

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

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

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

VISITORS: Heather Elmer, Chagrin River Watershed Partners; Russ Zajaczkowski, Maple Springs; Kevin Keesler, Cascades Dr.

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

Mayor reviewed stormwater issues in the village:

The Family Life Center has a retention pond and has agreed to sign a letter authorizing the Village to put a cap on the drain in that pond to slow the water down.

The athletic fields at Gurney School were installed in the 1990's to specifications; however, over the last 20 years the water has made its own path. If the school is onboard with installing a stormwater management feature at the western end of the athletic fields, there may be an opportunity to add a bio retention cell or a bio retention swale to drain towards the south. Chagrin River Watershed Partners (CRWP) is researching possible funding sources for this type of system; usually in the range of \$10-\$20 per square foot. Elmer explained that a bio retention cell is an excavated area with different layers of rock that has void space for storage of water. This allows water to pond underground and on the surface and promote infiltration of the stormwater into the ground with an overflow feature for water to go into the storm sewers. The swale feature has a ditch and more advanced stormwater designs that can help promote infiltration and treatment with rocks and vegetation. Any type of stormwater system requires maintenance of plants, weed control a couple of times per year to make sure invasive plants aren't taking over, and scraping sediment off the surface of the cell. There would also need to be inspections after major storm events and in the spring and fall. There is maintenance training available through CRWP for municipal service departments. If it is on private property, the homeowners' association or the resident is responsible for doing the maintenance. The rough estimate to put in a swale at the school would be approximately \$40,000-\$50,000. However, there could be grants available to put in a bio retention swale. Kostura asked if the bio retention areas would promote mosquitoes. Elmer answered that they are designed to pond water but to

drain that water within 24-48 hours so there should not be standing water that would promote the growth of mosquito larvae. Bio retention areas could be an educational opportunity for the school. Koons said bio retention projects would be good for the homeowners and the school, but he would be concerned with spending Village money on school property. Engineer stated that if the Village were to spend money on private property, the Village should have an easement over that property. He doesn't advocate spending money in someone else's backyard.

The northeast quadrant of the Village, (the area north of Bell Road, east of Chillicothe Road, south of Russell Township and west of West Belmeadow), is flat. Elmer informed Council that there is funding available through the Ohio Emergency Management Agency for communities to acquire properties that are at risk of flooding or have flooded in the past. A key factor to be eligible to participate is that a house must have flood insurance through the National Flood Insurance Program. The water in the NE quadrant flows through Fox Run, Fox Trail, and out towards Sugarbush. Doing something in this area would not exacerbate the Gurney School field issue.

In the area located around 129 Lakeview, there is water coming from three different directions which is now undermining the berm. Engineer said at a minimum, the right-of-way (ROW) where the culvert crossing is located, needs to be armored; how far that gets armored downstream would be up to the Village. The ROW would be around 30 feet of the centerline. The Engineer stated he believes that is more than enough room to stabilize the road.

The 60" culvert on Cascades Drive will be replaced later this year at a cost to the Village of \$50,000-\$70,000. This will include replacing the head walls on both sides of the culvert. This will maintain the stream direction and channel it into the culvert. Engineer said the project must maintain the creek flow line. There will also be significant rock channel protection upstream and downstream to slow the water down. The culvert will have more capacity and more water can go through it at a slower pace.

The South Russell property around the Village Hall campus has water flowing through it from the Kensington neighborhood. The creek that goes through this property has gotten deeper and wider. The representative from CRWP said they are applying to get a grant for doing a study for the area around the campus. The project would look at the stream line and then add a natural channel with riparian vegetation to slow down the flow of the stream to allow infiltration into the soil. Upstream there is an old leach field behind the police station that is currently getting mowed, but if that could grow in, it could also help slow down the water and permit infiltration into the ground. In addition, the common area in Kensington is too wet to use, and an idea is to let that land grow in naturally which would also help with water flow. The grant the CRWP is applying for is a competitive grant, so there is no guarantee it will be selected.

In the Chagrin Lakes neighborhood, the water flows from the Family Life Center onto The Lantern property, and then under Chillicothe Road and into Zajackowski's pond. Mayor said he met with a representative from another neighborhood recently who was also expressing concerns with silt in their neighborhood pond; it seems everyone pushes the silt to the next pond, to the

next pond, etc. He asked the Solicitor who owned the silt or if it is the tough luck of the person downstream. Solicitor replied that courts have said the pond upstream must treat the water reasonably passing it down, and the downstream owner must be reasonable in accepting it. Nobody is supposed to substantially change the other property owner's position. There is no clear-cut answer in the law; there is no bright line as to what should or shouldn't be done. It is taken on a case by case basis and everyone is supposed to act reasonably with each other. Engineer stated what flows into The Lantern ponds in turn goes downstream into every creek, channel and pond downstream. He stated he looked at the ponds at The Lantern last week, and just north of the old barn there is a tiny little channel that could use some rock channel protection and he will ask The Lantern management to do that. He asked them to do some in another area last fall and they did a very good job in that area so he doesn't believe this will be an issue.

ENGINEER'S REPORT: Engineer reported that he did a detailed inspection of the roads being considered for the 2017 Road Program. The list is currently Spring, Anglers and Forest with alternates for the police station parking lot and Westover. He said the reason they were looking at Westover is that it is the cheapest and smallest road and since the program was projected just under the budget, it would be a road to include to maximize the budget. However, after looking at the numbers, the Engineer believes the Village may be able to do a bigger road that is higher up on the list. He will get the numbers to the Street Committee during the week and they should make that determination.

Engineer stated that the Lake Louise bridge is not in as bad of shape as it looks. There are a couple of minor repairs that need to be made, but he believes the Street Department employees would be able to do them in-house. He will forward that report to the Street Committee after he is finished reviewing it.

Street Commissioner asked if the police station parking lot was going to be reconsidered from the 2017 Road Program since they are looking at funding for the stormwater management issues and part of that addresses replacing the bad police station pavement with permeable pavers. Engineer said he will still put together a number for the police station parking lot for the Street Committee to consider. He believes the police station would be a fine candidate for installing permeable pavers up the middle in the low part of the parking lot. It would replace the current pavement that is in horrible condition and it serves as a stormwater best management practice for the Village. Engineer also stated the grants that traditionally fund the type of work that would go over there aren't currently funded.

Kostura asked how much money is being looked at for the stormwater issues. Elmer said the local match on those grants is typically about 15%. An application can be more competitive to offer more of a match, but there is not necessarily a minimum requirement and it is a very stiff funding competition.

MAYOR'S REPORT: Mayor reported that the Farmers' Market was notified by the State that they have permission to sell wine and provide wine samples. They don't know if they want to do that, but it is something they are considering.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that the newsletter would be going out during the week.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his February monthly report stating he balances with the Fiscal Officer on all funds. Balances have remained consistent but real estate tax money will be coming in soon. The Village received its quarterly installment of ambulance fees.

Kostura made a motion to accept the February financials as submitted, seconded by Nairn. Voice vote, all in favor. Motion carried.

BUILDING INSPECTOR'S REPORT: Building Inspector said she is getting prices on new flooring for the Police Department kitchen trying to match what was put in the duty room. The linoleum is cracking and coming up and there are areas in the floor that are just plywood. They are not looking at cabinets or anything else in the kitchen, just the floor.

Building Inspector reported she has received a formal application for the Planning Commission in April for a furniture production/refinishing business in the barn across the street from the service building.

At the gas station on the corner of Chillicothe Road and Bell Road, they took the old tanks out of the ground and everything was intact and clean; no leaks. The gas station plans went to ABR who had concerns with the proposed lighting. They will get a professional opinion and come back to the ABR for approval.

POLICE CHIEF'S REPORT: The Police Chief said the recent storm brought about power outages, downed lines, fires and electrical hazards. He stated The Illuminating Company worked very hard to get the repairs done and brought in forestry units from surrounding states. He said they were very productive and it was a positive experience.

STREET COMMISSIONER'S REPORT: Street Commissioner has one more order of salt to place before the contract ends.

The Street Commissioner received the former Police Department Expedition that was in for repairs. Repairs included; a new fuel pump, a kink out of the gas line, and two blown fuses.

Street Commissioner reported that his department had to clean up some storm damage in the road and right-of-way. The power lines that run through Lake Louise are mostly located behind the houses in the wooded areas. He said the Village needs to contact the Illuminating Company and have them come out and clear the lines in that area because the people in that neighborhood are always losing their power.

SOLICITOR'S REPORT: Solicitor stated he wanted to inform Mayor and Council of the latest ruling on public records. He reminded everyone that the State set up a new magistrate system and process that people can take if they are not satisfied with response they receive from public entities about a public records request. A recent published decision from one of these magistrates was regarding a township that wanted to potentially fire their Fire Chief. There is a process set up in the Ohio Revised Code (ORC) that under the statutory provision the township could hire a lawyer to do the investigation and give a report to the trustees. Someone requested the lawyer's notes of the conversations he had with sixteen different people who were involved in conversations about the Fire Chief. The magistrate said those are public records and they were to be released. Solicitor said he just wanted it known that courts are more and more inclined to say records are to be open to the public.

Solicitor said he will be drafting legislation that the Mayor requested regarding potentially prohibiting various marijuana manufacturing facilities, distribution facilities, cultivation, etc.

Solicitor also has his office checking with other communities regarding lighting regulations.

COMMITTEE REPORTS: Nairn and Porter had no report.

Kostura reported the Streets Committee meeting is scheduled for April 7th at 7:30 a.m. and a Finance Committee meeting April 6th at 7:30 a.m.

Canton reported the Parks Committee will meet March 14th at 6:45 p.m. at Village Hall.

Carroll reported the Emergency Operations Planning (EOP) Committee will be meeting in April.

There was a Safety Committee meeting prior to the Council meeting. The two new part-time patrolmen are coming along well.

Officer Cardaman will be retiring in July and the Chief is posting the opening for a full-time officer internally for the part-time officers to apply.

The new cruiser is expected between April 9-13th.

Dishong reported that the Human Resource committee met and continues to work on the employee handbook.

Dishong said the Human Resources committee supports the summer help for the Service Department. The current budget includes \$21,000 for outsourced lawn care but that line item cannot be used for employee wages. The Human Resources committee proposed amending the budget to increase salaries and benefits \$5,000 for summer help, and decrease outsourced lawncare to \$15,000 to allow the funding for summer help. This would require an ordinance to amend the appropriations. Street Commissioner stated the Village currently has a verbal contract with Blue Dog for outsourced lawncare services. The Village has the costs, but does not have a signed contract. Carroll wanted to clarify that the summer help would primarily be doing grass

cutting and supporting other department operations; therefore allowing the Village to be less reliant on the outsourced lawncare provider. Street Commissioner said the Village has to be cautious because the Village received a price from Blue Dog and there is a possibility that the Village may not get a summer helper. One of the big things was to fill in with some of the department projects because he is low on staff because of vacation time as well as doing summer mowing. The Village will still mow both cemeteries in-house. It would require transportation of the individual to different locations such as the park, so he would have him/her do the areas around the campus that don't require transporting equipment. Dishong said if a part-time person didn't work out, the budget could be adjusted accordingly. Carroll stated the goal is to keep within the overall budget and not add any additional expenses. There was discussion about a pay range and legislation to amend the appropriations, both of which would need to be done prior to hiring an individual.

ORDINANCES/RESOLUTIONS:

Canton gave second reading on a resolution strongly opposing the State of Ohio Governor's proposed 2017-2018 Budget which proposes centralized collection of net profit tax returns and other provisions related to the municipal income tax which will cause a substantial loss of revenue needed to support the health, safety, welfare and economic development efforts of Ohio's municipalities and declaring an emergency. Canton made a motion to waive further readings, seconded by Nairn. Roll call, ayes – all. Motion carried. Canton made a motion to adopt, seconded by Nairn. Roll call, ayes – all. Motion carried. **Ordinance 2017-07.**

BILLS LIST:

Kostura made a motion to approve the 3/14/17 Bills List in the amount of \$70,400.06, seconded by Dishong. Voice vote, all in favor. Motion carried.

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

Mayor informed Council one of the tenants of the rental house is in a wheelchair and putting her into a car is difficult on the cinders and gravel. The tenant has asked to put in a concrete pad the size of a basketball court and submitted a bid for \$5,000 for a pad to cover everything on the whole north side of the house. The Mayor thinks the Village could go back and offer something smaller. There was discussion about whether it had to be concrete or if asphalt was an option; there is no maintenance with concrete. Solicitor said there is no Americans with Disabilities Act (ADA) that requires the Village to put in the pad. There was discussion on the size pad that would be needed, costs, whether the Village should do it, as well as other options available.

Regarding the flag ordinance passed in 2016 that requires Council to approve two flags to be flown, Porter made a motion to fly the Department of the U.S. Army and the Department of the U.S. Navy flags be flown in 2017, and to authorize the Mayor and the Streets Department to purchase the sufficient number of flags for that purpose, seconded by Dishong. There was discussion regarding the number of flags needed to be purchased. Street Commissioner stated this was originally the Show Your Colors flag program where flags were to be flown on the utility poles; the Village isn't adding another flag to the flagpoles. Therefore, the Village is


looking at five (5) flags to cover the intersection, the armory and the two cemeteries. The intersection will fly the Army and Navy flags, the Army flag will be flown at the armory, and the Navy flag will be flown at the cemeteries. The POW flags will still be flown on the Village flagpoles. Voice vote, all in favor. Motion carried.

Regarding adding additional people to the Zoning Board of Appeals and the Planning Commission, Mayor asked if Council wanted to add one or two people just to have them “in the wings”. Council was in favor of having the Solicitor draft legislation to add one person to each of these boards.

The Mayor referred to the Village’s noise ordinance that was distributed to Council for review. Building Inspector said the ordinance says the equipment must be heavy duty earth moving equipment as specified by the manufacturer. She said a hammer can be as obnoxious as a bulldozer so she doesn’t know how the ordinance can be changed. Mayor said this issue will be discussed in April.

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

Meeting adjourned at 9:22 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer