

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 25, 2013 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Porter, Binder, Dishong, Wolfe and Kostura

MEMBERS ABSENT: Koons

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey,
Street Commissioner Johnson

VISITORS: Ted Kruse, Parks Committee; Greg Pike, Parks Committee; Dick Baker, 103 Waverly; Roger Weiss, 7732 Country Ln.; Jennifer Levine, 230 S. Franklin St.; Mike Fabian, 7750 Jennings Dr.; Ed Samec, 750 Eastland Ave.; Nick Divita, 9298 Bainbridge Rd.; John Zippay, 16699 Peters Rd.; Sylvia Debick, 60 Maple Hill; Joan Demerjian, Chagrin Valley Times; Sue Fleskes, 17618 Plum Creek Trl.; Meg Zippay, 15118 S. State Ave.; Rachel Swartz, 120 Fairview/158 S. Main; Lee Schiemann, Parks Committee; Jim Wetzel, Burton

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Kostura moved to approve the minutes of the February 11, 2013 council meeting seconded by Binder. Roll call – ayes, all, Dishong abstained. Motion carried.

Police Chief Rizzo introduced Michael Fabian as the selected candidate for Lieutenant. He also introduced John Zippay and Michael Kleinknecht as the selected candidates for full-time patrolmen. Chief Rizzo requested the Mayor to swear in the new candidates. Mayor then swore Michael Fabian in as Police Lieutenant for the Village of South Russell. Mayor presided over the swearing in of John Zippay and Michael Kleinknecht as full-time patrolmen for the Village of South Russell.

VISITORS: Mayor introduced Rachel Swartz, a homeowner on Fairview. Swartz wished to address Mayor and Council and respond to the Safety Committee findings from the last meeting. She stated “we” have never asked for a dog park, what we have asked for is an area to exercise and socialize our dogs. Swartz stated she knows not to use the term “dog park” that it is frowned upon. She explained she is asking to use the same area they have used for the last 4 years. Swartz shared research she found for the sizes of exercise areas in Colorado with 69 acres, Illinois with 68 and 44 acres, California with 23 acres, Florida with 25 acres and Pennsylvania with 58 acres. She reported she found in her research that vets referred to dogs on leashes have aggression issues and are much better off leash. Swartz noted she found this information from the American Society for the Prevention and Cruelty of Animals (ASPCA) and the School of Veterinary & Behavior Medicine out of California. She explained she was puzzled by the mention of an existing leash ordinance at the last meeting since she recalled a drafted ordinance was presented for leashed dogs in the Parks Committee meeting in December. Swartz stated this shows the existing ordinance has not been policed very well. She reported her research found that dog

exercise areas shows statistically people will abide by the rules. Swartz explained her reason for stating these facts is because the Parks Committee came up with a reasonable, fair compromise. She stated she personally feels one member of the Parks Committee had his own agenda, and then it came back and became a Safety Committee issue. Swartz stated we all know, nowadays, you can make a safety issue out of anything. She stated trying to turn it into a safety issue is a little bit of a scapegoat. Swartz said what she is asking for, and at least 200 other people she knows of, is that the Park Committee's recommendation, which she believes is a fair and reasonable solution, be given a shot.

Sylvia Debick of Maple Hill Dr. updated Mayor and Council regarding the sewer/septic issue on Maple Hill. She informed them they attended a hearing with the Geauga Board of Health who provided the homeowners with a six-month extension to work on the project. Debick stated they have crafted a new petition with the aid of an attorney that is much more specific, as Council has asked them to. She said they plan to re-approach the residents within the next month to see where everyone stands on the issue. Council member Wolfe asked Debick to clarify what the six month extension is for, and Debick responded it is for replacing the current systems. Debick reported there are new requirements and strict regulations that will cause more expense to the homeowner, and they found many homeowners may have to replace an off-lot system with an on-lot system at a cost of \$12,000 to \$25,000+.

Lee Schiemann from the Parks Committee addressed Mayor and Council regarding filling out an application for a State Historical Marker to mark the Interurban Crossing in South Russell Village Park. He reported there are over 2,000 markers placed throughout Ohio, 15 of which are in Geauga County and of those, 6 are in Burton. Scheimann stated none of the existing markers in the state of Ohio mention the Interurban Railroad and there are no markers in the transportation category. He noted that background is sufficient reason to expect the state to approve our request and it will be very educational for people passing through the South Russell Park. Schiemann reported there will be flexibility moving forward with obtaining the sign depending on whether South Russell receives a grant from the state. He stated a dedication ceremony is suggested if a marker is placed, and he recommends a dedication at the Fall Festival.

Schiemann stated he would like to make a few comments regarding the Safety Committee and feedback he has heard. He reported he heard that the even/odd day leashing will require a lot of policing. He said the Parks Committee recommended random policing, however whatever laws there are should be enforceable. Schiemann stated a comment regarding a leash law written in the 1970's perhaps has to do with female dogs in heat. He commented that the statement dog parks in other parts of the country are all fenced besides state parks is not true, and said he knows of two parks with leash free zones within 10 miles of the Village.

Greg Pike addressed Mayor and Council regarding supporting evidence given. He stated www.dogparks.com was more commercially toned and for high population centers. Pike said he could not find information for the veterinary off-leash information.

Pike also reported he contacted the state Fire Marshall, Ohio Department of Natural Resources, the Farm and Preservation Department of the Department of Agriculture and the Ohio Parks. Pike said all but the Ohio Parks responded and basically all were more or less lined up with the outline of the Western Reserve Conservation group regarding mowing the park.

MAYOR'S REPORT: Mayor reported in regard to the topic of dispatch, he met with University Hospitals in Bedford and distributed the information. He commented that if the Regional Dispatch Council of Governments wants to move to this site, it seems to fit every need the Village has. Mayor reported he had an issue with their 10-year agreement, and a 2-year cancellation. However, he said they clearly seem to have a desire to work with the group and of all of the options the Mayor feels this is the best one. Council member Dishong asked if this is one of the designated county centers, because he has concerns regarding possible consolidation. Mayor Brett responded it could be one of the designated Cuyahoga County centers; however the consolidation initiative is through the state. The state is guiding how the funds are distributed for 4 centers in each county. Dishong asked the Mayor the cost difference and Mayor responded it is uncertain at this time, however by May he should know what is going to happen due to the grants. Mayor reported he is aware that South Russell Village has a July deadline but there is no sense of urgency.

Mayor reported he sent out an email last week to Council and late last year the renter moved out. The house is currently vacant, and Mayor gave the following 3 options for the property: 1) Parcel off and sell for approximately \$150,000, 2) Remove house by demolition or fire burn at a cost of approximately \$10,000 and keep the property, or 3) Keep the property and invest approximately \$25,000 and rent the home for approximately \$1,200/month. He stated he would like to reach a decision at the next Council meeting.

Mayor reported House Bill 601, now House Bill 5, changes the scope of how income tax is looked at along with the taxation process. He said the impact to local communities is significant and he forwarded a sample resolution from South Euclid. Mayor stated he would like to amend a South Russell Village resolution to send to the state. Mayor requested the Solicitor work on a resolution for South Russell and the Fiscal Officer would help with numbers.

The Mayor reported the storm water management meeting is scheduled for March 7, 2013 at 7 AM.

Mayor reported the Village added the terrorism coverage to the Village's insurance policy at the additional cost of \$274 which is still within the previously approved amount given by Council.

FISCAL OFFICER: Fiscal Officer reported ordinances amending the appropriations and approving transfers would be addressed by her committee. She stated she received a letter from Chagrin Falls High School requesting an After Prom donation. Binder made a motion to approve a \$500 donation for the Chagrin Falls High School After Prom, seconded by Dishong. Roll call – ayes- all. Motion carried.

As Tax Administrator, Fiscal Officer reported a gross distribution for February of \$169,929.00. After overhead, Tax Administrator reported a net distribution of \$161,644.00 resulting in a year-to-date income tax collection of \$253,825.26.

STREET COMMISSIONER'S REPORT: Street Commissioner reported he is scheduling the street sweeping for early April this year. He stated he has filed for a tire grant for the spring trash day, and the trash day is a week earlier this year and will be held on May 4, 2013. Street Commissioner reported he has been working with the Department on Aging for the collection of trash for seniors.

Street Commissioner also reported he will not have time to prepare his monthly report in time for the next council meeting. The suggestion was made to have the Department Heads attend the March 18th meeting instead to give them time to prepare their reports.

Street Commissioner reported he was asked to address council to see if they would like to purchase a gift card from the Women's Garden Club for \$200 as they have in the past. Dishong introduced a motion to purchase a \$200 gift card from the Women's Garden Club, seconded by Binder. Roll call – ayes, all. Motion carried.

COMMITTEE REPORTS: Wolfe, Kostura, and Porter had no report.

Binder reported the Safety Committee met Thursday morning and one of the issues discussed was the park. He stated that two residents believe they may have creative ideas to work with the village regarding safety. Binder reported he hoped to have more information for the next meeting. He also stated that he fielded 5 to 6 hours of phone calls after the last meeting. Binder assured those in attendance that the Committee has taken the Parks Committee's recommendation seriously. Binder explained the Safety Committee has to do research on information brought to them. A visitor in attendance at the meeting stated that she visited a fenced dog park in another state and it was sad. She shared that the dogs were congregating near their owners and not socializing. She also stated she feels walking 2 to 2 ½ miles at the South Russell Park is fabulous.

Dishong reported the next Finance meeting is scheduled for March 5, 2013 at 7:45 A.M. He asked Mayor and Council to think about articles for the spring newsletter. Dishong addressed the park issue and stated he did not think separating the park into sections was a good idea.

Mayor stated Chief Rizzo has implemented a policy for the South Russell patrolmen to use cruise lights. Mayor stated it would be helpful to have a video for the website to show residents how this will work.

ORDINANCES/RESOLUTIONS:

Dishong introduced an ordinance to increase the income tax appropriations by \$160,000. Dishong moved to waive further readings and declare an emergency, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call, ayes- all. Motion carried. **Ordinance 2013-05.**

Dishong introduced a resolution to transfer \$160,000 from the income tax fund to the streets fund. Dishong moved to waive further readings and declare an emergency, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call, ayes- all. Motion carried. **Ordinance 2013-06.**

Dishong introduced an ordinance to increase the road maintenance fund appropriations by \$160,000 for the 2013 road program. Dishong moved to waive further readings and declare an emergency, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call, ayes- all. Motion carried. **Ordinance 2013-07.**

NEW/OTHER BUSINESS: None

BILLS LIST: Dishong made a motion to approve the bills list dated 2/15/13 #2 in the amount of \$5,088.81, seconded by Binder. Roll call – ayes, all. Motion carried.

Binder made a motion to approve the bills list dated 2/28/13 in the amount of \$30,179.62, seconded by Dishong. Roll call – ayes, all. Motion carried.

At approximately 8:50 pm Binder made a motion to adjourn into Executive Session to discuss compensation, seconded by Dishong. Roll call – ayes, all. Motion carried.

Council reconvened at 9:24 P.M.

ADJOURNMENT: Being that there was no further business before Council, at 9:24 p.m., Binder made a motion to adjourn the meeting, seconded by Kostura. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer