

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 10, 2017 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Dishong, 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:** Gary Dole, Maple Hill; Bob Flesher, Manor Brook Dr.; Rich Haber, Paw Paw Lake Dr.

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Solicitor corrected the minutes changing bright “light” to bright “line”. Nairn made a motion to approve the minutes of the March 13, 2017 Council meeting as amended, seconded by Porter. Voice vote – all in favor. Motion carried.

**FISCAL OFFICER’S REPORT:** Fiscal Officer reported that the Central Collection Agency (CCA) was present in Council chambers on Friday, April 7<sup>th</sup> from 4 – 7 p.m. to prepare municipal income taxes for residents. It was advertised in the newsletter, local newspaper, website and e-blast, yet only two people attended. CCA is willing to try it again so she will try to advertise more next year and see if the Chagrin Valley Times can put a small article about the event in the paper to see if the attendance improves.

Fiscal Officer reported that she recently posted two job openings on Indeed.com and the response was overwhelming. The Village received 107 applications for the Building Department Assistant and 33 applications for the part-time seasonal helper in less than two days.

**ENGINEER’S REPORT:** Engineer reported that the Village received acknowledgement from the Ohio Public Works Commission (OPWC) saying that the Village will receive the 50% grant funds requested for the Cascades culvert project. The grant will be a total of \$48,750, which is 50% of all the design, administration and construction costs to replace that culvert; those funds will be available July 1<sup>st</sup>. The Village is not permitted to advertise or go out to bid before the funds are available. The Village is permitted to move forward with design and he strongly encouraged Council to consider that so the project is ready to advertise, award and move forward in the fall. He stated that per the financial breakdown in the application, there is \$11,500 identified as a design fee for that project. He stated if the Village authorizes CT Consultants to start the designing now, as soon as the grant money becomes available, CT Consultants will submit those expenses first. Kostura made a motion to accept the OPWC grant and permit CT Consultants to begin planning and design for the Cascades culvert project, seconded by Nairn. Voice vote – all in favor. Motion carried.

Regarding the 2017 Road Program, Engineer informed Council that after doing a thorough inspection of the village roads, the streets for consideration this year are Spring Drive, Forest Drive, and Anglers Drive. The total construction cost estimate is approximately \$275,000. The Village also talked about having an alternate project of Westover Dr. which is estimated to come in at about \$37,000. The second alternate for the road program is the Police Department parking lot which is estimated at approximately \$40,000. He stated depending on how the bids come in and the base repairs and other things incorporated into the primary road program, there may be enough money to do the alternates so he thinks it is worthwhile to have the alternates included. There was discussion about doing Westover when other roads in the Village are in worse shape as well as the Police Department parking lot driveway being cut by Dominion East Ohio Gas when they build the regulation station in that area. The Engineer will take the Police Department driveway alternate project off the road program bid specs. Kostura made a motion to go out to bid for the 2017 Road Program, seconded by Canton. Voice vote – all in favor. Motion carried.

Carroll arrived at 7:44 p.m.

Engineer updated Council on the Louise Bridge stating that within the next five years, the Village should be looking at doing a substantial rehab of the structure. He had a structural engineer come out and look at it and his opinion was that it looks worse than it is and it is not in any imminent danger of falling. However, since there will be some heavy construction equipment going over it for the Cascade culvert replacement and subsequent paving in that area, he did recommend strategic placement of some wood uprights to maintain the structural integrity of the bridge so it isn't damaged further by heavy construction traffic. Engineer will work with the Street Department employees on what needs to be put where on the bridge for that maintenance work. For the structure rehab, the Engineer said he researched several options which included replacing the bridge with a concrete structural box, which is basically a box culvert that doesn't need any cover on it. He will put some numbers together for a 5-year look ahead.

Regarding the storm water study, the Engineer said he is working on getting a quote for wetland delineation because most likely all the work the Village is looking at is in a delineated wetland area. He believes the study will cost approximately \$12,000 to come up with a few viable options to fix the water problem in the northeast quadrant of the village. The study includes surveying, environmental issues, design and hydrogeology; they all come together to identify the best options available.

There was brief discussion on getting an easement for the Cotesworth property to get access to the Rarick Cemetery on Bell Road. Engineer will refresh this discussion and send the information he has at his office to the Village. Solicitor said it makes sense to get an easement if the Village cannot access the cemetery from the public highway.

Engineer informed Council that the Village has received an invoice from the Ohio Department of Transportation (ODOT) for the Bell Road project. The Engineer stated that in reviewing the

invoice he feels some of the numbers are incorrect. Engineer is reaching out to ODOT to review their numbers again.

**BUILDING INSPECTOR'S REPORT:** Building Inspector distributed a report.

Building Inspector informed Council that Paw Paw Lake has an existing pump house but now that they are redoing their water system, they are trying to build a new pump house that will be a commercial building in a residential area. They will need a variance to be able to build that. Solicitor explained that they want to change the location in addition to tearing down an existing building and it now qualifies as a non-conforming use. If they were using the old building, the Village couldn't stop them, but if they want to switch and move it, it will need a variance. He is trying to figure out a way to make it easier for them because it is something they need, but there doesn't seem to be a choice. Building Inspector said there are other issues as well such as the location because of setbacks and the code states you must build a house on the property before you can build an accessory type of structure.

Building Inspector reported that she had a resident call wanting to rent out a couple of rooms in his house on Airbnb and she told him it is not permitted in the Village. The resident obviously did it anyway and got himself a tenant that he can't get rid of. Now he wants help to get the people evicted from his house, and she told him that is a private matter.

**POLICE CHIEF'S REPORT:** Police Chief reported the new cruiser is set to arrive this week.

Police Chief said he received a complaint regarding parking at the Village pavilion. There was recently a party with over 100 people in attendance and not enough parking space. The Chief asked for suggestions on how to handle this issue in the future. There was discussion about where people could park and asking for the number of attendees on the pavilion permit form. As the Council representative to the Parks Committee, Canton will discuss this issue with the committee.

There was brief discussion about the Valley Enforcement Group having to amend their budget to approve an expense to replace all the body armor for the SWAT team in which the warranties are expiring this year.

**STREET COMMISSIONER'S REPORT:** Street Commissioner said that the Village bid out 1,500 tons of salt for the current salt bid contract. Given the current price, the Village took the full 110% thereby purchasing 1,644 tons of salt and the salt building is well supplied with just under 2,000 tons which will have to get the Village through November and December. He stated the Village needs to pass a resolution by emergency to get on ODOT's 018-18 salt contract for next year. The resolution was distributed to Council and will need to be adopted at the second meeting in April by emergency to have it filed with ODOT by the May 10<sup>th</sup> deadline.

Street Commissioner reminded Council that Trash Day is April 29<sup>th</sup> with senior pickup on the 26<sup>th</sup> and 27<sup>th</sup>.

**SOLICITOR'S REPORT:** Solicitor informed Council that he prepared an ordinance prohibiting various uses of medical marijuana in the Village. Solicitor stated that Council can initiate the legislation or Planning Commission can initiate it. The Solicitor's language is written that Council can pass a motion tonight to recommend it for consideration by Planning Commission. It would then go to Planning Commission first and they will review it and then eventually it will go before Council for consideration. There was question about home rule power. Solicitor explained that when the legislature adopted the new regulations they specifically put in it that the municipalities could restrict it or even prohibit it.

Solicitor stated his office has researched lighting regulations in other municipalities and found that they are almost always restricted by zoning regulations. He is prepared to get something ready before the end of the month, but if it is a zoning regulation that would mean that current users would be grandfathered so it wouldn't solve any current issues.

**VISITORS:** Bob Flesher distributed maps of a proposed new street and cluster home neighborhood off Bell Road west of Paw Paw Lake. He stated the current property is zoned R1 or R1-A. It has enough frontage to accommodate a lot split that would yield two sublots. It has a topography on the west side of the property that basically runs the entire length of the property, and cuts off at least 1/3 of the land and then falls to the west. It abuts properties that adjoin Lakeview Drive and it falls about 20-25 feet in elevation. It is potentially wetland based on a preliminary site walk taken with a wetland mitigation specialist. This would make any type of residential development difficult to carve out sublots in the 1-acre footprint. He has come up with a plan for 10 lots on a public roadway. The public roadway would be built to Geauga County standards with a 60-foot right-of-way which would take up 4-5 acres, making it not conducive to a sub development where you would traditionally see 10 traditional 1-acre homesites. In trying to develop a plan, he looked at the development plans from Alderwood which is a cluster configuration where land is set aside in a common area. Emerald Lakes has roughly 70 acres of land with 70 houses. 59 of the homes are footprinted in a cluster configuration all sitting on lots averaging between .18 acres to .25 acres. He doesn't have all the answers yet other than it is zoned R1 and to implement his plan would require a zoning variance or a Planning Commission review. He still must meet with the Ohio Environmental Protection Agency (Ohio EPA) to find out what would need to be done for a sanitation system.

Bob said Paw Paw Lake is a private community that maintains its own roadway. It has three residents living on the other side of the dam which makes safety access difficult. Bob said this may be a solution to give better access to those homes. He is hoping this community could join in with Paw Paw Lake HOA which could be some benefit to the community to help with HOA expenses.

Rich Haber, President of Paw Paw Lake Homeowners Association, said the association board had an idea of joining this property to the association; however, there would need to be a community vote to do something like that and there would be some legal work involved. He said the idea has some appeal from a safety access perspective and for assistance with the HOA dues.

Nairn stated she knows this would bring money to the community through taxes, but the proposed project caught her off guard and she doesn't know how she feels about the project yet.

Canton confirmed that there would be 9-10 homes located on the property. The square footage would comply with the Village zoning code which is a minimum 2,000 sq. ft. for a 1-story home and 2,500 sq. ft. for a 2-story home. Bob said the engineering has been designed to have 2,500 sq. ft. 2-story dwellings. It would follow the same guidelines as was done in Emerald Lakes II. The style is currently unknown but they would have one basic architecture style for all dwellings.

Kostura asked about drainage and how far the wetland extends on the west side of the property. Bob replied that the wetland ties behind the existing house and the wood line to the Paw Paw Lake cul-de-sac is all wet. Bob said wetland is driven by vegetation and soil. Kostura said even if a portion of the 5.8 acres is used for a common area because of the soil composition and how wet it is, he is curious if all the 5.8 acres is needed so that there would only be houses on one side as opposed to having houses on both sides.

Fiscal Auditor arrived 8:40 pm

Dishong said in his opinion the project must be a win, win, win. It has to be a win for Paw Paw Lake, it has to be a win for the Village, and it has to be a win for the developer. He stated the safety piece of the road is a positive because it helps the residents of Paw Paw. He said Paw Paw is a private lake community with 1-acre minimum lots and to put cluster homes there – he's not sure the homeowners would embrace that. He said it is not that cluster homes aren't attractive, it just depends where they are.

Carroll asked the price point of the homes. Flesher replied that the sublots with improvements including a well and sanitary system would sell at \$152,000-\$157,000. The best lot would sell in excess of \$175,000 and the least desirable lot would sell for approximately \$130,000. The price point of the house would be a multiplier factor which is usually three times the cost of the property – which would be \$600,000 dwelling. Carroll stated he feels having the access road and income taxes are a positive for the project.

Porter said it seems the septic tank approach has a lot of problems associated with it. He has concerns with a septic leach field since the land slopes down towards the lake. Flesher stated that the 5.62 acre common area will be the focus of the septic system. He would look at more of a drip system versus a leach field. The area that could be septic is not on the eastern side, but more on the southern side towards Bell Road. Flesher said he would not extend the line for sewers.

Carroll said the sewer/septic issue is a big concern for him. He also has concerns with water runoff issues and the hard surfaces will impact that. Flesher said storm water retention and runoff areas could be possible on the property in two small areas. Flesher said part of the equation of moving forward is if there is enough water for wells and a thought is to possibly stagger wells. Carroll said he is leery about a project like this with cluster homes at Paw Paw and if they would fit into the character of Paw Paw and neighboring houses.

Dishong asked if building 3-4 bigger houses and staying more in the character of Paw Paw rather than 10 cluster houses could still be profitable. Flesher said if he could build only 3-4 lots, he would be not move forward. He would not invest the money to build a public roadway to sell 3-4 lots at \$270,000 each.

Nairn commented that she has friends that live on Sundew and they complain that they feel very closed in on their property because of the configuration of their cul-de-sac area. She has concerns about this proposed project and people being closed in. She said she knows if the cluster homes were built they would be lovely homes and they would most likely sell, but her concern is that it wouldn't fit the character of the Paw Paw neighborhood.

Flesher said he understands Councils' concerns. He said the architecture would make or break the development and he would have a quality architectural design to enhance the Paw Paw Lake character. The roadway would be a Geauga County asphalt road that is on cement stabilization with curved concrete gutters and a storm sewer that runs the distance of the road and would break off into either one or two retention basins.

Solicitor stated the property would need to be rezoned. The Village has a model that can be utilized for it. He said when only 12 acres are being rezoned, there are always arguments about spot zoning. Planning Commission would have to get involved not only in subdivision approval which is their job, but also in deciding whether they would be willing to recommend rezoning it. The Mayor asked Flesher to come to the next Council meeting on April 24<sup>th</sup> at 8:30 p.m.

Haber explained that it will be difficult for people to visualize what they are going to be looking at when talking about cluster homes. He said the HOA has bylaws and he must check to see if it would require a majority vote or a super majority vote. They can do a vote with two weeks' notice but it is at least a minimum majority vote.

**FISCAL AUDITOR** – Fiscal Auditor reviewed his monthly report. He stated his funds balance with the Fiscal Officer on all funds.

The total balance of all funds is \$2.7 million. Balances did increase \$250,000 in the month of March due to real estate taxes. The 1<sup>st</sup> half of 2016 property taxes are in and the 2<sup>nd</sup> half will be received in the summer.

**COMMITTEE REPORTS:** Nairn, Porter, and Carroll had no report.

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

Canton reported the Parks Committee will be meeting on April 19<sup>th</sup> at 6:45 p.m. at Village Hall. Dishong informed Council that the HR Committee met and they are finishing up the revisions to the employee handbook. He expects to have the updated version of the employee handbook out to Council and the Mayor in the next couple weeks for their comments.

Kostura stated there is an ordinance in the Council packets amending the Village pay range adding a range for a part-time seasonal summer employee for \$10/hr. to \$14/hr. There was also a seasonal summer help/laborer job description in Council packets.

Dishong made a motion to approve the Seasonal Summer Help/Laborer and the Part-Time Building Department Secretary job descriptions, seconded by Carroll. Porter questioned the need for the part-time Building Department Secretary to be notary public. Building Inspector said her department notarizes registration forms and she notarizes a lot. Voice vote – all in favor. Motion carried.

### **ORDINANCES/RESOLUTIONS:**

Canton made a motion to initiate ordinance amending sections 2.01, 4.01 and 5.01, 6.01 and 7.01 of the zoning code in order to prohibit medical marijuana cultivators, processors, or retail dispensaries in the Village of South Russell in accordance of Ohio Revised Code (ORD) 3796.29 to go to Planning Commission, seconded by Porter. Voice vote – all in favor. Motion carried.

Dishong introduced an ordinance amending the Village's pay range ordinance by establishing a pay range for the part-time seasonal summer help/laborer and declaring an emergency. Dishong made a motion to waive further readings, seconded by Carroll. Voice vote – all in favor. Motion carried. Dishong made a motion to adopt, seconded by Carroll. Voice vote – all in favor. Motion carried. **Ordinance 2017-08.**

Kostura made a motion to amend the operating fund expenses decreasing the outsourced lawncare expenses by \$5,000 and increasing the salary/benefits expenses by \$5,000. Kostura made a motion to waive further readings, seconded by Carroll. Voice vote – all in favor. Motion carried. Kostura made a motion to adopt, seconded by Carroll. Voice vote – all in favor. Motion carried. **Ordinance 2017-09.**

Kostura introduced a resolution authorizing the participation in the Ohio Department of Transportation winter contract for the 018-18 program for road salt.

### **BILLS LIST:**

Kostura made a motion to ratify the 3/30/17 Bills list in the amount of \$10,760.36 seconded by Nairn. Voice vote, all in favor. Motion carried.

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

Dishong made a motion to authorize the Mayor to enter into an agreement with the Farmers' Market, seconded by Porter. Voice vote – all in favor. Motion carried.

Mayor stated Lorraine Sevich is a Village resident. She came to several Architectural Board of Review meetings to see what they were like and he would like to hire her for the Board Clerk position. Porter made a motion to hire Lorraine Sevich as Board Clerk/Secretary at \$16.08 per hour, seconded by Canton. Voice vote – ayes, Nairn, Porter, Canton, Dishong and Kostura.

Nay, Carroll. Motion carried. Carroll explained that Council found out about hiring this individual at the meeting. He said he knew the Village was looking to hire someone, but it is the first time he heard of her and Council didn't have any information on her. He stated in fairness to Council, it would have been nice to have more information brought to them sooner so they could have had some discussion on it. This is the reason he voted no.

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

Dishong asked where the Village stands with the Krappe property. Council previously talked about perhaps putting it on the market, getting an appraisal, etc. He said the Village has storm water issues they will need to look to fund, and other expenses are coming up and the Village could use the money. He said it seems like real estate is doing well now and if the Village is ever going to sell that property, now would be the time. He said the residents are not getting any utility of the property and he would like to see the money from that property used to invest in infrastructure. Dishong said that is a desirable piece of property since it is in Geauga County with walking access to Chagrin Falls and the money could be invested into infrastructure for the residents. He stated with it being April, now is the time to get the property on the market.

Mayor said Heather Elmer from the Chagrin River Watershed Partnership (CRWP) said don't sell land to put in a house, a driveway, a yard and a roof because of the water runoff it will cause. Dishong said he understands what she is saying but the Village just took 100 acres out of possible construction by creating a park. Carroll stated that a 10-unit housing development on a wetland has a huge impact compared to the Krappe property on Bell Road.

Nairn asked if the Village ever thought of making the Krappe property a gateway to the Village; a mini-park with a "Welcome to South Russell Village" sign. She said she feels something beautiful should be there because it is a gateway to the community.

Fiscal Officer will include the recent appraisal information in the Council packets for the next Council meeting.


Mayor told Council that many trees on the two corner lots of Chillicothe Road and Bell Road were removed and the area looks bare. He said other communities have an ordinance about the size of trees that can be removed and this may be something the Village wants to think about.

Mayor said on Sunday afternoons it was like a firing range coming out of Bainbridge Twp., and Russell Twp. where people are doing a lot of shooting. The homeowners are in townships and they are permitted to shoot firearms.

At 9:30 p.m. Nairn made a motion to go into Executive Session to discuss personnel and employee compensation, seconded by Porter. Roll call – ayes, all. Motion carried.



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

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer