be difficult.

Mayor asked about the Building Department fees and any trends the Auditor has noticed. The Fiscal Auditor replied that he felt that the opening of the Lantern helped significantly with building fees in the last couple years. He also stated that ambulance fees have decreased. The good news is that the Village still has the lowest income tax rate around with the highest credit.

Kostura stated that since revenues are flat and expenses continually increase, what recommendation did the Fiscal Auditor have on how to keep pace with expenses. Fiscal Auditor replied that the Village could consider replacing rather than renewing levies, or put a new levy on the ballot. He stated the most important thing is not to wait too long because it hits the taxpayers harder. He said the Village needs to stay on top of it and plan ahead, which is why he and the Fiscal Officer are trying to put together a 5-year plan.

Heather from CRWP was present and said she is looking forward to providing some recommendations on stormwater solutions in the next few months.

There was a brief discussion on the Bell Road project costs. Kostura explained that Engineer Haibach can justify some costs in excess of what was initially budgeted, however the amount the Ohio Department of Transportation (ODOT) came back with was significantly higher than that. The Engineer and Fiscal Officer asked ODOT to review their costs more closely; the Village has not heard back from ODOT since then. Kostura stated the estimated bill would be approximately \$250,000 --260,000, but the village has not received one yet.

Kostura made a motion to approve the fund balances as submitted, seconded by Dishong. Voice vote, all in favor. Motion passed.

SOLICITOR'S REPORT: Solicitor stated he received a frantic phone call from the Building Inspector about Dominion's request for an easement on village property by the Police Department driveway for a 12' x 10' structure. Dominion sent the Building Inspector some samples of easements from other communities for a similar type structure. Solicitor stated he would rather they take out a license, but Dominion won't do that. He said he is okay with the easement since it is good for the village. Porter stated he is concerned since an easement is forever, but since they won't do that, he will let the Building Inspector know it is okay.

COMMITTEE REPORTS: Kostura, Nairn, Canton, and Dishong had no report.

Porter stated he and Canton went to the NOPEC general assembly meeting and hoped to hear what the new rate would be, but it never came up. Regarding utilities, Porter said he will continue to look around for better rates because he is not convinced that going on a fixed rate from January through June is in the best interest of the Village. He stated that in his opinion, since the agreement between First Energy and NOPEC is cancelled, so is the grant obligation.

Porter stated he met with the Police Chief and Fiscal Officer to discuss new phone service providers as well as a new phone system. They agreed it was best to go with Warwick for the new phone system and Time Warner for service. They expect to have the new phones in by the end of the year.

Carroll reported the he, the Mayor, and Nairn met with Assistant Chief Vedder from Chagrin Falls Suburban Fire Department (CFFD) to discuss the new Fire/Ambulance contract and concerns including the 10-minute response time. Carroll said the best practice standard for the industry is 8 minutes. He said the proposed contract is 10 minutes at 90% and he would like to see 8 minutes at 90% - so that is something that needs to be followed up on. Carroll confirmed with Chagrin Valley Dispatch (CVD) that time, including seconds, is given to CFFD; however, the seconds are not being entered by CFFD. This effects the accuracy of the response times.

Carroll said he had questions about the length of time to go from Russell Twp. Fire Station to Village Hall and Chagrin Falls Fire Station to Village Hall so he and the Mayor took a ride and timed it with a stop watch. It took 3 minutes and 12 seconds from Russell Twp. Fire Station to

Village Hall and 6 minutes and 2 seconds from Chagrin Falls Fire Station to Village Hall – so it's a three-minute response time difference.

A recent article in the Chagrin Valley Times stated that Hunting Valley is contracting with Russell Twp. and Pepper Pike for automatic aid to respond to critical calls that are close to those borders; this is in addition to Hunting Valley's contract with CFFD. If Hunting Valley, or any other municipality were to pull out of CFFD, the Village's share of the expenses would increase.

Carroll stated he has asked Assistant Chief Vedder for some information and reports, but has not received them yet.

Carroll said CFFD is a private non-profit and he doesn't know of any other non-profit that doesn't have a board or some type of oversight. He said there is an advisory committee in the contract and he would encourage the Mayor to encourage the other communities to have some discussion about getting involved. Carroll said the Village has a Council of Governments (COG) for the dispatch contract which is approximately \$60,000 per year, but this is a \$360,000 expense and there is no oversight. There was discussion about having a board with a real voice or an advisory committee just sitting in and giving advice.

Kostura asked about the 8-minute response time versus the 10-minute response time and what is the penalty if they don't meet it. Carroll said he felt the 8-minute needed to be an expectation, and if they can't meet that, then the village could ask them why. It was discussed that if they couldn't meet the terms of the contract, they would be breaching it. Carroll said if they used mutual aid appropriately, some of the response times should decrease; they should call for assistance to get a unit there quicker.

There was discussion about reports received from the CFFD and Council members would like to see and review them regularly.

Given that the CFFD is non-profit, questions were raised whether it is audited regularly by an independent auditor. Council felt they had a responsibility to the taxpayers to make sure there is oversight.

Mayor said it is the 11th hour and he felt Council just needed to get it done and sign the contract and then address the issues with the Fire Department in January. There was brief discussion about other fire and ambulance options and the number of residents that would benefit from quicker response times. Carroll said he initially started addressing this issue in the spring, but it got pushed back until he finally got a response in late October.

Carroll said he would recommend having the Solicitor review the proposed agreement and make some amendments as to what Council wants; such as having an 8-minute response time 90% of the time, getting a copy of the formula, and work on the advisory committee.

ORDINANCES/RESOLUTIONS:

Porter gave third reading on an ordinance designating the display of flags on certain village properties and utility poles and establishing procedures for changing such designations. Porter made a motion to adopt, seconded by Canton. Roll call, ayes – all. Motion carried. **Ordinance 2016-36**

Carroll gave second reading on an ordinance authorizing the Mayor and Fiscal Officer to enter into a Fire Protection and Emergency Medical Service Agreement with the Chagrin Falls Volunteer Firemen’s Association for a period of three years, from January 1, 2017 to December 31, 2019 for the sum of \$359,538.19 for 2017 with a two percent (2%) increase for 2018 and a two percent (2%) increase for 2019 and declaring an emergency.

Kostura gave second reading on the 2017 Annual Appropriations and declared an emergency. Kostura moved to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2016-37.**

Kostura made a motion to increase expenses to the Service Fund \$9,000, Street Fund \$10,170, Safety Fund \$4,080. Kostura made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2016-38.**

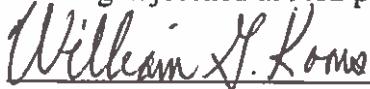
BILLS LISTS: Kostura made a motion to ratify the bills list of November 14, 2016 in the amount of \$37,667.13, and approve the November 30, 2016, in the amount of \$23,164.85, seconded by Porter. Voice vote – all in favor. Motion carried.

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

Porter referred to the United States Geological Survey report that was distributed and said he reviewed it and it doesn’t look like The Lantern has had a significant impact on the water table. They are asking for a \$6,600 contribution from the Village for 2017 water monitoring. He would like to approve that contract/agreement at the next Council meeting.

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

Meeting adjourned at 9:02 p.m.



William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by: Beth Denkins