

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 14, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Sylvia Debick, Maple Hill; Cindy Nairn, Whitetail Dr.; Danielle Savage, Aramore; Jim, Jen, Jake, Sarah and Eva Levine; Nick Divita, Mike Kleinknecht, Police Department, Steven Fedorko, Bainbridge Road, Melissa Kleinknecht; Rae Carleton, Maple Hill Dr.; Trish Gleason, Maple Hill Dr.; Ed Pyle, Potomac Dr.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Dishong moved to approve the minutes of the March 31, 2014 Council meeting, seconded by Kostura. Roll call – ayes, all. Motion carried.

VISITORS: Chief reported that after conducting multiple interviews, he is looking for Council to approve hiring two new part-time officers to the Police Department; Jim Levine and Brandon Savage. Jim Levine has been a police officer since 1973 and has co-founded a security company based out of Washington, D.C. Jim has been working for Chagrin Falls since 2005, is a bike patrol officer, a member of the Valley Enforcement Group (VEG) SWAT team and Jim is also an ALICE instructor. Brandon Savage started with the Painesville Police Department in 2008 and later joined the Middlefield Police Department. Brandon was promoted to a sergeant in Middlefield in 2013 and serves as his department’s field training officer. Mayor told Council he met both candidates and was impressed with their resident-centric attitudes - he said he would like to appoint them as patrolmen of the Village. Binder made motion to appoint Jim Levine and Brandon Savage as part-time patrolmen for the Village, seconded by Kostura. Roll call – ayes, all. Mayor swore the new officers in.

Regarding going out to bid for construction of the new cemetery, the Engineer explained the advertisement for the bidding will include a base bid for a gravel road and an alternate for an asphalt road. Dishong made a motion to go out to bid for the cemetery project, seconded by Porter. Roll call – ayes, all. Motion carried. Carroll asked Mayor if the cemetery is going to be assigned to the Properties Committee. Mayor replied that he has not gone through that yet – so it is still to be determined.

Rae Carleton addressed Council and reminded them she approached the Village two years ago wanting to change village ordinance 618.13(a) regarding swine in the village. Ms. Carleton said she questioned a village ordinance stating swine can’t run at large and have to remain a certain distance from streets and neighbors. Therefore, she feels that perhaps they are permitted in specific areas of the Village and maybe that decision is made by homeowners’ associations. Ms. Carleton says she discussed her desire to have a pig with the Maple Hill residents and they said they would not mind. She educated Council on some of the general characteristics of “mini pigs” explaining that they average around 35-50 pounds, are 10-14" tall and are about 17-24" long. She said they don’t sweat and don’t smell, only defecate in one area, can use litter box

and be trained to walk with a harness. She informed Mayor and Council she cancelled the process of trying to amend this ordinance the last time because she was going away to college. Now she is transferring to a nearby college and will be commuting, therefore she would be able to care for the pig. Binder asked if she would have an invisible fence collar for the pig. Ms. Carleton said invisible fences could be used for pigs, but she doesn't know if she would use that – she would like to leash it when she took it outside. Ms. Carleton's mother said she has an invisible fence for her dogs so she would suggest to her daughter to train it on the invisible fence. Dishong asked if mini pigs get along with dogs and cats and if pigs could defend themselves. Ms. Carleton replied that pigs cannot defend themselves and are considered prey. Porter asked if this pig would be considered a house pet to which Ms. Carleton replied it was. Binder asked Ms. Carleton if she was requesting there be restrictions to the ordinance on size and weight. Ms. Carleton replied that some other cities put size restrictions in the ordinance so they don't have large pigs in the municipality. She said some municipalities in New Jersey and Michigan recently passed ordinances regarding pigs. She said most municipalities in Geauga County allow pigs and Chagrin Falls currently has a mini pig residing in their village. Mayor asked Ms. Carleton to forward some of the information and stats she referenced to Mayor and Council and to keep the topic on Council's radar. Mayor said this topic was brought up two years ago and Council at that time seemed relatively open to making some sort of change. Mayor said if Council is open to the idea, they can look at the ordinance the Village currently has and see what they would need to do. Ms. Carleton is returning from out of town work on August 15th and that is when she would like to get a pig.

Mary Beth Wolfe complained about the house next to Panini's restaurant leaving a big pile of debris in the front yard. Building Commissioner said that is a commercial property and he will look into it.

MAYOR'S REPORT: Mayor referred to information in the Council Packets regarding Issue 1 which is also known as the public works. He explained that on a number of occasions, the Village has used funds from Issue 1 grants to perform Village projects – examples include ditch enclosures, the Chelsea Court project and Bell Road West. Mayor encouraged Council to move positively on this resolution to show support.

Mayor reported the details of the agreement with the Chagrin Valley Jaycees for the circus have been agreed upon by all parties. The Village is waiting for a final copy of the signed agreement.

Mayor reported the Bell Road West project is moving along and he is looking to hold another informational session on May 12th or May 27th just prior to the Council meeting. Regarding the Bell Road West project, Engineer stated that part of the plan includes three fire hydrants that have to be relocated beyond the widening which should not have caused a water main shut down for anyone. There were also three areas where they were lowering the water main itself which would necessitate a water main shutdown. Given the scope of the work, it would be tight to get that done in one day – so it would have required one water main shutdown on each of two days and that would be reasonable and is what the contractor did. However, that is an old water main that serves the far west end of the Village and Chagrin Falls Water Department was unable to fully shut the line down because their valves didn't close all the way. The Village managed to get its work done with the 95% closure of the valve, however afterwards Chagrin Falls Water Department decided they should replace the valves. The valve replacement wasn't caused by the Bell Road West construction project; it was brought to the water department's attention during the period of the construction project. The Engineer said he did not get a firm commitment that Chagrin Water was 100% done with the work. The Village did hear from one resident that all last week he was either on shut down, on a boil alert, or some problem with the water main.

Engineer said it could not have been just one resident, it would have been all those on the line. The Engineer is trying to get more information from the water department. The Mayor said the Village needs to let Chagrin Falls Water Department know that when the residents are going to be impacted with issues such as this, the Village needs to be made aware. Chief said he sent an email to the Chagrin Falls Water Department when there was the previous issue to let them know when things will impact the residents, they need to make the Village aware - he never heard back from them. The Mayor said he would like more clarity on the scope of the issue; how many residents were impacted and for how long, and if there would be more. Carroll asked if Chagrin Falls is a metered city, which means they buy the water from Cleveland and distribute it. The Engineer said Chagrin Falls owns the mains, the hydrants, everything in the ground and the City of Cleveland is the water supplier.

FISCAL OFFICER: Fiscal Officer referred to her monthly reported distributed to Council.

As Tax Administrator, Fiscal Officer reviewed some of the issues of HB 5. She said at this time the bill is not actively being discussed in the legislature but is definitely an issue to pay close attention to for the remainder of the year. If it becomes a lame duck issue and gets pushed through at year end, it will go into effect January 1, 2015 and the Village would start feeling the impact with the 2014 tax returns.

Fiscal Officer reported that the Village budgeted enough to allow for three elected officials to go to the Washington, D.C. conference.

FISCAL AUDITOR: Fiscal Auditor reviewed his February 28, 2014 Cash Management reported he distributed to Council. He reported that he and the Fiscal Officer balance to the penny on all funds. He also reported the Village investments balance to the penny. Fiscal Auditor reported that the cash balances increased in February.

ENGINEER'S REPORT: Engineer reported the Bell Road West closure is now scheduled for the week of April 28th. The Ohio Department of Transportation (ODOT) and the contractor have concerns about the duration of the detour. They think they are going to run into complications when constructing the concrete head walls on both sides of the culvert, but they have one work week remaining per the plan. Therefore, they may need up to seven days before and seven days after the closure to have only one lane open in order to finish the work. There was brief discussion about having the contractors work on the weekends to help with the weekday traffic. The Village Trash Day is Saturday, May 3rd so if it is possible to be open by then, that would be a good thing. Engineer reported that he asked the contractor and ODOT if they could provide a message board on either end of the project a week ahead of time to notify residents that the road will be closed to all traffic. The contractor gave the Engineer an estimate that was pretty expensive, but ODOT said they would bring out the signs on April 21st at no cost to the Village. Mayor said that is great thinking from the Engineer and is one example of why the Village wanted him engaged in the project. Binder asked how things were going with ODOT. Engineer said the Village lucked out with the ODOT project manager, Neil Walsh, and said he has been fantastic. He has always followed up with everything the Engineer asked and is always looking to minimize inconveniences to the residents. The Engineer suggests that when the project wraps up, the Village may want to pass along word to his superiors that the Village really appreciated having him on our project.

Engineer said he has evaluated all roads in the village and he is putting together rough estimate numbers to provide the rating system to the Streets Committee.

Mayor said he forwarded information he received from the County Engineer's office regarding District 7 Ohio Public Works Commission applications and asked the Engineer if he reviewed that information. Engineer replied this is the annual standard information. He said the Village just received the grant for the Bell Road West project match, so the likelihood of getting another grant right now is slim.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported that the assisted living center would go before the Architectural Board of Review (ABR) for the final approval.

Building Commissioner informed Council that the Planning Commission asked the Village to give the Engineer a copy of Dr. Eckstein's report which he has done.

Building Commissioner said he is waiting for one carpenter's bid for the service garage and said the progress on the pavilion fireplace is going well.

POLICE CHIEF'S REPORT: Chief Rizzo said he has an issue regarding the current rule in the employee handbook regarding how part-time officers receive their uniform allowance. He explained that a part-time officer has to work at a rate of .50/hour for each hour worked to get reimbursed for his uniform. He stated he has a sample contract from another community relating to this issue stating if the new employee leaves prior to the probationary period they could be responsible for reimbursing the Village for the uniforms. Chief said he wanted to know if he could allow the officers to get the allowance up front and then agree to pay back the Village if don't make probationary period. Mayor said this was a good call and told him to work through the details with the Fiscal Officer. There was discussion about uniforms, bullet proof vests policies and useful life expectations. Carroll asked the Chief to look at surrounding communities and find out their policies and process. Dishong said the Safety Committee should review this and make a recommendation.

Chief said some of the officers joined the Geauga County Sherriff's department with liquor control on Friday night with compliance checks around the county. Several businesses were cited for alcohol sales to minors - unfortunately a business in South Russell was cited.

Chief reported that his department has been forced to update to Windows 7 in the MDTs because Windows XP is no longer supported. His department is having many issues with software not working with this new update. He said he did not budget for it, but he has had to purchase four licenses in order to operate the video cameras. Chief reported the Village MDTs came from county in 2009. There was a brief discussion about putting a new operating system on an older PC and the problems this can cause. Mayor suggested looking into updating the MDTs.

The Chief reported his department has issued 14 warnings at the park in the month of March and there were 7 in February. These warnings have been issued by officers driving by on patrol, not actively sitting in the park issuing warnings. Warnings have been issued on both sides of the park. They have not issued any citations as of this time.

STREET COMMISSIONER'S REPORT: Street Commissioner reported his department is working on springtime and seasonal projects and preparing for Trash Day, etc.

SOLICITOR'S REPORT: Nothing new to report.

COMMITTEE REPORTS: Carroll had no report.

Binder reported the Streets Committee will meet May 2nd at 7:30 am and the Safety Committee will meet May 8th at 7:30 am.

After discussion, on behalf of the Finance Committee, Dishong set June 8th as the date for the Strategic Planning meeting from approximately 11-3.

Koons reported that the Park Committee met and revised the form for pavilion reservations.

Koons said the committee is holding on the Fall Festival date as some members of the committee want to wait for the Browns schedule to be released.

Koons informed Mayor and Council the revised park rules for the sign have been sent to the sign maker. Carroll said the sign says no camping, but asked if the Scouts could camp there. Koons replied that the Village has the discretion to wipe out any rules.

Koons said the Building Committee would meet on Wednesday, April 16th to talk about the recently updated fees schedule.

Kostura updated Council on the recent Planning Commission (PC) meeting where the dementia and alzheimer's facility came in with a final tentative rendition plan, a hydrologist report, landscape plan and the water supply and storm water plans. PC approved the plans tentatively based on the approval of CT Consultants. Kostura said the assisted living developer has done a very good job of putting together plans and the reports as requested. He said they have made big changes including digging the property down approximately 12 feet so when looking out from Kensington Green, you will be looking at a rooftop rather than a building. He explained there will be two holding ponds that will be dry most of the time but will decrease the amount of drainage from the property. There will be two wells on the property and there will be storage tanks both for the sprinkler and fire suppression, and for their water supply itself. Solicitor said he believes their plan was to drill one well and see if it got adequate production and then if the report indicates, then they would put in another if necessary. The plan is to install the well in at the same level with the other wells in the area so they wouldn't create an issue with people's water.

Porter reported that the Public Utilities Committee (PUC) held an informational meeting on April 3rd for those residents that would be impacted by the potential sewer proposal. Porter said the meeting went well and good information was shared from the Department of Water Resources, the Health Department, and an area realtor. The PUC has responded to some follow up questions from residents through email and phone calls. He reported that on April 21st, the Village will send certified mail to those that don't submit their survey. Carroll said the two videos recorded that night have been posted on youtube.com and there is a link to it from the village's website.

ORDINANCES/RESOLUTIONS:

Dishong introduced an ordinance requesting the County Auditor to certify the total valuation of renewing the 2.75 mil Safety Levy and declaring an emergency. Dishong moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-14.**

Dishong introduced an ordinance requesting the County Auditor to certify the total valuation of replacing the 2.75 mil Safety Levy and declaring an emergency. Dishong moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-15.**

Dishong introduced a resolution in support of State Issue 1 for renewal on the State Capital Improvement Program which is on the May 6, 2014 ballot and declared an emergency. Dishong moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-16.**

BILLS LIST: Kostura made a motion to approve the April 15, 2014 bills list in the amount of \$61,295.15, seconded by Binder. Roll call – ayes, all. Motion carried.

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

At 9:00 pm, Dishong made a motion to go into Executive Session to discuss personnel issues, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 9:20 pm.

ADJOURNMENT: Being that there was no further business before Council, Dishong made a motion to adjourn, seconded by Binder. Roll call, ayes - all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer