

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JUNE 9, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Dick Baker, 103 Waverly Lane

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Koons moved to approve the minutes of the May 27, 2014 Council meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

Ondrey read from the May 12, 2014 minutes, page 2 at the bottom which states, “Dishong moved to accept the contract with SiteTech with the alternate asphalt drive at an estimated cost of \$212,385 and declaring an emergency” with an attempt to waive further readings that failed. Ondrey said the minutes should have stated an ordinance was introduced as opposed to a motion. He stated the minutes should read, “Dishong introduced an ordinance authorizing the contract with SiteTech with the alternate asphalt drive at an estimated cost of \$212,385 and declaring an emergency”. Due to this oversight, this ordinance wasn’t placed on second reading at the last meeting and would technically be on the second reading at this meeting. Dishong moved to amend the May 12, 2014 minutes to state on the bottom of page 2, under the cemetery discussion to state, “Dishong introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with SiteTech Inc. of Grafton, Ohio for the Village Cemetery Project in the amount of \$212,385 and declaring an emergency”, seconded by Koons. Roll call – ayes, all. Motion carried.

Discussion followed concerning the readings for the cemetery at the last meeting. Council stated that amending the appropriations was placed on second reading and the motion to waive further readings failed, but they thought the ordinance to accept the bid was addressed during the discussion. The Fiscal Officer stated she thought the same thing and had the Administrative Assistant review the minutes again, but it wasn’t discussed. The Mayor asked, since this was thought to be on the third reading tonight if Council would consider waiving the readings. Dishong gave second reading on an ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with SiteTech Inc. of Grafton, Ohio for the Village Cemetery Project in the amount of \$212,385 and declaring an emergency. Dishong moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried.

VISITORS: Show Your Colors was going to attend the meeting but couldn’t make it. Last year the Mayor and Council decided not to hang the Gadsden flag because it is a symbol of the Tea Party and Show Your Colors would like to address this issue with them.

MAYOR’S REPORT: Mayor reported the Cemetery Committee met with Koons, Street Commissioner, Fiscal Officer, Administrative Assistant and himself to review several topics. The Administrative Assistant is the former Cemetery Clerk in Burton Village and shared some suggestions and ideas from her experience. The Cemetery Committee will meet again Monday, June 30, 2014 at 7am at Village Hall. The Mayor stated he would like to see the cemetery

functioning by August but ideally it looks like it may be closer to September 1. He wants to set a tight deadline so the committee keeps on target.

Mayor addressed the Bell Road west project and said some of the underground pipe inspections came back unfavorable so the contractors will have to address that issue. Mayor added that he is not very happy that he hasn't seen much construction in the last three weeks, especially with residents being concerned that the contractors stay on schedule. Another meeting will be held with the Ohio Department of Transportation (ODOT) inspector, Karvo Paving, Street Commissioner, Street Committee and the Engineer to go through the project and get a status update.

Mayor said the current Fire Prevention Officer, Chuck Huddleston, will be resigning at the end of June. Mayor referred to information he emailed Council on Jim Davis who is a former inspector for the Village. Mayor stated Mr. Davis worked for the Village of South Russell for ten years and left due to other commitments at that time. He is now retired and is in a position where he can dedicate time to the Village. The Mayor said he would like to appoint Jim Davis as the Chief Fire Prevention Officer effective upon Huddleston's departure. Binder asked if there were specific requirements in place for the Village's Fire Prevention Officer. Mayor replied there is a budget in place, but would like to address a job description for this position. Carroll is looking into updating the village's Fire Code material which is something Davis would complete. The Mayor stated he would like to see the budget for this position around \$3,500-\$4,000 annually, with an hourly rate at about \$19.10. Davis was estimating about one hour per business inspection, maybe a little longer for larger buildings like the school. Davis would also provide a report to Mayor and Council with a list of the inspections. Carroll moved to appoint Jim Davis as the Chief Fire Prevention Officer, seconded by Porter. Roll call – ayes, all. Motion carried.

Mayor informed Council that Walter Sutliff has resigned from the Planning Commission as he will be moving out of the Village. He has been on the Planning Commission for about 30 years and has been a pleasure to work with in his service time. Mayor stated there will be an opening on the Planning Commission and there is still an opening on the Parks Committee. Residents interested in serving on either board can contact the Mayor. A good candidate to fill the Planning Commission seat is someone that might be somewhat familiar with zoning and reviewing details of projects.

The Mayor stated the Village is now contracting with former Building Commissioner Hocevar for various inspection services. Mayor said he would like to go into executive session later in the meeting to address a title and pay rate for Laura Heilman of the Building Department. He also thanked everyone that put together the luncheon for Hocevar's retirement.

Mayor reported he has heard some negative feedback regarding the Kelley Miller Circus that will be coming to the Village. He stated that at this point the Village has entered an agreement with the Jaycee's permitting them to bring this venue to the village. Once the event takes place, the village will have to make an assessment to see if it will allow the circus to return to the park again.

FISCAL OFFICER: The Fiscal Officer reviewed her monthly report distributed to Council.

Fiscal Officer stated that things are working out well with the new Administrative Assistant. Her background in government work has helped immensely with training.

As the new Designated Employer Representative for the Village, Fiscal Officer informed Mayor and Council she will be attending training to receive her certification required by the County to allow her to be the handle the CDL drug testing.

The Fiscal Officer reported that the state audit is done and it was a clean audit. She stated the report is on the Auditor of State's website.

Kostura thanked the Fiscal Officer for providing the Sunshine Law paperwork from the Public Records Training she attended on the Mayor and Council's behalf last month.

FISCAL AUDITOR: The Fiscal Auditor was not present.

ENGINEER'S REPORT: The Engineer reviewed the Road Program bids that were submitted the prior week. The low bidder was Specialized Construction, who has done the village's road projects the last couple years. The base bid for the project included Snyder, Deerfield, Laurel Brook and repairs on miscellaneous streets. The bid amount for the base bid list was \$339,363. Bids were also received for an alternate of Whitetail and Deer Court, which came in at \$199,965 for a combined total of \$539,328 for the base and alternate bids. The Engineer is requesting approval of either the base or combined bid.

Binder stated Council has held several discussions this year pertaining to spending a little more money on the roads since they hadn't been addressing them as much in recent years. The bids were very aggressive and came in lower than expected. Binder said the Street Committee is recommending approval of the base and alternate bids. The Engineer added that the Snyder Road portion of the bid is eligible to receive Permissive Tax funding from the County. Mayor agreed the bids are very compelling and said the Permissive Tax money available to us is around \$150,000 but this would require Council to amend the appropriations. The Engineer and Fiscal Officer are going to look into whether the Village can request the money from the County after it enters a contract with a company to do the work.

BUILDING INSPECTOR'S REPORT: Not scheduled for this meeting

POLICE CHIEF'S REPORT: Police Chief referred to his monthly report.

Chief informed Mayor and Council that the new MDT's were installed last week.

Despite the rain, the Police Department had a good turnout for the Cops and Kids Fishing event held over the weekend. Mayor stated that he was able to observe the Police Department with the parents and kids at the event and he was impressed with their interaction. He felt this is very indicative and he said they are well known by the community, which says a lot for their department.

The Chief reported that he had a department meeting last week and discussed the importance of logging park complaints about unleashed dogs.

STREET COMMISSIONER'S REPORT: Street Commissioner referred to his monthly report.

Street Commissioner reported that the backhoe is being repaired and is out of service.

The Street Commissioner informed Council that Carroll worked with the Street Department on Friday to try to rectify an electrical issue at the park pavilion. He said his department was busy the last week finishing up work for the pavilion dedication.

Street Commissioner reported that Linda Mattern obtained five markers for the old cemetery on Bell Road.

The Street Department has been accomplishing several road repairs and some storm sewer work.

As Webmaster, the Street Commissioner reported that the Pavilion Permit has been posted on the village website under Village News. He is currently in the process of putting together a Park page.

SOLICITOR'S REPORT: Solicitor received a call from an attorney representing Mr. Fields on Route 306. Mr. Fields had been warned that he was not permitted to be using heavy equipment in his yard on Sunday, as reported by a neighbor. Mr. Field's attorney stated that it was a small piece of equipment. The Police Department was asked not to take action until the matter is looked into further.

The Solicitor reported he received a report from Dr. Eckstein to evaluate the ground water sufficiency and make sure there are no issues with the proposed assisted living center. Dr. Eckstein feels there should not be any cause for concern. The facility would have to significantly exceed their projected water use to cause a problem. It appears that everything is in order which satisfies one of the remaining key conditions for that project.

The Mayor stated there was an issue with a piece of curb missing in front of Burntwood Tavern. Someone pulling into the parking lot claims a piece of the curb lodged in the wheel and caused the car to become inoperable. The Village's insurance company was notified and they will provide coverage for the damage if it is determined to be a Village issue. The Solicitor stated the County completed the curb construction and this section of the road is in the Village. There could be a liability to the Village but there are a lot of defenses that the insurance company will investigate with this claim. The Mayor asked the Street Commissioner to take a look at the curb damage.

COMMITTEE REPORTS: Porter, Binder and Carroll had no report.

Kostura reported the Planning Commission meeting scheduled for June 12th was canceled. They will meet on July 10, 2014 at 7:30PM.

Dishong said the Human Resource Committee will need to reschedule their meeting.

Dishong thanked everyone for giving up a Sunday afternoon for the Strategic Planning session. The meeting was very productive. Dr. Lisa Thomas from Cleveland State University (CSU) went over the roles and responsibilities of Council. The second part of the meeting was spent discussing projected finances over the next several years. Dishong thanked everyone involved with planning the meeting.

Koons said the pavilion as of today has cost the Village \$48,400, which doesn't include the limestone for the walkway or the labor for Street Department employees.

Koons reported the Park Committee will walk through the park with a biologist from the Geauga Park District on July 17th. They will be learning about and searching for the bobolinks to see if they are still nesting in the park.

Koons spoke with the President of the Rotary at his hometown since they just hosted the Kelley Miller Circus. They were very happy with the circus and will be asking them to return in the future. The Mayor wants to have a meeting between the Jaycee's and the Village to make sure everyone is on the same page with their upcoming event taking place the end of July. The Kelley Miller Circus will be in Aurora the week before they are in South Russell so Koons and a couple of the Park Commission members will be going to see how much room the tents take up.

The Parks Committee will be holding off on the runway and sled hill for now. They were also approached by skydivers inquiring about participating in the Fall Festival.

Jean McKesh is building the assisted living facility on Route 306 and will be holding the groundbreaking ceremony on Tuesday, June 24th at 11AM. The Mayor will ask him if he can hold the event earlier in the morning or on an evening instead due to the availability of Council.

ORDINANCES/RESOLUTIONS:

Dishong gave third reading on an ordinance to amend the appropriations for the cemetery to increase the current budget from \$200,000 to \$250,535 and declaring an emergency. Dishong moved to adopt, seconded by Porter. Roll call—ayes; Porter, Binder, Dishong, Koons. Nay; Kostura, Carroll. Motion carried. **Ordinance 2014-23**

Dishong moved to adopt an ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with SiteTech Inc. of Grafton, Ohio for the Village Cemetery Project in the amount of \$212,385 and declaring an emergency, seconded by Binder. Roll call—ayes; Porter, Binder, Dishong, Koons. Nay; Kostura, Carroll. Motion carried. **Ordinance 2014-24**

Binder introduced an ordinance amending the appropriations for the Fiduciary Fund increasing expenditures by \$30,000, increasing the Street Maintenance Fund by \$250,000 and increasing the transfers from the General Fund to the Street Maintenance Fund by \$250,000 and declaring an emergency. Binder moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-25**

Binder introduced an ordinance transferring \$250,000 from General Fund to the Street Maintenance Fund and declaring an emergency. Binder moved to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2014-26**

Binder introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into a contract with Specialized Construction for the 2014 Road Program in the amount of \$539,328, contingent upon Geauga County providing Permissive Use money and declaring an emergency. Binder moved to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2014-27**

Dishong gave third reading on a resolution declaring it necessary to levy a tax in excess of the 10 mill limitation for a five year period for the purpose of providing and maintaining operations of the Police Department at a rate not exceeding 2.75 mills for each one dollar of valuation, which

levy is a renewal levy, and declaring an emergency. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Resolution 2014-28**

BILLS LIST: Dishong moved to approve the June 13, 2014 bills list in the amount of \$45,760.14, seconded by Kostura. Roll call – ayes, all. Motion carried.

Dishong moved to ratify the May 30, 2014 bills list #2 in the amount of \$8,038.19, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Binder said he attended the Northeast Ohio Elected Officials Conference in Washington DC and recommended it to anyone that hasn't attended. It was very informative and the guest speakers were excellent. The handouts were emailed to Mayor and Council. Mayor added that this conference is a good networking tool.

Carroll stated he assisted the Service Department on Friday, June 6th with some work at the park pavilion and brought his 13-year-old son to help. This was an even day. Carroll called the Fiscal Officer at approximately 10:00 am to report a dog off a leash. He continued working on the project and at approximately 10:15 am, he asked his son to run over to the truck and grab some tools. One of the dogs he called on 15 minutes earlier, a mid-sized German Shepherd, started to run towards his son and jumped on him. The owner was calling the dog the entire time and when his dog reached Carroll's son, the owner stated "he is good" (meaning the dog). The dog then returned to the owner without further incident. Service Department worker, Jeff Pausch, started to call the Police Department. They yelled to the owner that the dog was to be on leash and the dog owner responded "ok, I'm leaving". Since the owner left, they ended up calling the Fiscal Officer instead of the Police Department to report the incident. Carroll wasn't sure if this is a significant incident which demonstrates the impending dog bite. His son is very comfortable around dogs, which probably lead to their not being a bigger issue. Carroll did provide a description of the dogs and vehicle to be used in the event of further complaints. In the approximate 60-minute time period Carroll was at the park, he called the Fiscal Officer three times about unleashed dogs. He added that this is a problem and will continue to be a problem on leashed and non-leashed days. Carroll expects complaints to rise with the new pavilion and stated he hopes that a dog bite doesn't occur. The Police Chief asked to have a report filed with the Police Department for any complaints about a dog making contact with a person. A dog being off of a leash doesn't constitute a report to be generated through his department. He asked for a license plate number if this person is seen at the park again.

At 9:07 pm, Dishong moved to go into Executive Session to discuss personnel compensation and employment, seconded by Binder. Roll call – ayes, all. Motion carried.

Council reconvened at 10:04 pm.

Koons introduced an ordinance amending the pay range for the position of Building Inspector to a minimum of \$57,000 and maximum of \$68,000 per year, and declaring an emergency. Koons moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-29**

The Mayor stated he would like to appoint Laura Heilman as the Building Inspector. These duties include serving the Village as the building official as defined by the Ohio Administrative

Code. This appointment is effective as of June 16, 2014 as an exempt role, with a probationary period through February 1, 2015 at a pay rate of \$60,000 per year. Koons moved to appoint Laura Heilman as the Building Inspector, with the duties including serving the Village as the building official. This appointment is effective as of June 16, 2014 as an exempt role, with a probationary period through February 1, 2015 at a pay range of \$60,000 per year. Motion was seconded by Kostura. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Koons moved to adjourn, seconded by Porter. Roll call, ayes - all. Motion carried.

Meeting adjourned at 10:07 pm.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen