

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 10, 2014 – 7:30 P.M.
PRESIDENT PRO TEMP – WILLIAM KOONS PRESIDING**

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

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

VISITORS: Ann Dunning, Morningside Drive; Sylvia Debick, Maple Hill;
Tom McCrystal, Cascades Drive

Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Regarding the minutes of the January 27th Council meeting Koons stated there was a correction on page 4, paragraph 2 changing it from motion seconded by Koons to Kostura. Solicitor stated in that same paragraph, it states Planning Commission and ABR appointments, where it should have only been the ABR appointment being confirmed by Council. Porter moved to approve the revised minutes of the January 27, 2014 Council meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

MAYOR’S REPORT: In the Mayor’s absence and on his behalf, Koons recommended that Andy Hitchcock be appointed to the Planning Commission. Carroll inquired as to how that position gets filled and if there is an application process. Solicitor stated that the Mayor solicits people he knows or people he feels may be good at it – he didn’t believe it was advertised. Dishong made a motion to approve appointing Andy Hitchcock to the Planning Commission, seconded by Kostura. Roll call – ayes, all. Motion carried.

FISCAL OFFICER: As there were no questions from the Fiscal Officer’s monthly report distributed to Council, there was no report.

Koons congratulated the Fiscal Officer on achieving the designation of Certified Public Funds Investment Manager. This certification process is overseen by the Association of Public Treasurers of the United States and Canada.

FISCAL AUDITOR: Fiscal Auditor reported that given the early date of the meeting, he is still in the process of compiling all the January financial information. Therefore, he will give his monthly report at the next Council meeting.

ENGINEER’S REPORT: The Engineer informed Council that the Bell Road project is currently underway with the waterlines and storm sewer work having begun. He reported the Village will be having a resident meeting on February 24th at 6:45 pm at Village Hall. There was a brief discussion about the rock they are hitting while working on the current storm sewer work. Engineer stated there may be a minor extra cost to the project due to this issue slowing down the schedule. He said when CT Consultants writes a contract, they build things like this into the contract to ensure these costs would be covered, however the Ohio Department of Transportation (ODOT) doesn’t. Engineer will talk to the contractor on this issue and forward the information to Council.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported that the Planning Commission (PC) meeting is scheduled for Thursday night. Included on the agenda are the proposed assisted living facility on Route 306, as well as zoning of the small lots on the western end of village. Building Commissioner said those lots are few and far between and he doesn't know if it is worth changing the whole zoning book for a half a dozen lots. He believes something could be incorporated into the zoning to make it work.

Building Commissioner is working on getting lighting quotes for the Village campus and the addition to service garage. He expects to have some numbers by the first Council meeting in March.

Porter stated he saw on the Building Department report that there were six inspections for Chagrin in the month of January. He questioned if the Village is charging an adequate amount for these services. The Building Commissioner will look into it and see if the fees are appropriate.

POLICE CHIEF'S REPORT: Police Chief said he received a second quote for the proposed village campus camera system. The first quote came in at \$28,000; the new quote from another company came in at \$15,000, not including Village Hall. The quote for the Village Hall camera and door buzzer is estimated at approximately \$2,000. The Chief said the Safety Fund budget included \$20,000 in new equipment which would include the camera system. The new quote would cover the Police Department, Service Department and Village Hall for approximately \$17,000. There was a brief discussion about the differences between the two camera systems. The Chief explained that with the new quote, some of the cameras are analog cameras rather than IP cameras and they are changing it from a DVR system to a local PC system. The first quote included high-end equipment and the new quote is for a scaled down type of system. Kostura questioned the longevity of the scaled down version stating that he doesn't want to be penny wise and pound foolish. Chief replied that half of the cameras will be analog using actual phone lines between the buildings rather than wireless data transmission. The entryway cameras will have better pixels and would be able to get facial recognition. The other cameras watching the parking lots will not be able to pick up license plate numbers. Binder stated that he thought the Building Commissioner and Police Chief should get together and review the plans since the Building Commissioner has good insight on the buildings.

Chief reported that last year there was lightening damage to the traffic light controller and the invoice was finally submitted to the Village with a cost of \$2,309. Chief informed Council that he talked to the insurance company and the rates won't go up from submitting this small claim. Therefore, he is submitting this claim to the insurance company and the village will be responsible for a \$500 deductible.

Chief informed Council that the new cruiser bid opening is Friday at noon.

Koons inquired about animal problems at the park as noted in the Chief's monthly report. The Chief replied that he has instructed his department to give verbal warnings and keep track of issues more closely. Officers are now stopping at the park and giving warnings to people with dogs off leash. Since the beginning of February, there have been six incidences recorded so far. Koons stated that verbiage will be added to the park signs both for informing users of the park that they are entering the park at their own risk, as well as information of how to file a complaint. The goal is to have that wording added to the signs by April 1st.

STREET COMMISSIONER'S REPORT: Street Commissioner reported that his department has spent a lot of time on the roads and has been using a lot of materials. The salt deliveries are slow area-wide and the Village currently has an order placed with an expected delivery date three weeks out.

As Webmaster, Street Commissioner reported that website updates have been made regarding the Bell Road project and the scheduled timeline.

SOLICITOR'S REPORT: Solicitor informed Council that he reviewed the Jaycee's agreement regarding the circus as well as put together an amendment to the fuel supply agreement regarding liability issues of plowing the driveway to the fuel tanks.

COMMITTEE REPORTS: Carroll had no report.

Dishong said he is looking to get the newsletter out towards the end of March or early April.

Dishong reported that the Finance Committee met and discussed the continued pressure from the county to get fund balances down as well as the need to have a 5-year plan from the financial perspective. The committee believes Council should have a retreat soon to develop a long-term plan.

Dishong said the Human Resources committee met and they are looking to go into Executive Session to discuss personnel.

Koons said the Park Committee met and discussed many topics including the circus. The Western Reserve Land Conservancy (WRLC) is okay with the circus taking place at the park; however the Jaycees need to find a water source for the animals.

Koons said in talking to the WRLC about the circus, the idea of possibly rezoning the front 10 acres on the E. Washington side of the park came up again. Koons believes this issue should be addressed at some point. Additionally, Koons stated that the WRLC is concerned about the area behind Daisy Lane where a pile of garbage and debris continues to grow. The WRLC also shared an idea of possibly building up a part of the park to build a sled hill.

Koons distributed a drawing of a proposed fireplace for the pavilion. The Jaycees plaque to be installed on the fireplace is 5 x 9 inches. The fireplace chimney will go through the south end of the roof but the contractor is confident it can be installed and properly put together so the roof doesn't leak. Koons said the committee looked at picnic tables for the pavilion, at a cost of \$206 each. Koons also distributed a spreadsheet put together by Greg Pike from the Parks Committee that shows how other communities handle deposits and/or charges for pavilion use.

Koons also reported that ideas for the Fall Festival this year include sky divers and model airplane demonstrations.

Kostura reported that the Planning Commission meeting will be held February 13th at 7:30 pm.

Porter reported the Public Utilities Committee (PUC) met to discuss the sewer issue. After their meeting, they feel that a two-thirds majority is prohibitively too high and believe a 60% affirmative response of what is received would be appropriate. Non-responses wouldn't count for or against the total. Porter stated the petition from Lake Louise would be accepted as an expression of their interest to the commitment to the project. The PUC would like the Village to

notify the homeowners that do not have a homeowners' association representing them. The neighborhoods with associations would have the associations distribute the information and ballot. Notification from the Village to the people on Bell Road would have a cover letter reviewed by the Mayor, Council and Solicitor explaining the potential cost for the initiative. Enclosed would also be a self-addressed, stamped envelope with the ballot that they could mail back to Village Hall by May 1st. If the 60% threshold was met, then the Village would ask the County to move forward with the sewer initiative. The PUC would like the Village to have an informational meeting in mid-March with the Health Department as well as the Geauga Department of Water Resources to explain both sides of the septic/sewer issue. There was a brief discussion about the Maple Hill opinion poll that was taken in 2013 being just a petition to get more information on sewers, not about wanting to move forward with sewers. Therefore, Maple Hill would also have to participate in the voting process. Porter said there would be one vote per household. Ann Dunning asked how they would account for people in Florida. Porter stated May 1st is the deadline. Ann Dunning said she liked the idea that people had to sign on the dotted line to show they are committed. Dishong said he likes the ballot piece and believes all elections should be by ballot. He also said not counting the non-responses is the right way to go. He went on to say that in any election – a school levy for example, if you don't vote, it doesn't count against the levy. Dishong believes if you give adequate time to respond and they don't respond, then they don't respond – it should not count against it. He said two-thirds is super majority by any reasonable definition of democracy and 60% is considered a landslide in most elections. He said he understands there is money involved, but almost everything people vote for on a ballot has some financial piece to it, and he is okay with that.

Binder asked if there was going to be a minimum participation rate for it to be considered a valid vote. Porter stated the PUC didn't believe a minimum participation rate was something they wanted to do. He said if there was an extremely low participation rate, perhaps that is something they would have to look at, but he felt that there would be participation. According to Sylvia Debick, there are 267 people in the Village that still have septic systems. Porter said if you take that and then subtract out Champion and out past Snyder Road because they are not being included in this possible initiative, there are probably about 225 homes still on septic that this would impact. Porter said Council could impose a minimum participation rate, but it seems to the committee that the Village will get a lot of responses. Carroll informed Council he spent three hours at Village Hall reviewing the file and vote results from the last time this issue came up. He stated in 2007 the survey showed that 53.7% participated in the process and that was with voting at Village Hall on a particular day and time. Binder asked if 60% of 53% participation is enough to move forward with the project. Binder expressed his concern about the minority of all homeowners in this area having the ability to force through a large sewer bill to everyone else. Binder doesn't believe you can disenfranchise the non-responders. Binder has a problem with the non-responders not being able to protect the status quo by not getting involved with the issue. Dishong asked what the participation rate is in a normal election. Binder said in an election you are not protecting the status quo – someone has to be out of office and someone has to be in office. Dishong replied that you vote on things that affect your pocket such as tax increases, etc. Dishong said Binder brought up a good point, but it needs to be put in perspective. Dishong asked what the participation rate is in a Presidential election or an off-year election and said it probably isn't more than 60%.

Kostura said the voting process needs to be designed on the front end so everyone gets a fair shake. He said the last time people had to show up at Village Hall at a certain time on a certain date and provide a vote – it was a restricted process. The new process takes into account for deficiencies in the prior vote and now the ballot is going to their house and they have at least 30 days to turn it in. He said in order to increase the participation rate, you need to increase the

ability for people to be aware of the issue. Kostura stated that to aid in the process information needs to go in the newsletter, on the website, and in the Chagrin Valley Times stating that South Russell is soliciting ballots due May 1st. Kostura said if at that point you hit people over the head enough and they decide not to participate for one reason or the other, they made a conscious decision. And at that point if it really is a minority that pushes it through, then so be it. Sylvia Debick stated she believes the ballot envelope needs to be clearly marked that it contains important ballot information. There was a brief discussion about certified mail. Porter explained that certified mail can go unclaimed, and unsigned for. Binder said if it is unclaimed, then you know they homeowner didn't get it. Porter said if they get it and say they don't want to participate and throw it in the trash, that is a non-response. Porter said unless you go door to door and they are home, you don't know if they received it. Porter said according to the court, if you send certified mail and it is unclaimed, you then serve it regular mail and the courts will consider it "served".

Koons questioned how to prevent people from making copies of the ballot. He also questioned whether the Village would know how each resident voted. Porter said he felt that those that returned ballots should sign them as well. He said he understood the ballot does become a public record, but if you make it anonymous then you have the possibility that they could be copied and the ballot box would be "stuffed". Koons stated he thinks the PUC should come back to Council with a timeline and a sample of documents so they know what they are going to vote on. He would like to see a timeline, the meeting date, sample paperwork, etc. it would make it easier to see that it is going to be a good and fair vote. Dishong asked if it is possible to give people the option to vote via mail or they can come to Village Hall and vote that way. Every vote needs to be in the name of the person for the vote; that way the Village can see who voted and attempt to contact those that didn't respond as of a certain date. Koons questioned what would happen if a husband and wife wanted different things – one wanted sewers, one didn't. It was decided there is one vote per household with the first vote cast is the one that is counted. It was also decided, once the vote was cast, it is final - there is no change of vote. Koons said he believes Council should wait to vote to move forward with this process until the whole package is in writing. Porter said he would prefer to set the requirements at this meeting and then they could work out the details subject to Council's approval with the ballot, envelope, letter, etc. Carroll said there are logistics involved with setting up a meeting at Gurney in March/early April and this could drag out longer and longer.

Porter made a motion to move forward with a voting process with the key components being; 60% affirmative votes of those received; a non-response doesn't count aye or nay; the Village will send out a cover letter, ballot and self-addressed return envelope to those homeowners potentially affected who do not have a homeowners association representing them; Paw Paw's homeowners association will be tasked with circulating a petition similar to Lake Louise's petition and then their petition would be bonding for them. The village would have an informational meeting in late March/early April on the sewer and septic topic. The Lake Louise petition would be accepted "as is" as an expression of support of the project by Lake Louise. Maple Hill residents would get a letter, ballot and envelope. There would be one vote per household. Solicitor asked if the project is determined on a subdivision by subdivision basis or the whole total number. Porter replied that no subdivision has a veto on this overall project. Solicitor wanted to clarify what was meant by saying that the Village accepted Lake Louise's petition. Porter replied that it means that Lake Louise has done their job and submitted their petition and that counts as their vote. Maple Hill would have to re-petition since it is a different initiative, but Lake Louise is done. He stated otherwise, this is an overall vote by ballot. Porter explained that the numerator of the fraction is the number of responses of yea and the denominator is the number of responses the Village received; yea votes divided by those that

voted. Koons stated he personally believes it should be 51% in favor to move forward, but he has to vote no to the motion because he believes it is a big issue and the Mayor should be present. He believes there are many variables and he would like to see the plan in writing. Carroll seconded Porter's motion. Roll call – Dishong, Kostura, Porter, Carroll. Nays – Koons and Binder. Motion carried. Porter said the PUC will generate the paperwork and will bring it to the next Council meeting.

Binder reported that the Streets Committee will meet Friday, February 14th at 7:30 am.

ORDINANCES/RESOLUTIONS: None.

BILLS LIST: Dishong made a motion to ratify the bills list dated 2/14/14 in the amount of \$22,385.33, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Carroll informed Solicitor and Council that when he was reviewing the septic/sewer information from the last time this issue came up, he found two ordinances that were passed regarding sewers, one in 2008 and one in 2009. He asked the Solicitor if ordinances have to be repealed or amended – or what happens to them. He stated he is concerned with going forward with the sewer initiative and what will happen with the old ordinances. Carroll stated one ordinance was requesting the County Commissioners to extend sanitary sewer service to Maple Hill. The other one was asking about including Maple Hill into the Geauga County Sanitary Sewer District. Solicitor stated he doesn't think anything would have to be done because the ordinances did sort of expire because the County ultimately decided they weren't interested in moving forward at that time based on their assessment of the situation. Solicitor stated he doesn't believe anything will need to be done with the ordinances, but he will research it and let Council know.

Carroll also asked Solicitor about the referendum that was done the last time the issue came up. He asked if the people do it the right way and it gets on the ballot, is that a simple 51% for and against, and would it go out to the entire village or just to the affected area. Solicitor replied that if a referendum was done now the simple majority of a vote held village-wide would prevail. Solicitor explained if the poll results come in at 60% majority or more and then the ordinance is passed, within the allotted time period anybody in the Village would have the right to attempt to put that on the ballot as a referendum. Porter asked that if the initiative failed for a lack of 60%, any resident could try to do an initiative to get it put on the ballot. Solicitor stated that was correct.

At 8:34 pm Dishong made a motion to go into Executive Session to discuss personnel, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 9:12 pm.

Dishong made a motion to move forward with hiring a full-time Administrative Assistant position in the salary range of \$40,000-\$50,000 so that they can start to advertise for that position and start reviewing candidates, seconded by Kostura. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council at 9:13 pm, Dishong made a motion to adjourn, seconded by Kostura. Roll call, ayes - all. Motion carried.

William Koons, President Pro Temp

Danielle Romanowski, Fiscal Officer