

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MARCH 23, 2015 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Porter, Binder, Carroll, Koons and Kostura.

MEMBERS ABSENT: Dishong.

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey, Fiscal Auditor Lechman (arrived 8:30 pm)

VISITORS: Barbara Stiebeling, East Bel Meadow Lane; Joan Demirjian, Chagrin Valley Times; Ed Weston, Whitetail Drive; Cassandra Moran, Chagrin Falls; Andrew Moran, Chagrin Falls;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Binder moved to approve the minutes of the March 9, 2015 Council meeting, seconded by Kostura. Porter stated that he felt there was additional discussion by other Council Members that wasn't included in the Visitor section. Binder moved to table the motion to approve the March 9, 2015 minutes until the recording is reviewed again, seconded by Kostura. Roll call – ayes, Porter, Binder, Carroll and Kostura. Abstain – Koons. Motion carried.

VISITORS: Barb Stiebeling asked if the Village was presented with a contract for the circus. Mayor responded that there isn't a contract yet. Stiebeling then discussed the video she emailed to Council of the Carson & Barnes trainer, who trains elephants that travel with the Kelley Miller Circus. The issues she addressed were the use of the bull hook with the elephant, the statement that they wouldn't use the bull hook in front of people and the use of a blow torch.

Carroll said the video was from 1999 (16 years ago) and that he hopes the USDA has corrected some of these actions since then. He added that the current ordinances addressing animal abuse also prohibit this behavior within the village limits and he would not support any of the behavior shown in the video.

Binder stated the video confirms there is not a compelling case to continue a circus event in the village.

Kostura said he found the video to be very disturbing and asked if charges were filed against either group for their actions. Stiebeling wasn't sure of any charges but did note that the video was taken in California. Kostura stated that the issues in the video are criminal actions and felt that these things should have been addressed. If they weren't, he would like to know why not. Stiebeling said she has a feeling that it was addressed.

Mayor said he found the video to be offensive. Stiebeling said the trainer is still working for Carson & Barnes. Mayor said he feels these items should be posed to the Chagrin Valley Jaycees and to the Kelly Miller Circus. He would like to know if the video was from many years ago and whether action was taken on the issue or if they don't see a problem with it.

Stiebeling said she wouldn't invite that trainer into her community. She also said that she contacted the County Health Department and the Kelley Miller Circus is not getting permits needed. It was suggested that the Village obtain vet and tuberculosis (TB) records, as well as having a safety plan in place in the event that TB is transmitted to humans. Council was given handouts concerning these topics.

Cassandra Moran of Chagrin Falls read from a newspaper article with comments against circuses. The article basically stated that you can captivate the audience's attention without the use of animals.

MAYOR'S REPORT: Mayor briefly reviewed the Storm Water Management Plan submitted to the village by CT Consultants. He said the Village will work with Geauga County Soil & Water to provide more educational sessions to residents this year.

The cemetery opening date needs to be finalized soon. There has been discussion for a date in late May, closer to memorial weekend at 7 am. The Mayor asked Council to contact him or the Fiscal Officer if there are any items they feel need addressed concerning the opening of the cemetery. The Fiscal Officer added that the electric drop at the cemetery is now installed.

FISCAL OFFICER'S REPORT: The Fiscal Officer reported that the new website is still in progress and will go online soon.

Fiscal Officer reported that the Police Chief installed a camera at Village Hall but the internet service is extremely slow and will need to be increased in order for the camera system to work properly.

The Fiscal Officer brought attention to the required archeological study of the park for the conservation easement grant agreement. Koons stated that a group of individuals from the Ohio Historical Society completes the study and the village will move forward with trying to get it completed.

Carroll asked if the Village could start posting the Council Agendas on the new website. The Fiscal Officer said that it will be possible to post any documents once it is live.

FISCAL AUDITOR'S REPORT: The Fiscal Auditor presented his report to Council and reported that he and the Fiscal Officer balance to the penny on all funds.

Kostura moved to approve the February Financial Statements as submitted, seconded by Binder. Roll call – ayes, all. Motion carried.

ENGINEER'S REPORT: Not scheduled for this meeting

BUILDING INSPECTOR'S REPORT: Not scheduled for this meeting

POLICE CHIEF'S REPORT: Not scheduled for this meeting

STREET COMMISSIONER'S REPORT: Not scheduled for this meeting

SOLICITOR'S REPORT: The Solicitor had nothing to report.

COMMITTEE REPORTS: Carroll and Kostura had no report.

Porter discussed the purchase of a new loader and transferring proper funds to authorize the purchase from Southeastern equipment. The new loader doesn't include the trade-in on the old loader that the vendor offered because the Village is going to try to sell the loader on GovDeals.com, an online governmental auction website.

Binder stated he doesn't agree with allowing the villages tenant out of lease early. Last year the tenant said they wouldn't renew the lease unless the village installed an air conditioner, which we did without increasing the amount of the rent. Binder gave some statistics on the expenses for the property and said the village will break even on expenses three years from now, as long as nothing else needs repaired in the meantime. Binder asked Mayor and Council to consider the sale of the rental property.

Mayor stated that the costs would be recouped over time but Council needs to decide whether they want to keep or sell the property. Several options were discussed. The Mayor said there would be advantages and disadvantages and suggested keeping the property in case the cemetery needs expanded. There are currently 2 acres cleared for the cemetery property with about 5 more acres to the back of that property.

Koons will prepare a resolution for the restroom construction at the park for the next Council Meeting. The Park Committee might ask for \$500 for blueprints as well.

Koons met with the Park Committee and the Street Commissioner regarding mowing changes and relocating trails at the park. An Eagle Scout has contacted the Committee with interest in completing a project. They will be in contact with him after compiling some ideas.

ORDINANCES/RESOLUTIONS:

Porter gave second reading to an ordinance to amend the appropriations increasing the Operating Fund expenses \$11,270 and the Income Fund transfers \$11,270 to cover the cost of the new loader. Porter moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Porter moved to adopt, seconded by Binder. Roll call – ayes, all. Motion carried.
Ordinance 2015-08

Porter gave second reading on an ordinance to transfer \$11,270 from the Income Tax fund to the Operating Fund. Porter moved to waive further readings, seconded by Kostura. Roll call – ayes,

all. Motion carried. Porter moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2015-09**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Southeastern Equipment for the purchase of a Case 321F loader and declaring an emergency. Porter moved to waive further readings, seconded by Kostura. Roll call–ayes; Porter, Carroll, Koons, Kostura. Nay; Binder. Motion failed.

Kostura introduced an ordinance amending appropriations increasing General Fund salaries and benefit expenses by \$5,500 and declaring an emergency. Kostura moved to waive further readings, seconded by Binder. Roll call–ayes; Porter, Binder, Koons, Kostura. Abstain; Carroll. Motion failed.

Porter introduced a resolution to participate in the ODOT Cooperative Purchasing Program for road salt for the 2015-2016 winter season. Mayor stated that the resolution isn't for the amount of salt the Village would like to purchase, but only allows the Village to participate in the purchasing program.

Mayor gave third reading to an ordinance amending the dog leash ordinance at the South Russell Village Park and to eliminate the even and odd day leash requirements to require a leash at all times. Mayor asked Council to consider tabling the ordinance until all of Council is available for discussion.

Binder said he doesn't appreciate the term "dog lovers" when referring to people that are in favor of allowing dogs to run off leash at the park because he likes animals and feels part of the reason for stricter regulations is for the safety of the dogs.

Koons asked Council if they want to consider hiring a dog warden for the park. This would take some ease off of the Police Department.

Porter asked if the 6-month trial period stated in the ordinance wasn't enough time and said he still likes the idea of allowing half of the park for leashed areas and the other half of the park for off-leash areas.

Mayor said he would like to move forward with this topic so he would like a decision made at the next meeting.

Kostura asked about possible fencing ideas. Binder said that what was previously discussed for fencing options wasn't good enough for the attendees at that meeting.

Kostura moved to table the ordinance amending the dog leash ordinance of the South Russell Village Park and to eliminate the even and odd day leash requirements to require a leash at all times, seconded by Porter. Roll call – ayes, all. Motion carried.

BILLS LIST: Koons moved to ratify the March 13, 2015 bills list #2 in the amount of \$4,188.62, seconded by Carroll. Roll call – ayes, all. Motion carried.

Koons moved to approve the March 31, 2015 bills list in the amount of \$60,468.38, seconded by Kostura. Roll call – ayes, all. Motion carried.

NEW/OTHER: Binder and Koons had no new business.

Porter reported there would be a Street Committee meeting on April 24th at 7:30 am.

Carroll will be attending the regional commission on oil and gas well drilling meeting on March 24th.

Kostura posed the idea of adopting legislation for a wireless or hands-free cell phone policy with no texting while driving in the village limits. Due to the newly paved Bell Road, he thinks having something in place could bring awareness to the issue and might help save lives.

Mayor agreed this is a fair topic to consider and is aware of other municipalities that have rules in place for this same reason. He added that he would be supportive to encourage safety within the community by giving awareness to the issue.

Carroll moved to enter into an agreement for group rating with Comp Management, seconded by Koons. Roll call – ayes, all. Motion carried.

At 8:50 pm, Porter moved to enter into executive session to discuss a possible property acquisition, seconded by Koons. Roll call – ayes, all. Motion carried.

Council reconvened at 9:55 pm.

ADJOURNMENT: Being that there was no further business before Council, Porter moved to adjourn, seconded by Koons. Roll call, ayes - all. Motion carried.

Meeting adjourned at 9:55 pm.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen