

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 11, 2017 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Kostura

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

VISITORS: Gary Dole, Maple Hill

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Dishong made a motion to approve the minutes of the November 27, 2017 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

VISITORS: Resident Gary Dole thanked Councilman Dishong for his service to the Village.

MAYOR'S REPORT: Mayor referred to a lengthy report distributed to Council. He said Council meets the second and fourth Mondays of the month. March 26th will be spring break and the past few years that meeting was cancelled, so that is a thought. The May meetings should be on the 14th and the 28th which is Memorial Day. Council can think about changing the meeting dates to the 7th and 21st, but if Council does that, Carroll and Haibach will not be able to attend as they have other obligations.

Mayor said the Chagrin Valley Dispatch (CVD) will be bringing in Brecksville, Broadview Hts., Seven Hills and Independence. They will be housed at a new facility in Brecksville which has room for eight more communities. By the middle of 2019, the CVD will be made up of 27 communities. There will be 12 communities at Brecksville and there are 15 at Bedford Heights-Hillcrest has only been contracted for five years and they can back out, so this additional facility is an opportunity to have a backup of the system in the event of an emergency. There are also good financial savings with these additions and Mayor sent out a report to Council regarding this.

Mayor said he dropped off the information to Mr. Cotesworth regarding the easement to the Rarrick Cemetery.

Mayor informed Council that he and Canton will meet with Pete McDonald from the Western Reserve Land Conservancy to discuss the location of a playground and the possibility of

swapping property with the Conservancy for proposed soccer fields. He said it would be much more advantageous if the Village had the front ten acres on East Washington Street and gave the Land Conservancy the back seven acres. From the parking lot to the northwest corner of the East Washington side of the park is a 26-foot height difference.

Canton and Mayor will meet with the CRWP about property at the park and find out if the Village can switch what is in the conservation easement with what the Village owns.

FISCAL OFFICER'S REPORT: Fiscal Officer said she found a formula error for the average, low and high amounts on the Income Tax Collection Report originally distributed. She corrected that report and distributed it to Council.

AUDITOR'S REPORT: In Fiscal Auditor's absence, Nairn reported the highlights of the November 30, 2017 Fiscal Auditor's report. The balances fell by over \$400,000 in November primarily due to substantial payments to the Bell Road project. The Village received the fourth and final quarterly receipt of ambulance fees and have reached the \$62K budget. The Village reached the annual budget for Village income tax revenues and will exceed the goal with December receipts. Two cemetery lots were sold, and the Village received donations for both the flag program and the Shop with a Cop program.

Nairn reported that the Fiscal Auditor's and Fiscal Officer's balances match to the penny on all funds. Nairn made a motion to approve the fund balances as submitted, seconded by Canton. Voice vote, ayes – all. Motion carried.

ENGINEER'S REPORT: Engineer reported that he completed the Pavement Condition Index (PCI) of all the Village roads. As expected, Wolfpen, Annandale, Kensington Circle and Ashleigh fell towards the bottom of the list; Daisy is also getting bad. He will be distributing the PCI Ranking Report to the Street Committee along with a rough estimate of the worst roads with an estimated amount it would cost to do the repairs. The Village could get permissive tax money from the County for Daisy Lane.

Engineer said he was contacted by S.E.T. Construction who was the winning bidder for the Cascades culvert project. They are anticipating moving into the project site and starting work just after Christmas.

Engineer stated he has been working with the Street Commissioner and Inspector Hocesvar regarding a stormwater issue on east Bell Road that is adjacent to the new Epprecht homesite build. There has been a chronic problem with water at that location for a long time. He is not anticipating that the Epprecht property and the runoff associated with it will do a whole lot to exacerbate that problem, but it probably will make it worse in some way. Engineer will work with the Street Commissioner on some ways that may alleviate that problem and improve the situation from what has historically been over there. The neighbor immediately to the east of where Epprecht is building has always had an issue in front of that residence with water running out onto Bell Road and freezing in the winter and making an icy patch. Engineer said the costs associated with that project should be paid by Epprecht since he wants to tie into the storm sewer

and it really is not suitable in its present condition for him to do so. Engineer doesn't anticipate it will be a lot of money, but he is still working on a good solution for that problem. Engineer stated he believes the culvert under the road is a 27-inch reinforced concrete Class 4 culvert and he believes that culvert is big enough, at a proper grade, and is in good condition. It is just a matter of getting water into the ditch line/enclosed ditch and pipe before it gets out onto the road. The ditch enclosure on the north side of Bell Road is not in the best condition, so the options are to either open the ditch or replace the pipe with some new inlets to get water into it. Once the water gets into the pipe, it will go a long way to solve the problem.

Engineer said he met with the engineer from his office who is spearheading the storm water study for the Village. They will come to the January 22, 2018 Council meeting to review the draft plan and ideas.

The annual MS4 stormwater permit needs to be filed by April. There is also a general Storm Water Management Plan (SWMP) required by the Environmental Protection Agency (EPA). The EPA has informed the Engineer that the Village needs to update that plan.

BUILDING INSPECTOR'S REPORT: Building Inspector reported there was an issue where there was a house fire and the insurance company paid the homeowner directly instead of making the check payable to the contractor and the homeowner to make sure that the work was completed. Things fell apart and the contractor wants his deposit money back. The homeowner won't allow anyone back in the house and won't answer phone calls or certified mail. Inspector thought the Village would have to hold a forfeiture hearing, but it turns out the Solicitor said that isn't necessary. The Building Inspector will refund the deposit.

Building Inspector reported that the owner of the house on Chillicothe Road that had a lot of issues for the past two years is finally resolving those issues.

Building Inspector thanked the elected officials for supporting her going to training in South Carolina last week.

Porter stated he received a phone call regarding recreational vehicles at the west end of the Village. Porter said he is not sure if the Village can retroactively enforce an ordinance about recreational vehicles, trailers and things of that nature. Consequently, whoever has been grandfathered by that will continue to be grandfathered unless they move it. Solicitor said it is his sense that even if a resident moves a vehicle, it doesn't necessarily give the Village grounds for enforcement; it would have to be a substantial move. Carroll asked if the person used the vehicle for camping for a week, is that considered moving it. Solicitor replied that wouldn't be considered moving it because the issue is the storage when it is at the resident's house. He went on to explain the ordinance is good for anyone new. The Village knew that there may be difficulties with enforcement with residents who were already set up with their storage when the ordinance was passed in 2011.

Inspector said she sent out letters to multiple homeowners with this issue and most people complied except for one or two.

Mayor stated a resident informed him they will be collecting signatures on a petition regarding this issue.

Solicitor said if it is a nuisance situation, there is still some enforceability, but defining what exactly is a nuisance is tough.

POLICE CHIEF'S REPORT: Police Chief reminded Council of a discussion at a recent meeting regarding changing the hours for the "no turn on red" at the intersection. He contacted the Ohio Department of Transportation (ODOT) and their recommendation was not to change the hours. The Village has the authority to do what it wants, but due to liability issues, they recommended keeping it as it is. Chief said his recommendation to the Safety Committee was to keep it at "no turn on red" 24/7. The cost to replace the sign with better reflective material and mounting brackets would be \$456. Chief said the Village is waiting on Signal Service to bring back the preemption system and he can have them hang the sign at the same time they are out to reinstall that to avoid a service call.

STREET COMMISSIONER'S REPORT: Council reviewed the Street Commissioner's report which contained historical information on Council member John Dishong whose term ends the end of the year.

Dishong said being on Council was one of the great honors of his life. He said Council has always been able to disagree without being disagreeable and that sets the Village apart. The Village can accomplish anything Council does it as a team and sacrifices the "me" for a "we" – and the Village has always done that. Some of the big projects he was a part of during his time on Council were purchasing the South Russell Village Park, developing the new cemetery and widening Bell Road. He stated most importantly, the Village has kept on solid financial footing and that is the #1 duty to the residents.

SOLICITOR'S REPORT: Solicitor reported that there was a summary judgement that threw out the Ohio Legislature's most recent effort to enact small cell legislation which would permit small cell towers to be constructed statewide in municipalities. A Cuyahoga County judge granted summary judgement in the last couple of days. They did it on the basis that the legislature had lumped it in with other subjects and there is a one-subject rule. They didn't rule on the merits of it, they just ruled he procedurally did it wrong. Now there is no statewide legislation the Village must worry about.

Dishong explained that the federal government put out a bid for First Net which is the next generation of the first responders' network. Every state has until the end of the year to opt in unless they opt out. Only one state has opted out and 39 are in. Part of that project is to build super high-speed wireless infrastructure for first responders; however, that can't be done if there aren't small cells.

COMMITTEE REPORTS: Dishong and Porter had no report.

Canton reported that the Parks Committee met to discuss a playground that is being donated for the park. They initially looked at installing the playground in the area west of the pavilion, but that would infringe on the Conservancy's land. Mayor and Canton will meet with a Conservancy representative and see what can be done about expanding that area for a playground.

Canton said the Parks Committee will meet on January 9th at 6:30 p.m. at Village Hall to talk to the Scout about his beehive project. The Scout can do the maintenance while he is in college and would like to see this become a Boy Scout/Girl Scout project to maintain.

Carroll reported that the Safety Committee met and discussed the "No turn on red" sign.

The items for sale have been posted on the online auction site and are receiving bids.

The Police Department is slightly over budget for training this year, but the Village is getting reimbursement from the state for part of those training costs.

Carroll asked what the purpose of the meeting on December 18th with department heads and some Council members was for. Mayor responded that the Village is moving six different vehicles around and he wants to follow through with what is moving where. Mayor said he doesn't want anyone to say the elected officials are amateurs, they are not car people, so he wants everyone to take a good look at what is being done and why.

Carroll said the Police Department will have the legal ad prepared for the purchase and sale of vehicles for advertising on December 21st and 28th with a bid opening on January 5, 2018.

Nairn referred to the plethora of information received from the Mayor regarding other communities and how much the architects are being paid for reviewing plans. She will be meeting with the Building Inspector after the first of the year to review the Architectural Board of Review (ABR) fees and payment to the architects.

ORDINANCES/RESOLUTIONS:

Nairn introduced an ordinance amending Fiduciary Fund expenses \$15,000 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Canton. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **Ordinance 2017-45.**

BILLS LIST: Dishong made a motion to ratify the 11/28/17 Bills list in the amount of \$131,972.42, seconded by Nairn. Voice vote, all in favor. Motion carried.

Mayor had Fiscal Officer explain the purchase order (PO) process. She replied that a PO is required and must be dated before the date of a purchase or order. This is to ensure the money is in the budget. When invoices come in, the proper Department Head gets a copy of the invoice and it is up to them to track the amount remaining on their PO, so they know they have enough money remaining on their PO before they order something. When the invoice comes in, the Department Head gets a copy of it and they must sign off that they received the merchandise or

order and the invoice is okay to pay. They also will put a PO number on the signed invoice so the Fiscal Officer knows where the cost gets applied. Mayor said there will be emergency situations where the Village will just have to take care of something, but there is now a set purchase process in place. Fiscal Officer stated that Ordinance 2017-24 lists the process step-by-step.

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

Carroll said the Hillcrest Council of Governments (COG) meets about twice a year. They do educational sessions for Councils and it is a great networking opportunity. He is going to reach out to see if the Councils in the Chagrin Valley region would want to consider doing something like this since they share the fire department and the dispatch center. He knows there is a COG for dispatch with the mayors, but he feels this would be an opportunity for the councils to convene twice a year.

Carroll thanked Dishong for his service and said he will miss the historical knowledge of the Village that John brought to Council.

Dishong said in driving by the cemetery recently, he questioned why the Village didn't plant pine trees along the front of the property. He said they are heartier and grow fast and could offer some screening.

Porter thanked Dishong for all his service and said it was a pleasure to see a true gentleman conduct public business.

Nairn thanked Dishong for his influence on her and his help with the cemetery project.

Canton stated that during the constitutional convention a question came up about what to do with ex-Presidents. Ben Franklin said, "When they leave the presidency, they just become ordinary citizens and that is where the power lies". Canton thanked John for his service and congratulated him on his promotion to be an ordinary citizen.

Mayor said the Village has been offered an opportunity to have Judge Burt from the County swear in the recently elected officials. Council agreed to wait until the first meeting in January for the elected officials to take their oath of office just as they always have.

At 8:31 p.m. Dishong made a motion to go into Executive Session for employee compensation, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 8:48.

ADJOURNMENT: Being that there was no further business before Council, at 8:49 p.m. Nairn moved to adjourn, seconded by Canton. Roll call, ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer