

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JULY 8, 2013 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Ann Dunning, Morningside Dr.; Kevin Keesler, Cascades Dr.; Rich Shanklin, Maple Hill Dr.; Andy & Marilou Nicol, Green Valley Dr.; Tom Schroth, Morningside Dr.; Angela & Rick Coyne, Louise Dr.; Mary Sullivan, Ridgescourt Dr.; Anne Wareham, Cascades Dr.; Andy Lustig, Maple Hill Dr.; Gary Mynchenberg, Louise Dr.; Akos Harmat, Maple Hill Dr.; Sylvia Debick, Maple Hill Dr.; Bob Stancik, Louise Dr.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Koons moved to approve the minutes of the June 10, 2013 council meeting seconded by Kostura. Roll call – ayes, all. Motion carried.

Mayor stated Ann Dunning was on the visitor list and asked if anyone else would like to address Council.

Ann Dunning addressed Council. She said she has been a resident of Morningside Dr. Dunning stated she has been an architect for 48 years and she plans for the future and preserves the past. She stated she would like to petition the Village of South Russell to make the process known to Geauga County that Lake Louise would like sewers in the community. Dunning suggested that after Council has read and reviewed the packet she gave them, she would like Council to form a committee with residents and council members. She recommended the following residents; Sylvia Debick, Rick and Angie Coyne, Mary Sullivan, Tom Schroth, Andy and Marilou Nicol and Kevin Keesler.

Dunning stated in 2011 the board started understanding there were septic problems. She stated after discussion, the board determined they should be involved in the sewer issue. They hired Chip Hess who works for the county and designs sewer systems. Dunning said he worked with the committee and had a couple of meetings with residents. She stated they distributed a package to all residents with the goal of getting everyone to participate. Dunning said 6 out of 63 did not participate, and the first tally was 75% voted for sewers or 66% of total residents. She explained erosion of the lake was looked at and dredging has been done. Dunning said that erosion from Sun Ridge is also affecting their lake. She stated that this is something that needs to be addressed for erosion, environment, drainage, sanitary sewers and health reasons. Dunning begged Council to take a position and do something.

Mayor asked Dunning of the total residents how many voted in favor of sewers and she confirmed 47 of the 63 residents did. Mayor asked Dunning if her request is for Council to look at this petition and take action or an intermediate step to do something else. Dunning replied she would like Council to take action but if they can't, she understands and would like them to do something. Dishong asked if there has been a water quality issue in the lake. Dunning responded that the lake is unique and they do treat it but it is hard to do. Porter asked Dunning if the same information provided to Council was provided to the residents who voted. Dunning replied yes. Porter asked if the gravity system for 256 homes would be \$26,000. Dunning that was correct and they spoke to other communities such as Silver Spring, Maple Hill and Paw Paw so if they join the cost is \$26,000, if it is just Lake Louise it would \$38,000. Dishong clarified that the \$25,440 is the cost to replace existing septic. Wolfe asked Dunning what has changed since Maple Hill looked at sewers five years ago. Dunning stated that at that time 65% of residents were 55 years and older, now there are younger families. Dishong said that the point is that its not about doing nothing but whether to spend for something that may not be the best thing or spend a little more for what is. It was also stated that the community hired a professional this time and made sure everything was understood and clearly communicated to the residents. Kostura asked about run off from Sun Ridge, and Dunning responded that this is something that will need to be addressed but probably won't happen overnight. Keesler said the new septic systems are run into the ditch line, but before they used to be run into a drainage system that took it around the lake. He said if they could stop this process that would help too and they would like sewers to stop all of this from going into the lake.

Mayor stated that Council received the information on Thursday, so he doesn't believe action will happen this evening. Mayor asked Dunning if Council is solely considering a resolution asking Geauga County to extend sewer lines to include Lake Louise. She responded that at this point this is for Lake Louise but she would contact other communities. Binder asked if the no votes were based on cost, Dunning replied some did just not want change. Binder also asked if of the 47 yes votes, if the cost comes in at \$38,000, would there still be 47 yes votes. Dunning responded she did not know. Tom Schroth stated that some changes in opinion were due to EPA guidelines and imposing changes looming on the horizon. He said the renewed interest is probably due to this.

Mayor asked Council if they feel they will be in position to vote on this at August meeting. Koons and Binder asked what exactly is being asked of Council. Mayor stated the request is on page 4. He asked Dunning for a copy of the petitions and would like the numbers looked at more closely. Mayor stated Lake Louise did a very thorough job.

Mayor turned the floor over to Sylvia Debick. She stated that they are going through a similar process as Lake Louise. Debick stated that a door to door campaign polled 41 residents and 21 voted in favor of sewers. She asked Council to have Maple Hill join Lake Louise to submit to the county in favor of sewers. Debick believes that this needs to be a community effort. Mayor confirmed that of 41 homes, 21 voted in favor, 14 voted against, 1 was neutral and 5 did not respond and Debick confirmed. Dishong asked what the major reason was for those against, and Debick said she thought they had recently installed a septic system. Koons asked if there is any formally planned communication for other neighborhoods. Dunning stated they would like Council to take the lead. Mayor stated it is his position and he believes the Village position that they will look to support residents with what they want to do, but he will not look to push sewers to those who do not want it unless there is a very compelling reason such as a health issue. Mayor stated these are two separate votes for Lake Louise and Maple Hill unless they would like

Council to consider them together. Dunning and Debick state they would like to be considered together. Binder asked Debick if \$23,000 was the cost used for their residents and she responded yes. Dunning and Debick stated that residents would like Council to step up and make a decision.

MAYOR'S REPORT: Mayor reported the last time Council met they took a vote on dog ordinance which was 3-2 and it did not pass since a majority of all of Council would be 4. Wolfe asked if they could keep introducing the same ordinance over until it passes or doesn't. Mayor stated you can reintroduce legislation using the same process. The ordinance was reintroduced. Wolfe stated she stands in the same place on the dog ordinance however she agreed to waive readings since she was not present at the last meeting. Mayor stated that no citations will be issued until signage is up. Koons asked about a leash required on even numbered days. Mayor stated that they needed to accelerate getting a sign up. Wolfe stated she took her dog for a walk and

Mayor stated there have been two meetings regarding cemetery planning. He said the updated rules and regulations are included in the Council packages. Mayor asked Fiscal Officer to send the tracked changes so everyone knows what has been updated. He explained it is important that everyone is on the same page as to how the cemetery will operate. Mayor asked Council to review the rules and regulations and he said the Cemetery Committee will have a work session in July or August to discuss with Council. Mayor said the plan is for Street Commissioner to be the role of sexton and Building Commission to be the backup, and the Building Department secretary to be the operating solution for transactions. He said the Service Department will provide the excavation work for the burials. Mayor stated .6 of an acre was originally presented in the plan and after discussions the Village is looking at moving the location to the right side of the stream bed, closer to the shopping center.

Mayor reported two informational sessions in partnership with Geauga Soil and Water and the Chagrin River Watershed have occurred and the first session was not well attended perhaps due to not getting the word out early enough. He said the second session about lakes and ponds was more attended, and the presentation informed attendees that South Russell has 22 major lakes and ponds of 1 acre or greater.

Mayor reported progress continues at the rental property however the July 1, 2013 completion date is not possible, instead an August 1, 2013 completion date is more realistic. He said the cost contracted and paid to date is \$20,025. Mayor reported Council has approved \$35,000 for the project, and according to the Building Commissioner stated that the remaining work to be done is approximately \$19,350. He said this will be over the approved amount, and Council will need to approve the overage tonight to complete by August 1, 2013. Mayor reported that Council could stay with \$35,000 and not have the most desirable property, or approve the \$4,350 for a more rentable product. Dishong asked how much the Village can rent the property for and Mayor responded they are targeting around \$1150 to \$1200 per month. Koons made a motion to approve \$5,000 to fund rental property improvements, seconded by Porter. Roll call – ayes, Porter, Dishong, Kostura and Koons. Nays – Wolfe, Binder. Motion carried.

Mayor reported significant work has been done on the Police Department project. He said over the years there have been flooding problems with the crawl space and once this project began the problem was identified, which led to discussion regarding costs for the project. Mayor asked Council to authorize an additional \$10,000 for Police Department improvements. Wolfe made a

motion to authorize an additional \$10,000 for the Police Department improvement project, seconded by Binder. Roll call – ayes, Porter, Wolfe, Binder, Dishong, Kostura and Koons. Motion carried.

Koons asked Mayor if the old cemetery will be left as it is, or if a fence could be installed. Mayor responded he would prefer to look at this project for 2014. Mary Sullivan of Ridgecrest Dr. asked Mayor if he is putting new windows in Village Hall and offered to help the Village with the Police Station project. Mayor responded that he would appreciate any help and directed her to Chief Rizzo and said we will not be putting new windows in.

FISCAL AUDITOR: Fiscal Auditor was not present.

FISCAL OFFICER: Fiscal Officer reported the resolution for Jim Flaiz and the tax budget need to be passed this evening. Fiscal Officer reported the income tax in the monthly report is significantly higher than last year this time, and CCA verified it is because higher estimated payments were made and the previous month was estimated low. She stated the May distribution gross was \$305,008.05 and after refunds and overhead, the net distribution was \$285,286.05. Fiscal Officer reported the year to date is \$927,495.97.

ENGINEER'S REPORT: Engineer reported he was asked prepare a cash flow estimate for the Bell Road West construction project that he sent to the Street Committee. He stated there is an additional cost of \$11,000 for 2013, and \$5,000 for 2014 for estimated oversight of the construction phase of the project. Mayor confirmed work will begin in October and asked what the best/worst case scenario would be for invoices. Engineer stated the best case scenario would be \$200,000 of invoices for 2013 that would come out of the grant. Mayor asked Engineer if there is information regarding the water issue for Teaberry. Engineer replied he is looking at lowering the pond level by approximately a foot and increasing the size of the pipe. Koons asked Engineer about the Chagrin Falls grant for sidewalks on Bell Road. Engineer said that he has been working with Chagrin Falls regarding transitioning the sidewalks and possibly tapering them off.

BUILDING COMMISSIONER'S REPORT: Building Commissioner was not present.

POLICE CHIEF'S REPORT: Chief Rizzo thanked Council for their consideration of approving funds for the Police Department improvements and said the project has been going very well. He reported he submitted his monthly report. Chief said he received a lot of good feedback from the Cops and Kids Fishing event attended by an estimated 35 kids or so. He reported a meeting was held today with the seniors at Panera with approximately 15 residents attending. Chief stated that Officer John Zippay addressed senior scams with the attendees and it was very well received. He reported the new cruiser is out for graphics and should arrive in two weeks or so and the old cruiser was listed on govdeals.com. Chief said a problem was identified with the preemption system during thunderstorms and signal service was called out to correct. Chief asked Council to approve a resident donation of \$1,500 specifically for implementation and maintenance of community programs. Binder made a motion to accept a \$1,500 donation for the police department to implement and maintain community programs, seconded by Wolfe. Roll call – ayes, all. Motion carried.

STREET COMMISSIONER'S REPORT: Street Commissioner reported he submitted his month end report. He stated they have begun minor repairs and rebuilding to two of the

snowplows and the ODOT salt bid opening is July 11, 2013. Street Commissioner reported that they will be discussing the 2013 road program and Geauga County provided new guard rail by Paw Paw. He said the department has been replacing driveway culvert pipe replacements. Dishong thanked Street Commissioner and the department for pipe replacements and providing this benefit to the residents who only incur the cost for the pipe itself.

SOLICITOR'S REPORT: Solicitor reported there have been no significant changes to the litigation issues and said they are on course as discussed.

COMMITTEE REPORTS: Wolfe, Kostura had no report.

Porter reported he sent around a resolution to be added to the notification list for ODNR and has an updated copy. He stated the Division of Oil and Gas Management is now in charge of these items and if they are provided the resolution, the Village will receive notification of any type of permits issued for drilling or anything related to drilling, such as new wells, old wells or pertaining to wells. Porter reported that he will be attending a township meeting in July and will report at the August meeting.

Binder reported the Street Committee met and discussed many topics including the Road Program. He said the liability for 2013 is currently \$11,000 and \$150,000 for 2014 for which the Village could get a 0% loan. Street Committee recommended all of Silver Springs, and the Village Hall campus driveway between the Service Department and the Police Department along with the sidewalk. Mayor confirmed the cost for this recommendation is \$277,685 for specialized construction so he said the appropriations need to be amended by \$28,000 and \$5,000 for a total of \$32,000.

Dishong reported the fall newsletter may be moved up a little due to the Fall Festival and the Bell Road project. He asked Council to think about articles and topics. Dishong stated it would be good to get it out right after Labor Day.

Koons reported they have solidified what they would like to do with the pavilion and thinks they are in good shape. Koons made a motion for \$1,000 to Hostetler Milling to purchase blueprints for \$750 and possible changes would be extra, seconded by Binder. Roll call – ayes, all. Motion carried. Mayor clarified the blueprints will be for an approximately \$50,000 price point and Koons responded yes. Koons also stated that half of the \$750 will be credited if the Village buys materials from them. Koons reported that a memo of understanding for \$25,000 for the pavilion has been drawn up by the Jaycee's.

He stated that Pete McDonald recommended they purchase pins to stake out a resident's property to see if it helps with the dogs entering their property from the park. Mayor suggested that perhaps the Building Commissioner could help make sure the markers are placed accurately.

Koons reported that he visited the park and counted at least 100 healthy little trees. He stated the Parks Committee will be soliciting volunteers for the Fall Festival.

ORDINANCES/RESOLUTIONS:

Kostura introduced an ordinance defining control of dogs or other household pets or animals in any Village park or Village property and waste removal thereof and declaring an emergency.

Kostura moved to waive further readings, seconded by Dishong. Roll call – ayes, Wolfe, Koons, Kostura, Porter, Dishong. Nays - Binder. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, Kostura, Dishong, Porter. Nays – Koons, Binder, Wolfe. The vote was tied, so Mayor voted aye to break the tie and the motion passed. **Ordinance 2013-21.**

Dishong introduced an ordinance increasing income tax transfers \$33,000. 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 2013-22.**

Dishong introduced an ordinance to increase the expenses as follows . 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 2013-23.**

Dishong introduced an ordinance increasing income tax transfers \$33,000. 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 2013-22.**

Dishong made a motion to increase the Special Land and Building Fund appropriations by \$5,000 for improvements to the Police Department. 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 2013-20.**

Porter introduced a resolution to obtain notification from the Ohio Department of Natural Resources Division of Oil & Gas Resources Management for permits issued for the purpose of oil and gas drilling and related activities. Porter moved to waive further readings and declare an emergency, seconded by Koons. Roll call – ayes, Koons, Kostura, Porter, Dishong. Nays - Binder. Motion did not pass.

Binder made a motion to table an ordinance amending sections of the zoning code of the Village of South Russell by establishing municipal cemetery as a permitted main use within each zoning district of the residential, commercial and industrial districts and by establishing there shall be no minimum lot area, no maximum lot coverage, no minimum lot width, no minimum front side or rear yard dimensions, no parking regulations and no signage regulations for such use, seconded by Dishong. Roll call – ayes, all. Motion carried.

Mayor read the second reading of a resolution declaring it necessary to levy a tax in excess of the 10 mil limitation.

BILLS LIST: Dishong made a motion to ratify the bills list dated 6/14/13 in the amount of \$54,943.29, seconded by Binder. Roll call – ayes, Binder, Porter, Dishong, Kostura. Koons abstained. Motion carried.

NEW/OTHER:

Binder reported he attended the Elected Officials Day in Washington D.C. and he felt it was very good. He stated there were great speakers such as a former profiler for the Secret Service who specialized in school violence and was very informative.

Koons complimented Blue Dog Landscaping.

At approximately 8:52 p.m. Dishong made a motion to adjourn into Executive Session to discuss pending litigation, seconded by Binder. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, at 9:17 p.m. Dishong made a motion to adjourn the meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Sheryl Hatridge.