

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 13, 2015 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Barbara Stiebeling, East Bel Meadow Lane; Faith Pescatore, Novelty; Russ Zajackowski, Maple Springs Drive; Bob & Virginia Horvath, Lakeview Drive; Brenda Cain, Cleveland.com; Jim Ohnech, Maple Springs Drive; Bill Munday, Sheerbrook Drive; Joan Demirjian, Chagrin Valley Times; Gerald Canton, Manor Brook Drive; Joe Mulloy, Maple Springs Drive; Emilie Unkrich, Fairview Road; Pete Moissis, Spring Drive;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Porter moved to approve the regular meeting minutes of the March 9, 2015 Council meeting as amended, seconded by Binder. Roll call—ayes; Binder, Dishong, Kostura, Porter. Abstain; Carroll and Koons. Motion carried.

Kostura revised a section of the minutes on page one to read, “Binder stated the video confirms there is not a compelling case to continue a circus event in the village.” Koons moved to approve the regular meeting minutes of the March 23, 2015 Council meeting as amended, seconded by Kostura. Roll call – ayes, all. Motion carried.

VISITORS: Stiebeling asked if Council has made a decision on the circus. Mayor said that Council already agreed to go into negotiation with the Chagrin Falls Jaycees to hold another circus at the park. The only concern remaining is if the event can be held on the 10 acres of park property that the village can utilize. Mayor added that he and the Street Commissioner are still working through the site plan.

Stiebeling said there are inconsistencies being stated by Council regarding the 500 signatures that a group of individuals obtained. She stated that there were comments about the signatures not all coming from South Russell Village residents and that Council also has stated in the past that the circus is not a South Russell Village event so she feels the comments are inconsistent. She forwarded some information to Mayor and Council concerning citations and briefly discussed some of the issues.

Stiebeling said another thing that bothers her are the worn adages. She addressed safety issues and asked if the Village has considered what would be done if an animal got loose or if tuberculosis was contracted. She would like the Village to obtain vet records and make sure that the workers are being tested as well. Stiebeling stated there were citations issued in the past to the Kelley Miller Circus due to some of the workers not being U.S. citizens and there was a rape charge filed against a worker in 2006. Stiebeling said she doesn't feel that Council's comments about not being in favor of animal cruelty are correct if they allow the circus to return.

Pescatore of Novelty asked if Council reviewed the bull hook ordinance that was presented to them at a previous meeting and if there is consideration on adopting the legislation. Mayor stated that Council has seen the legislation but didn't show much interest in adopting anything to eliminate the use of the bull hook within the village. Pescatore then asked if there was a vote on this topic. The Mayor stated that Council would have to make a motion if they were interested in pursuing a topic and if there was no motion introduced then it is assumed that there isn't any interest in the topic. He then gave Council the opportunity to introduce a motion in favor of Pescadore's concerns. None of Council spoke in regard to the topic.

Pescatore stated there are 30 trucks and trailers that travel with the circus, 5 of those trucks being semis. In addition to their vehicles and tents, there will need to be room for 200-300 cars for the attendees. Dishong stated that the Village is aware of these points from the circus event held last year. Pescatore asked if Bainbridge was contacted about maintaining the traffic since they own East Washington Street. Mayor stated the Village worked with Bainbridge last year and if it is determined there is enough space on the 10 acres of property, then they will be approached again.

Pescatore requested a copy of the safety and evacuation plan in the event that an animal gets loose. A regular firearm cannot stop an elephant so she would like to know what the plan is; she also wants to know what will happen if a tiger escapes. Pescatore asked what type of supplemental insurance South Russell Village has in addition to the \$1 million insurance coverage that the circus holds. The Fiscal Officer will get back to her with that information.

Zajaczkowski from Maple Springs of Chagrin Lakes presented some pictures of his lake prior to flooding and pictures from the day prior to this Council meeting. He thanked Council member Koons for stopping by the lake to look at it and said the November 10, 2014 meeting minutes state, "It was determined that muddy water did go into Chagrin Lakes due to the Lantern of South Russell project and there has been discussion as to whether the lakes will be cleared. If the Lantern of South Russell doesn't rectify the situation, the Village has the right to use a portion of the deposit money to clear the lake."

Zajaczkowski went over a timeline of events and said that the slow construction has left ground torn up and the same problem is occurring again. He doesn't believe the issue is being addressed in a timely manner and stated the Village wouldn't be happy if resident projects were handled the same way.

Zajackowski stated there were some comments by Brenda Cain from Cleveland.com concerning the circus but she isn't able to narrow where her statistics came. He believes there is a lot of publicity about things that can't be verified.

Pescatore passed out Ordinance 618.16; a sign requirement which she said was violated by the circus last year.

Mayor verified Zajackowski's comments and feels that the Lantern of South Russell should cover the expenses of the lake damage. Mayor would like a recommendation from Aqua Doc so the Village knows what is needed. If the issue isn't resolved by the next Council Meeting on April 27, 2015, then a Public Hearing will be held to discuss the issues with Chagrin Lakes. Zajackowski said this issue has been ongoing and he would like a resolution soon.

Carroll asked why the village can't move forward if the Lantern of South Russell is willing to take care of the problem. Mayor responded that the village is looking for a letter to document an agreement that he made with the Lantern of South Russell.

Dishong asked how soon Aqua Doc can take care of this issue. An audience member stated it can be completed now that the weather has warmed up but it could have been mitigated last fall.

Carroll asked the Engineer if there is going to be an issue down the road if Aqua Doc cleans the ponds now. The Engineer said there could be since there is still brown water that runs out of the retention ponds due to exposed areas of ground. Mayor added that treatment can be applied to the ponds but another rain event could require another treatment and that the Village needs to make sure that this issue is rectified permanently.

The Engineer stated the flocculent is a one-shot deal. If there were another rain event, it would need to be reapplied. Porter asked if there is an impact on fish in the ponds and the Engineer said it wouldn't affect them.

The Engineer verified that the Lantern of South Russell ponds are working accurately, but the silt will continue to runoff until there is no more open ground.

Munday asked about the retention ponds and if the skimmers should be removed so that the water stays in the pond and the silt settles. The Engineer said the retention ponds aren't supposed to overflow unless there is an extraordinary rain event.

Binder addressed the circus discussion and said he has been asked several times how many acres were used for the circus last year. Mayor isn't aware of a footprint of what was used last year. Koons estimated that the 10-acre property including about an additional 6 acres of the Western Reserve Land Conservancy land.

Binder also added that the Kelley Miller Circus hasn't been convicted with animal cruelty. Stiebeling stated that they haven't been charged because they don't own the animals.

Moissis addressed Council as a follow up to a letter from the Mayor regarding the Show Your Colors program. Moissis stated the volunteers were previously asked to remove the Gadsden flag that was flown since before the September 11th tragedy, due to its political party affiliation. Moissis said the purpose of their organization is patriotic, not political. Discussion followed. Porter said he was in favor of keeping the flag, but was out-voted. Mayor asked for the topic to be addressed further at the next meeting.

MAYOR'S REPORT: Mayor said that Council may have a hearing at next Council meeting concerning the issues with the Lantern of South Russell.

Mayor referred back to the Show Your Colors topic and stated that the cost of replacement is about \$35-40 for the flag, bracket and pole. The Mayor asked the Street Commissioner to put together an inventory. The Mayor said he would like to see the village contribute and make a donation for a series flag of replacements due to the current conditions. He asked Council to consider allocating \$2,000 yearly to the budget to replace flags.

Mayor addressed the issue of cracking on the newly paved Bell Road west. After core sampling, the Engineer has determined that the cracks go down all the way to the existing base that was in place prior to the recent work.

Carroll asked if the cracks should have been seen when the road was milled. The Engineer said he walked the road and didn't notice them. He also feels that South Russell Village does a better pavement program than ODOT because it uses different specifications. Unfortunately the Village had to go by ODOT specifications with this particular project due to the funding help.

Kostura asked if it would have been ODOT's duty to fix the cracks if they would have noticed them before the paving. The Engineer stated it would have been their duty to recommend something that could be done, but the Village couldn't expect them to fix it. Mayor added that the Street Commissioner and Engineer were very engaged with the project and didn't see any concerns.

Mayor said the village was hoping for a smooth road when the project was complete but unfortunately there is some crack sealing that needs to be completed now. There weren't any issues from the contractor's work so this is the only option the Village has at this point.

Kostura said that eventually Bell Road east will need to be paved and asked what the Village can learn from this project so this doesn't happen again. The Engineer suggested not doing any milling if it can be avoided since it's better to build up a road due to shoulder grades and driveway angles. He added that if the Village didn't have ODOT funding constraints he would suggest doing any base repairs needed, address alligator cracking, chip seal the whole road and pave one and a half inches over the top.

Binder said the Village contracted for a good finished road and asked why Karvo isn't responsible for building on a bad foundation. The Engineer stated there wasn't a bad foundation

but he believes it may have been this winters' deep freeze. He walked the road after it was milled and observed some areas that needed full or partial depth repairs.

Regarding completion of the Bell Road project, the painting should be complete towards the end of April or beginning of May. Mayor added that the punch list items should start May 1 and be completed by May 31.

Dishong asked if part of the cracking issue could be that the road was paved late in the year. The Engineer stated that ODOT is very strict with their requirements including the temperature of the road, which can't be below 50 degrees for asphalt to be laid.

Porter asked if this issue has reduced the life of the road. The Engineer said he believes it has reduced the life by a couple of years, but said the Village can prolong its life by crack sealing to eliminate water from getting into those cracks. Mayor said there are a couple areas that have failed that will need to be fully replaced. These items are also on the punch list.

The Mayor would like the 2015 Road Program completed a little earlier than last year so it doesn't conflict with school buses. The Engineer will have the project ready to bid by the next Council Meeting. Council will have to hold a special meeting at the end of May to keep on schedule with this project. There is a minimum time frame of three weeks from the time the Village goes out to bid to the time the bids are accepted.

The Chagrin Valley Dispatch Council of Governments (CVCOG) is seeking funding from the municipalities that utilized their services to update their building. They have requested \$2,309 from the Village of South Russell.

Mayor reported that the opening of the South Russell Village Cemetery is approaching. The Mayor will meet with the Cemetery Committee on April 23 at 7 am at village hall. One of the topics on the agenda is setting a grand opening date; the Mayor is considering Saturday, May 30th.

The Mayor would like to finalize the park leash topic. He stated the village has looked at many options to try to appease everyone. The village set parameters for measuring park rule compliance at 25 warnings or citations, 1 major incident in violation of C4, 40 complaints and 5 cleanliness inspections over 5-month test period would fail the 6-month period. There were 99 issues reported to Police Department. The Village has considered other solutions but doesn't have any ideas at this time. Therefore, Mayor has asked that Council approve the new ordinance.

Dishong said he was a proponent of the odd/even days and is upset that the criteria didn't pass. He still would like to explore other alternatives and presented an option of allowing dogs off leash until 10 am.

Porter stated there has been a system in place for 7-8 years and doesn't recall any major incidents or misdemeanors issued. Chief stated there was one misdemeanor offense. Porter said that he

agrees with Dishong but doesn't feel there are enough reports to eliminate the off leash option. He would like to leave the ordinance as it stands.

Dishong said one of the options discussed was installing a fence but this option is not possible because of the conservation easement. He feels that the time bound requirements is an alternative because you're not limited physically from having animals off leash, but limited by time.

Mayor's recommendation is to move forward with the ordinance presented and remove the odd/even unleash days but does think it's fair to look at other alternatives. The consideration of fencing along the property lines had been discussed, but he was unaware if residents and non-residents are willing to accept this option because there was hesitation in the past. The village would also need to determine a cost for fencing.

Dishong and Porter feel once the new ordinance is passed that it will be hard to allow unleashed restrictions again.

Kostura stated that he was an advocate of odd/even unleashed trial period and was disappointed that it didn't work. The Solicitor gave opinions on the village's exposure with respect to injuries in the park, which worries him. At his point, Kostura would like to see the village take an affirmative step to put in place restrictions which are the result of the trial period failing. Kostura would like to then look at viable options and obtain community feedback for some off leash options and come to a compromise.

Koons stated that he too would like to discuss allowing the village to have a park for unleashed animals since this is prohibited in most other parks around the state. At this point he would like to move forward with the leashed at all times requirement due to the test period failing.

FISCAL OFFICER'S REPORT: The Fiscal Officer reviewed her monthly report.

The Fiscal Officer reported that the State Auditors are done with the Villages audit.

The website is now live and the newsletter will be going to the printer this week.

A contractor that installs LED lighting contacted the Fiscal Officer about updating the fixtures on the Village campus. They are currently working on buildings for Russell Township.

The Mayor asked the Fiscal Officer to briefly discuss potential concerns with HB5. The state is looking at taxing only residents and doing away with taxing workers within the municipality and businesses. This has been an ongoing discussion for several years. Big cities will have the most impact with the proposed requirements but it will affect all municipalities. Unfortunately, for the items passed in HB5, the true financial impact won't be known until it goes into effect in January. The Village will have to amend its current tax ordinance and follow very strict parameters when preparing it in order to eliminate the risk of losing it altogether. The Fiscal Officer will stay plugged in to this topic and work with the Solicitor on preparing the required legislation.

Dishong said he understands this will negatively affect the village but said he thinks the state is trying to lighten the burden of people that travel with their jobs, and have to keep track of the time they are spending in other locations.

Porter asked for further clarification on the Tax Board of Review. The Fiscal Officer stated that Elected Officials are no longer permitted to serve on the Board.

The Mayor asked for a motion from Council recognizing that Lucy Jasinski has been hired as the Planning Commission/ABR/ZBA Secretary. Binder moved to acknowledge that Lucy Jasinski has been hired as the Planning Commission/ABR/ZBA Secretary effective March 30, 2015, seconded by Dishong. Roll call – ayes, all. Motion carried.

FISCAL AUDITOR’S REPORT: Not scheduled for this meeting

ENGINEER’S REPORT: The Engineer briefly reviewed the engineering topics that were previously discussed. He will look to have Council schedule a special meeting at the end of May so the 2015 Road Program bid can be accepted.

The survey crews from CT Consultants were at the South Russell Village Cemetery to install lot markers and noticed that two trees encroach on marked lots. SiteTech will have to move these trees at their cost. The well drilling will occur within the next two weeks.

BUILDING INSPECTOR’S REPORT: The Building Inspector reported that the Zoning Board of Appeals will meet on April 22nd at 7:30 pm to discuss a variance request for the size and placement of a shed.

A permit has been approved for a new home on Ashleigh Drive. The Building Inspector expects to receive plans for another new house on Maple Ridge.

Koons asked if the Building Inspector can schedule a few of the projects previously quoted.

POLICE CHIEF’S REPORT: The Police Chief referred to his report.

The Police Chief stated that the traffic light is failing and the controller was out for service again. There have been ongoing problems and the Chief asked Council to consider replacing the light in 2016 at a cost of about \$4,000; this includes some modifications that will need to be completed as well. The bulbs are no longer being manufactured and they have recommended the Village move forward with LED bulbs eventually. Chief will provide a cost to Council prior to the next meeting.

Binder mentioned an issue he had over the winter where the LED traffic lights were covered with snow and couldn’t be seen. Chief said the LED lights won’t heat up as much as the current lights to melt the snow.

The Police Department would like to utilize the park Saturday, May 16 from noon to 3 pm for a Valley Enforcement Group (VEG) police drill. The team consists of about 30 officers and there is some flexibility with allowing the park to still be open. Dishong suggested using half of the park on the East Washington Street side. Porter asked if the school property could be utilized for the training. The Chief stated that the park is a better area and officers will be set up at the entrance informing park users what is going on. Carroll moved to allow the Valley Enforcement Group (VEG) to utilize the South Russell Park for a Police training drill, seconded by Kostura. Roll call – ayes, all. Motion carried.

The Concerned Officers Protecting Seniors (C.O.P.S.) event will be held at Village Hall on Tuesday, May 12 at 6 pm.

The Cops and Kids fishing event has been scheduled at Bellwood Lake for Sunday, June 14th from 9 am to 1 pm.

Chief reported that there were several identity fraud/IRS tax scams in March.

STREET COMMISSIONER'S REPORT: The Street Commissioner referred to his month end report.

The remainder of salt for this season has been ordered. The village was able to keep the orders at 90% of the required amount that had to be ordered. There is currently 1,200 tons in the salt dome.

There are two old school zone flashers at the Street Department garage from Bell Road. The Street Commissioner will add them to the GovDeals.com website with a minimum \$2,000 bid. The Coyote can also be added to the GovDeals.com website after we receive the new loader.

Trash Day will be held Saturday, May 2nd.

The first full week in May is when the contract for mowing begins.

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

COMMITTEE REPORTS: Binder, Carroll, Dishong and Kostura had nothing to report.

Koons said the Eagle Scouts are going to put bird houses around the park field that can be removed easily for mowing.

The Girl Scouts are going to hold an event at the park and would like to camp on the park property as well. Koons moved to allow the Girl Scouts to camp overnight at the park on Saturday, May 9th, seconded by Carroll. Roll call – ayes, all. Motion carried.

Koons followed up concerning the archeological study issue stating that the village would have to dig small holes at the park every 50 feet, which would require 1,300 holes.

Koons moved to accept the quote for \$9,000 from Naji Construction to replace the portico at village hall, seconded by Binder. Roll call – ayes, all. Motion carried.

Koons reported some details about the rental property. Discussion followed concerning the rental property boundaries and having an appraisal of the property completed. The Street Department will look for the property pins. Binder moved to have a market value appraisal completed for the rental property at 5244 Chillicothe Road, seconded by Dishong. Roll call – ayes, all. Motion carried.

Porter said the Street Committee met a couple weeks ago and discussed the new loader. The next Street Committee meeting will be held April 24th.

ORDINANCES/RESOLUTIONS:

Koons moved to un-table the ordinance repealing Ordinance 2013-21, an ordinance requiring all dogs, or other household pets, to be on a leash and under control in any village owned park; defining “under control”; and establishing penalties for violation thereof and declaring an emergency, seconded by Carroll. Roll call–ayes; Binder, Carroll, Koons, Kostura. Nay; Dishong, Porter. Motion carried.

Koons moved to adopt an ordinance repealing Ordinance 2013-21 and adopting an ordinance requiring all dogs, or other household pets, to be on a leash and under control in any village owned park; defining “under control”; and establishing penalties for violation thereof and declaring an emergency, seconded by Carroll. Roll call–ayes; Binder, Carroll, Koons, Kostura. Nay; Dishong, Porter. Motion carried. **Ordinance 2015-10**

Mayor gave second reading on an ordinance amending appropriations increasing General Fund salaries and benefit expenses by \$5,500 and declaring an emergency.

Mayor gave second reading on an ordinance to purchase a Case 321F loader. Porter moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Porter moved to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. **Ordinance 2015-11**

Mayor gave second reading on a resolution to participate in the ODOT Cooperative Purchasing Program for road salt for the 2015-2016 winter season.

Koons introduced a resolution in support of the park grant/restrooms. Koons moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Resolution 2015-12**

Koons introduced an ordinance amending appropriations by increasing Special Land and Building expenses by \$50,000 and Income Tax Transfers for \$50,000. Koons moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2015-13**

Koons introduced an ordinance transferring \$50,000 from the Income Tax Fund to the Special Land and Building Fund. Koons moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2015-14**

BILLS LIST:

Dishong moved to ratify the March 31, 2015 bills list #2 in the amount of \$12,092.35, seconded by Kostura. Roll call – ayes, all. Motion carried.

Carroll moved to approve the April 15, 2015 bills list in the amount of \$47,132.41, seconded by Kostura. Roll call – ayes, all. Motion carried.

NEW/OTHER: Binder, Dishong, Kostura and Porter had no new business.

Dishong and Carroll are interested in attending Congressman David Joyce’s conference to be held Thursday, April 30th through Friday, May 1st.

Carroll stated that the Regional Commission on Oil and Gas Well Drilling has not scheduled a public outreach meeting yet.

Carroll asked the Street Commissioner who maintains the old cemetery and restores the stones. The Street Commissioner stated that the Street Department has completed some repairs in the past. Carroll noticed some of the stones look like they need attention but Council felt the stones are the responsibility of the individual’s family.

At 10:02 pm Binder moved to enter into executive session to discuss personnel compensation and potential property acquisition, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 10:40 pm.

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

Meeting adjourned at 10:40 PM.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen