

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
WEDNESDAY, JUNE 22, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Carroll, Dishong, Kostura, Nairn, Porter and Canton

OFFICIALS PRESENT: Fiscal Officer Romanowski, Building Inspector Heilman, Solicitor Ondrey

VISITORS: Joan Demirjian, Chagrin Valley Times; Ray Sullivan, Silver Springs; Howard Newell, Manorbroom

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll.

Dishong made a motion to approve Eddie Patton's Eagle Scout project to build a kiosk on the E. Washington side of the park, seconded by Carroll. Voice vote – all in favor. Motion passed.

Mayor said an Eagle Scout gave him \$110 remaining from his Eagle Scout project that he wanted the Mayor to forward to Eddie Patton for his Eagle Scout project. The Solicitor said no formal action is needed to be taken by Council.

ORDINANCES/RESOLUTIONS:

Porter made a motion to untable the 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-foot of any yard of the property involved, seconded by Kostura. Voice vote – all in favor. Motion passed.

Porter said he discussed this issue with the Building Inspector and 500-foot seems excessive; 250-foot seems better. He said 250-foot notification would be better especially in Ashleigh and the Western part of the village. Therefore, he believes 250-foot is a good compromise. He also recommended making the change to ten (10) business days for notification. Porter clarified his recommendation would be to notify contiguous properties, those within 250-foot, those across the street, and ten (10) business days. Carroll asked if this would be in the newspaper. It was stated that it would be in the newspaper and the Village website. Nairn asked if the notification to residents was made via the postal service. It was stated that notification to residents is done by certified U.S. Mail. Mayor said they also try to let the homeowners' association President know so they can notify the residents in addition to them receiving the certified letter. Building Inspector stated that though it is not in the ordinance, the Village has always sent a regular U.S. Mail letter to the homeowners' association President.

Porter made a motion to amend the recommendation of Planning Committee by inserting the 250-foot where there is none now, and that the notification period be clarified as ten (10) business days where now it is only ten (10) days; and therefore, in effect, ten business days would effectively be two weeks, seconded by Kostura. Voice vote – ayes, all. Motion carried. Porter made a motion to adopt the ordinance as amended, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2016 -18**

Mayor gave third reading on an ordinance authorizing the Mayor to enter into a settlement with Bell Street Station, LLC permitting the expansion of its gas station at 5196 Chillicothe Road and declaring an emergency.

Solicitor informed Mayor and Council he went back to counsel for the Bell Street Station and they are willing to agree to change the opening hours from 5 am to 5:30 am every day except Sunday which is at 6 am, delete the two parking spaces on the exhibit because they had withdrawn that request with the Zoning Board of Appeals (ZBA). The other change made was to modify the language that talks about how they would build it in conformance with the exhibit that was attached. Solicitor recommended that the Village agree to say that it will be “generally” in conformance with that because the issue is when they go to build the building there may be a couple of foot changed here or there, they can’t change anything substantially or significantly but as long as they conform generally with that footprint, he believes it is in good shape.

Porter asked about the closing hours. Solicitor responded that they felt they needed those 11 pm hours on Friday and Saturdays, not because of any beer sales, but their pizza sales are really good at those hours. They hoped Council would be okay with that.

Kostura confirmed with Solicitor that they pushed back the opening time which was one of the concerns that residents had with respect to noise during sleeping hours.

Dishong asked about the landscaping. Solicitor said they have committed to mounding; at its maximum it would be about 5-foot high and no less than ten (10) trees. He stated they agreed to a deed restriction so that once they had that mound built, they will come back to the Village with a surveyor’s description of the vacant part of the parcel; they have agreed to a deed restriction on that so nothing further could be built. Kostura asked about a deed restriction on the property for a transfer. Solicitor stated from discussions with Council, it was his belief that Council wasn’t going to insist on that as part of the settlement, so he didn’t go back to them and ask for that.

Solicitor said he has a revised Agreed Judgment Entry as of late today and if Council approves the ordinance, that is the exhibit that will be attached to it. They will still have to go back to Judge Burt and have him approve the agreement. Solicitor strongly suspects that he will agree to it as long both parties do; but that will be a final step to take.

Porter made a motion to adopt the ordinance authorizing the Mayor to enter into a settlement with Bell Street Station, LLC pursuant to an amended agreement between the Village and the Bell Street Station, LLC, and declaring an emergency, second by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2016- 19**

Kostura did a second reading on 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 moved to waive readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2016-20**

Fiscal Officer gave second reading on an ordinance amending appropriations increasing the Building Department Fund expenses \$15,000, and Income Tax Fund transfers \$15,000. Kostura made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2016-21**

Kostura gave second reading on an ordinance transferring \$15,000 from the Income Tax Fund to the Building Fund and declaring an emergency. Kostura moved to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Carroll moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2016-22**

NEW/OTHER


Mayor informed Council the 2016 Farmers' Market agreement was overlooked in getting approved for 2016. Dishong made a motion to authorize the Mayor to enter into the 2016 Agreement with the Geauga Farmers' Market, seconded by Canton. Voice vote – ayes, all. Motion carried.

Mayor asked Solicitor if the Farmers' Market is a private group using Village property. He said with voter registration, people are coming to the market and want to distribute information. The Market wants to tell them they cannot distribute information because it is a private event; however, they are being told it is public property. Mayor wanted to do something stating that it is a private event and they can say "no" to solicitors at the Farmers' Market. Solicitor said that is risky business because it is public property. Solicitor would lean towards saying people can distribute political or any materials at the Farmers' Market as opposed to saying "no you cannot". He believes the court would look at it as still public property even if the Village has allowed a private group to utilize it on Saturday mornings; the Solicitor does not believe that would trump free speech. Mayor said he will let the farmers' market people know.

Mayor said there is a concert June 28th at the South Russell Village Park. There is a chance that people may bring alcohol, so it has been recommended that Council pass a motion allowing the consumption of alcohol at the park on Tuesday, June 28th from 7-9 pm. Canton asked if people are permitted to consume alcohol at concerts at Triangle Park. There was brief discussion on the open container law which is the reason the Chief is asking for a motion of Council to approve alcohol. Solicitor said it is the Village's property and Council can permit it; the Geauga Park District does. Carroll made a motion to allow consumption of alcohol at the concert on Tuesday, June 28th, seconded by Dishong. Voice vote – 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 8:51 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer