

**RECORD OF PROCEEDINGS
TAX BUDGET PUBLIC HEARING – 7:25 PM
REGULAR COUNCIL MEETING
MONDAY, JUNE 13, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Porter, Canton, Carroll, and Kostura

MEMBERS ABSENT: Dishong and Nairn

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

VISITORS: Marshall Kidd, Chillicothe Road, Mary DeFoy, Fox Way; Rooney Moy, Fox Way; Philip Moy, Fox Way; Patrick Holtz, Fox Way; Bill McDonnell, Fox Way; Phil & Emily Austin, Leaview Lane; Ray Sullivan, Silver Springs; Gigi Kuper-Lewis, Fox Way

PUBLIC HEARING:

At 7:25 p.m., the Mayor opened the Public Hearing regarding the 2017 Tax Budget. Fiscal Officer explained the Tax Budget. The Tax Budget Hearing with the County Budget Commission is scheduled for August 23, 2016 at 11:40 am.

The Mayor closed the Public Hearing at 7:30 pm.

REGULAR MEETING:

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Mayor explained to attendees that given two members of Council were absent, there would not be enough members to take action on legislation at this meeting.

Porter moved to approve the minutes of the May 23, 2016 Council meeting, seconded by Carroll. Kostura had a correction on page 6, under the ordinance to approve replacement of codified pages. Canton gave the reading and moved to adopt. Fiscal Officer will correct the minutes. Voice vote to approve the minutes as amended – all in favor. Motion carried.

VISITORS:

Phil Moy addressed Council and read the letter he sent to them on behalf of himself and Mr. & Mrs. Patrick Holtz, Mr. & Mrs. Daniel Hoy, Mr. & Mrs. David Lewis and Mr. & Mrs. McDonnell regarding the Bell Station. Moy thanked Mayor for forwarding him a copy of the

settlement, but feels a number of the terms should be revised. The main problem he has is the expanded hours of operation and the possibility that the station will become a destination for those seeking to purchase beer and wine during the later hours.

He also had concerns with any subsequent purchase of the property. He suggested that the Judgment Entry be revised to require inclusion of language in the deed that imposes the desired limitations on the station's hours of operation, prohibitions against playing music outdoors, engaging in automotive repair, and providing sit-in eating facilities.

Koons responded that the Village has procedures in place with the Planning Commission, Architectural Board of Review and a Zoning Board of Review. The Village has a Building/Zoning Department and that is how it would be handled. Citizens are allowed to come to meetings, participate and give testimony if they would like, so he believes the Village has that part handled very well.

Phil Austin shared his button collection he is submitting to a contest in Denver.

Mayor distributed to Council the motions passed in 2015 in regards to the Gadsden Flag. Street Commissioner stated that the Gadsden Flag is flown at four locations: the intersection of Chillicothe Road and Bell Road, the two cemeteries and the armory driveway.

Emily Austin read a letter which will be distributed to Council. She gave a history of the swastika and how it was respected until it was adopted by Adolph Hitler to represent his cause, but now it is a bad symbol. Likewise, she stated the Gadsden flag was designed as a strong message to Great Britain but when the Tea Party decided to use it as their flag, it took on a new meaning as did the swastika. She stated during her lifetime, the confederate flag has also taken on new meaning.

Patrick Holtz addressed council regarding his opposition to changing the 500-foot notification requirement. He stated he has seen how development has changed the area. He stated by having the type of feedback you get from the 500-foot requirement, you are inviting diverse interest to come figure out land use decisions which is actually enforcing the land use laws. His concern is that when moving away from the standard, just like moving away from the non-conforming use of the gas station, it creates a standard where it is okay to do these things. He has absolute confidence that the people in Geauga County have become much more sensitive to land use and the people are engaged enough that they will stay on top of these issues. He asked Council that when making these types of decisions, to recognize not just the impact it has on the present, but also on the future.

MAYOR'S REPORT:

Mayor stated that the Village will be purchasing \$300 worth of gift cards from the Chagrin Valley Womans' Club to purchase flowers and plants for village properties.

Mayor stated the village is looking at costs to replace the split rail fence at the old cemetery. It would cost approximately \$1,500. He asked Council to think about it and after costs are finalized, Council will discuss the topic.

Mayor said there was recently an accident at the corner of Snyder Road and Bell Road. First Energy will be out to repair the damage. He said this may be a good time to spend \$1,700 to put a streetlight at the end of Maple Hill.

Mayor went to Ohio Ethics Law training to learn about what can and cannot be done. He will be at the Mayor's Convention later this week.

Mayor stated there will be a concert at the park on Tuesday, June 28th. After discussing it with the Street Commissioner, they think the best idea is to have the concert at the Bell Road side of the park because there is a pavilion, electricity, and a restroom. The Village will have two policeman park cars either at the Norway First Energy facility or across the street at the staging area for construction. He has no idea how many people will be in attendance. He has invited Augie's Pizza to set up a stand in the parking lot for the event. Mayor explained this is an outreach by the Chamber of Commerce trying to expand the concert series to other municipalities.

Mayor said he had a luncheon meeting with employees to discuss Trash Day. The thought is the Village needs to hire two more laborers and a possible third person to operate a piece of equipment.

Mayor has invited six different people to come to the Council meeting on August 8th to talk about stormwater issues. There will also be an article in the newsletter inviting residents with problems to come and share their issues with Council. Therefore, the August Council meeting will likely be a long meeting with people sharing pictures and videos.

Mayor said the Village needs to appoint a Building Code of Appeals. This will be a new board that was recommended by the County.

Mayor said the Village will need to have a special council meeting to take action on legislation such as approving the paving program, the Bell Station agreement, 500-foot notification to residents, appropriation amendments, transfers, etc.

FISCAL OFFICER'S REPORT:

Fiscal Officer stated that she will need a motion to pass the 2017 Tax Budget. It was advertised in the paper that it was available for review by the public, and Council received it in their packets.

Fiscal Officer reminded Mayor and Council about a previous discussion regarding the employer withholding tax penalties. The Solicitor has done his research and he is okay with making the changes. She explained the way the ordinance is currently written, employers only have three days after the pay period to submit their withholding taxes to Central Collection Agency (CCA) before incurring a significant penalty. What she would like Council to approve is to increase that submission period to the 15th of the next month before penalties would be incurred as this is how it was prior to the legislative changes last year. Kostura made a motion to authorize Fiscal Officer to inform CCA that the taxes will be due the 15th of the month following the payroll period before the penalties would go into effect, seconded by Carroll. Voice vote – all in favor. Motion passed.

Fiscal Officer reminded Council that at the last Council meeting they passed legislation eliminating the cemetery board. Now Council has to consider how they want to form a Cemetery Committee. This can be done the same as the other committees like the Park Committee, or it can be done the same as a committee of Council, such as the Safety Committee, Street Committee, etc.

The Mayor said he is going to invite five people to be on the Building Code Board of Appeals. If one of them doesn't want to do that, he would give them the option to be on the Cemetery Committee. Porter asked what the Building Code Board of Appeals does. Mayor responded that if the Building Inspector cites someone for not meeting the building code and they don't agree, they have 30 days to appeal. If the Village has its own board, they would appeal to the Village's board. If the Village doesn't have this board, then the appeal would go to the State of Ohio. Building Inspector stated that the Village has the ability to have its own Building Code Board of Appeals for residential; however, commercial automatically goes to the State. Carroll asked if the Village's code is essentially the State code; the Building Inspector agreed it is – but for residential construction, the Village has the power to have its own Board of Appeals. Carroll said he understands, but it doesn't make sense. Porter asked if this is a common occurrence. Building Inspector stated that the last building code appeal in the Village was in 1993. Ondrey said that this would give the Village a local voice in the appeal as opposed to going to a state appointed board, though they are few and far between. Porter said as a preventative measure, he's good with it.

FISCAL AUDITOR:

Reviewed his report distributed to Mayor and Council. Overall balances increased. The Village has received two quarterly deposits of ambulance fees and cable franchise fees. The Village also received a large refund of approximately \$9,300 from the Chagrin Valley Dispatch for the capital contribution previously made. Village income tax revenue was also very good this month.

Fiscal Auditor reported he balances with the Fiscal Officer on all funds.

Kostura moved to approve the May 2016 Financial Statements as submitted, seconded by Carroll. Voice vote – all in favor. Motion carried.

ENGINEER:

The Village is holding a pre-construction meeting for the 2016 Road Program on June 15th at Village Hall at 10 am. The lowest bid was Specialized Construction which came in at \$307,646.10. They will discuss the boilerplate parts of the contract as well as what will be involved in paving Fawn Court, Woodland Court, Kimberwick Court, Champion Lane and a section of Garden Park. Specialized Construction has worked in the village for several years. Mayor stated the Village received two bids; Specialized Construction and Ronyak Paving. Another bidder showed up 45 minutes late and missed the opportunity to bid. Engineer stated his estimate for the project was approximately \$340,000, so he felt the bid was very good.

BUILDING INSPECTOR:

Last month both Planning Commission and Zoning Board of Appeals approved a lot split for Paul Snavely on Bell Road. She explained that the new owner is from Russell Twp. and they have huge horse stables behind this property. There are many horse trails and they want to use the property to ride their horses. She is not expecting a development of any kind. Mayor explained that these 30 acres are across from Ashleigh and that Mr. Snavely is splitting off a small section of the lot in case he wants to build a house down the road.

Porter referred to the Building Inspector's report and asked how she became aware of a garage floor being poured on Maple Hill. Building Inspector said she drives streets in the village checking on things and she saw a concrete truck go down Maple Hill, but they hadn't pulled a permit. She went to the house and found they had no vapor barrier down, so they had to stop the job and get vapor barrier installed before they could finish pouring the concrete.

POLICE CHIEF:

Police Chief reported there were approximately 90-100 people present at the Cops and Kids fishing event and it was very successful. This program used to be partially funded by a grant from Ohio Department of Natural Resources (ODNR) but the village has to sustain it. Chief asked Council to continue to support this community service program as it is very successful and is a great way to engage the kids with police officers.

Police Chief explained how the soliciting ordinance implemented last year works and said it is working phenomenally. Solicitors come to town and avoid the permit process and start knocking on doors. Then the Police Department gets a call and they find the solicitor and explain the rule which is to go to the police station and fill out an application, the department will do a background check and will issue a permit. So far, only one of the solicitors they have made contact with has gotten a permit. Chief said in his opinion, either they are not legitimate

solicitors or they are too lazy to get a permit. Chief said if they are a registered solicitor, they will have a fluorescent yellow card with a lanyard with the solicitor's name, date of expiration, and the Chief's signature.

Chief explained that his department received a \$100 donation from a resident for the vacation watch. Kostura made a motion to accept the \$100 donation from Mr. & Mrs. Freer, seconded by Carroll. Voice vote – all in favor. Motion passed.

STREET COMMISSIONER:

Street Commissioner stated his department is working on some residential culvert pipe replacements.

Street Commissioner explained that at one time the Maple Hill development had a gas light at the end of their street. That light has failed and has been removed and now it is a dark intersection, so the Village was asked to have a streetlight installed on Bell Road to light that intersection. Due to policy changes at First Energy in 2009, the municipalities now have to pay for the street light installation. The cost for this would be about \$1,600.

Street Commissioner has talked to the Engineer about the swale line at the new cemetery. The street department employees are going to work on filling that swale line in.

Street Commissioner stated there is a very large tree on E. Washington Street across from Hunan where the base of the tree is nothing but sawdust. He is working with a contractor to remove that tree as soon as possible.

Street Commissioner said he has ordered new signs for Alderwood Trail identifying the "No Parking" area to eliminate some of the No Parking signs currently posted there.

Street Commissioner is talking with a neighboring community who is going to be starting up a Trash Day, and have found out they are low on manpower and equipment. They are discussing the possibility that the municipalities may be able to share employees and equipment as a cost savings.

Mayor commented on the Service Department's 2007 Expedition needing repairs and getting near the end of service. Street Commissioner said they are looking at working something out with the Police Department to get their old Expedition, and use the Service Department's Expedition as a trade-in for the new cruiser.

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

COMMITTEE REPORTS: Canton had nothing to report.

Carroll reported that the Safety Committee met to review a few items. He will be requesting to go into Executive Session to discuss employee compensation.

The Safety Committee also discussed two proposed dog ordinance updates which were distributed to Council during the meeting. One of the ordinances is for dangerous dog language as well as control of dogs within the village. Chief said this ordinance defines dangerous dog and once a dog can be labeled a dangerous after a bite or incident, a new set of parameters gets put on that dog. The other ordinance change is the language "dog at large." It mirrors the language from the Village park dog ordinance. This would give the Police Department more to go on rather than waiting for someone to get bitten. The dog warden will normally cite for dog bite situations. His department just had two dog bites from the same residence within two weeks of each other. After the first bite the dog was slated to be euthanized. The owner failed to control it and the dog got another bite in before that happened. The dog warden is coming in and taking care of the charges and prosecuting them as well. Carroll said the first reading on these two ordinances will be at the July 11th meeting.

Mayor said he had a resident call him and informed him he had his sixth incident in the park. The resident carries pepper spray and he sprayed the dog. The owners weren't near the dog and the dog went at the man, so he had to take action.

Porter said he believes that state law designates certain breeds as dangerous. Chief said he believes so, but for the purposes of this one, he doesn't believe the Village has certain breeds defined at the village level. Chief said this is for the purposes of having our ordinance. He said if the dog warden comes in, he will charge at the state level anyway, so the village may not have to change the proposed ordinance.

Carroll said the Emergency Operations Planning (EOP) met and completed the review of the EOP. Updates will be submitted to the Fiscal Officer by June 21st to revise the manual. He will be scheduling a tour of the Geauga County Emergency Operations Center for the group sometime after the Republican National Convention (RNC).

Kostura said the Streets Committee met on June 10th where they discussed several issues, including personnel, management issues, manpower, winter season manpower issues and summer issues. They also talked about things to expect in the coming future with respect to where the Streets Department is going and some issues with respect to how the Village will have to find personnel to meet the needs required by the Streets Department.

Porter reported that the Building Committee got together last week to discuss personnel issues. There was also an issue that the Public Utilities Committee may have to look into. Porter will set up a meeting with the Public Utilities Committee.

ORDINANCES/RESOLUTIONS:

Porter gave second reading on an ordinance amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved.

Mayor told Rooney Moy that Council will look to have a Special Council Meeting to vote on several pieces of legislation, including the Bell Station agreement. Once that meeting is set, he will contact her so she can notify the other homeowners in the association to let them know.

Moy said the homeowners are very concerned with the hours of operation of the gas station and wanted to know if that issue would be looked at. Solicitor said if the language of the proposed agreed judgment entry doesn't change, those would be their permitted hours. If the Village runs into problems such as what she is concerned about, the Village would have to enforce the problem through nuisance action or something like that. The Village could not unilaterally change the hours if they agree to it in the judgment entry. Porter asked Solicitor about paragraph 17 of the judgment entry and whether it gives the Village some enforcement power going forward. Solicitor said all enforcements would start with the Building Department. If the Building Department doesn't think they are paying attention to something that was agreed upon, it can go to Council to pursue. One of the reasons it is an agreed judgment entry is that it somewhat shortcuts the ability to enforce it for both sides by going in and asking the court to enforce its own order through a contempt kind of procedure.

Porter read from paragraph 17 stating the building improvements shall be maintained and operated in a clean, orderly, and commercially reasonable manner. Porter said that is for everybody that initially purchased the Bell Station and it has to be in compliance with Village property requirements and codified ordinances.

Kostura introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Specialized Construction to perform the 2016 Village Road Program in the amount of \$307,646.10 and declaring an emergency.

Kostura introduced an ordinance transferring \$15,000 from the Income Tax Fund to the Building Fund.

Kostura introduced an ordinance amending appropriations increasing Building Department Fund expenses \$15,000, and Income Tax Fund transfers \$15,000

BILLS LIST:

Kostura made a motion to ratify the bills lists of May 27, 2016 in the amount of \$50, and May 31, 2016 in the amount of \$37,777.12, and approve the bills lists of 6/15/16 in the amount of \$963.39 and 6/15/16 #2 in the amount of \$38,999.13 seconded by Canton. Voice vote – all in favor. Motion carried.

NEW/OTHER: Canton, Carroll and Porter had no new business.

Kostura made a motion to approve that 2017 Tax Budget as submitted, seconded by Porter. Voice vote – all in favor. Motion passes.

At 8:40 pm Carroll made a motion to go into Executive Session to discuss employee compensation, property sale and pending litigation, seconded by Kostura. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Porter moved to adjourn, seconded by Kostura. Voice vote – all in favor. Motion carried.

Meeting adjourned at 9:13 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

