

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, MARCH 31, 2014 – 7:30 P.M.  
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

**VISITORS:** Ann Dunning, Morningside Drive; Sylvia Debick, Maple Hill; Gary Dole, Maple Hill; Kate Ignaut, Maple Hill; Greg Vickers, Sun Ridge; Dick Baker, Waverly Lane; Frank Jacobson, Bell Road; Gerry Morgan, GCDWR; Doug Bowen, GCDWR

Mayor Brett asked for a moment of silence in memory of former Councilman, Village Treasurer and Tax Administrator Larry Lechman who passed away this previous Friday.

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 March 10, 2014 Council meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

**VISITORS:**

Doug Bowen from the Geauga County Department of Water Resources (GCDWR) reported that over the last couple of months his department has received several phone calls about the proposed sewer project which led to his department putting together a South Russell Village Easterly Quadrant Sewers Master Planning Proposal which he distributed to those in attendance. He explained this plan would include moving forward with an engineering study of the eastern portion of the village to get a master plan put together along with drawings. The cost estimate for this would be approximately \$150,000 to \$200,000 which breaks down to approximately \$750 per resident. This charge could be placed on the residents' tax assessments for a two-year period. At that point the Health Department can put a moratorium on all septic tanks. This would also allow time for the GCDWR to look for grant money for the project as well as time to see what happens with the rules and regulations of septic tanks at the state level over the next year. Once the engineering study is complete they would have a complete set of design drawings and they would have a good idea of the project cost. At that point, residents would be more informed of the costs involved and they could make an informed decision whether or not to proceed with the project. The current estimate for the project now is approximately \$28,000 per residence. The lowest loan rate they could currently get is 3.3%, but if the Village would apply for the loan, it could get a discount and it would be about 2.8%. At that rate, the payment would be approximately \$925 per half year on the resident's tax assessments to pay for the sewers. The GCDWR's idea is to approach this project in a two-phase process. First would be to take a vote to see if the residents would approve the \$325 assessment for two years to do the engineering study and get the master plan. Once the cost of the project is known, the second phase would be to take another resident vote to see if they would want to move forward with the sewer project.

Mr. Bowen said GCDWR realizes some residents have already put in new septic systems, so the county is looking at doing a deferred assessment of up to ten years, depending on what the law will permit (it may only permit five years, they are checking into that). Under this provision,

GCDWR feels that septic tanks should have a life of ten years before the resident would be assessed for sewers. Mr. Bowen stated that the resident would still have to tie into the sewers right away, but the sewer assessment would be deferred until their septic system was ten years old. He informed Council there are approximately 30 septic systems in the Village that were installed in the last ten years and by the time the proposed project would move forward to the project completion date that number will dwindle down to even less. Mr. Bowen proceeded to review the master planning proposed timeline. He clarified that residents that defer assessments will still pay the same amount in total and pay for 20 years, just the payment would be deferred to start later. Mr. Bowen said he would have to find out exactly how the interest rate would work with a deferred payment. Mayor asked if the tap-in fee is included in the deferment or just the cost of the assessment. Gerry Morgan from GCDWR replied that the county's portion of the tap-in fee is included, but the property owner's cost to extend the sewer from the right-of-way to the house is not. Mayor clarified that someone with a new septic system can defer all the cost excluding their cost to run from the house out to the main line.

Dishong asked if someone put in a new septic system now would they have ten years from when they put it in before they would start being assessed for the sewers. Mr. Bowen replied that his department will review the rules and regulations of the state and see if there is a limit to five years or if it could be ten. Dishong clarified that the \$750 survey could be assessed over two years on residents' tax bills. Mr. Bowen agreed with that and stated that the \$750 would be deducted from the \$28,000 estimated sewer cost. Mr. Bowen said there would be an assessment process and everyone would have a right to object to the project but the parameters for objections are very specific. Dishong said people assume there is always capacity at the sewer plant, but inquired from the GCDWR if there really was. Mr. Bowen explained that after the original McFarland plant was built the GCDWR continued to charge tap-in fees over the years to use that money to pay for the plant expansion ten years ago. The tap-in fees they have collected since that time is what will be used towards the next expansion. Mr. Morgan said the current capacity is 1.8 million and they are at 1.2 million, so there is room. However, he has three sets of plans on his desk for review for additions to Canyon Lakes, so that capacity will start to dwindle. Kostura asked about the timeline and asked if Council were to vote tomorrow that everyone is going to sewers and to move ahead, would it shave off six months or a year from the timeline? Mr. Morgan replied that the proposed timeline is a very aggressive timeline and it wouldn't really change anything. Mr. Bowen stated the only thing that extends the timeline is the two hearing assessment processes which is the equivalent to an extra 2-3 months to have the hearings and answer all questions. Dishong questioned the success rate of getting grants for this type of project. Mr. Bowen replied that grants for these types of projects are usually based on income but it is still a possibility. Dishong also asked if the Health Department put a moratorium on septic systems for a year, how many are there and what does that mean to a resident. Mr. Bowen replied that for anyone selling a house or anyone going to court, the moratorium would put having to replace systems on hold. Ann Dunning asked if there is an opportunity for one community to plug in and another one not to or is it all communities going forward. Mr. Bowen said that is a decision for Council to make. Gary Dole asked if Council is going to continue the stance that it is everybody or nobody. Porter said it would be all or nothing and it is 60% of those responding to the ballot such that no one subdivision has a veto on the project and no one subdivision alone can make the project happen.

Mayor told Council it would make sense to let the GCDWR know how they want them to present for the public meeting on Thursday – whether it will be a two-phase project or a one-phase project. Porter stated that the Public Utilities Committee (PUC) recommendation would be a single vote and based on that vote Council would ask GCDWR whether or not to proceed with the process. Dishong asked if the Village did one vote and got through the engineering

study and the cost estimates came back high, would there still be an opportunity to reassess moving forward with the project or once the wheels are moving they have to continue forward. Doug Bowen stated that engineering cost is \$750 and that would still need to be assessed. Porter made a motion that the GCDWR presentation at the April 3rd Sewer Information session include a one-vote process whether to move forward with sewers rather than the two-vote set forth in the handout, there was no second, the motion failed. Carroll asked the Solicitor about the original approved motion for a single vote, and whether another Council member could put forth a motion for a two-vote process. Mayor responded that if Council doesn't do a motion for a two-vote process, they previously approved a one-vote process so that is what it would be. He said if Council wants to have two, then they would need to make a motion in favor of two votes. Porter said Lake Louise's petition didn't address the engineering. Dishong said Lake Louise voted for sewers so that would include the engineering and in his opinion that doesn't change their vote. He said the GCDWR does this full time and there is a reason they suggested following this process because they want success and more residents having more information. Binder made a motion to move forward with the two-vote process that the GCDWR lay out and have them present that at the meeting on Thursday April 3rd, seconded by Dishong. Roll call – ayes, Binder, Carroll, Dishong, Koons and Kostura. Nay – Porter. Motion passed. Carroll made a motion that the Village count Lake Louise's petition as submitted as engineering and sewer, seconded by Porter. Roll call – ayes, all. Motion carried.

**MAYOR'S REPORT:** Regarding the storm water management report process, Mayor reported that CT Consultants filed the report on the Village's behalf. He stated there are a couple of follow up items such as a storm water map that the Village and CT Consultants will have to do and CT Consultants has the ball on putting that together. The timeline is that it must be completed by December 2014. CT Consultants will put together a project cost proposal.

Mayor reported that CT Consultants is looking at some ordinance updates as the Chagrin River Watershed Partnership (CRWP) is performing some updates to the erosion and sediment control ordinance. He stated CRWP really has the lead on this but they are working with CT Consultants.

Also regarding the storm water management, Mayor said the Building Commissioner is working on the parking ordinance due to impervious pavement. They will be reviewing riparian setback by the CRWP.

Mayor reminded Council that the Village added a second day to the circus in the village. The Solicitor has sent the agreement to the Jaycees.

Regarding the Bell Road West project, Mayor said there is a delay with the culvert replacement which has caused the road closure to be delayed. The Village will need to do a lot of education to residents about the road closure prior to it happening.

**FISCAL OFFICER:** Fiscal Officer reported that the State Auditor's office has started the 2012- 2013 audit. The Village is doing an Agreed Upon Procedures Audit and the estimated cost is \$3,280 which is a 40% savings over the traditional full-blown audit. Fiscal Officer reminded Mayor and Council that the Village will be required to have a one-year audit because of the grant money it will be receiving for the Bell Road West project.

Fiscal Officer informed Mayor and Council that the auditors now check to make sure that Council has received and approved the monthly financials. This will be a housekeeping item that will have to be addressed monthly. Binder asked if this should be approved on a night when the

Fiscal Auditor is present. Fiscal Officer replied that the Fiscal Auditor is absent due to a death in his family, but he did confirm that the Village's financials and his financials balance on all funds. She said on a moving forward basis, when the Fiscal Auditor confirms to Council that both financials balance, then Council can make the approval at that point. Dishong made a motion to acknowledge receipt of financial reports for the month of February 2014 and to approve them the same as submitted, seconded by Kostura. Roll call – ayes, all. Motion passed.

Fiscal Officer referred to a newspaper clipping regarding food collection that was forwarded to Mayor and Council. This resident had an issue with the fact that the Village is collecting for the Greater Cleveland Food Bank and they wanted the Village to know there is also the Geauga Hunger Task Force and pointed out the Village is located in Geauga County. Mayor said that is a great idea and the Village could certainly participate in that, however, the Village hasn't been addressed by anyone from Geauga County to cue that up.

As Tax Administrator, Fiscal Officer informed Mayor and Council that she will be attending the Hot Topics seminar on Wednesday regarding the proposed income tax legislation. She also reported that the February collection which was March distribution was \$82,384.21 and after refunds and overhead, the net distribution was \$71,612.21 which gives a year-to-date net collection of \$350,761.75.

**FISCAL AUDITOR:** Fiscal Auditor was not present.

**ENGINEER'S REPORT:** Engineer Haibach said he gave the Building Commissioner and the Street Commissioner revised drawings for the cemetery project. The only thing that has changed is eliminating the graves that impinged the property line.

Mayor said the Cemetery Committee couldn't be at this meeting so the Village will look to go out to bid for the cemetery construction at the April 14<sup>th</sup> Council meeting.

Engineer said he will begin the road evaluation process as soon as the snow stops.

Mayor said the Village was looking to potentially use the Permissive Use tax money for the Bell Road West program, however since that project is already in progress, that is not an option. The Engineer did state that if the Village does Snyder Road or Daisy Lane, it may be an option. Kostura asked if the Village decided to do one of those roads this year, could the Permissive Use Tax money be used for that or did the County need six months' notice. Engineer stated they don't need six months notice, but they require a preliminary plan on how the money will be used just to make sure the project we are going to use it for is eligible to receive those funds.

Engineer said the Bell Road West road closure will most likely occur in the middle to end of April. He will give the Village at least a week's notice.

**BUILDING COMMISSIONER'S REPORT:** Not scheduled for this meeting.

**POLICE CHIEF'S REPORT:** Not scheduled for this meeting.

Mayor reported he and the Police Chief interviewed some part-time patrolmen candidates and they will look to swear those part-time patrolmen in at the April 14<sup>th</sup> Council meeting.

**STREET COMMISSIONER'S REPORT:** Street Commissioner said he was present to ensure the salt resolution was passed at this meeting.

Street Commissioner reported he applied for the tire grant for the spring clean up.

Street Commissioner reported he received paperwork from the State of Ohio to file for liquidated damages for late salt deliveries this year. The Village needs to apply for it on its own because it is a third party of the contract. It is based on when the salt order was placed. Geauga County has a 7-day delivery time and it is calculated by a percentage of the non-delivered deliveries.

There was discussion about the amount of salt that is currently in the salt dome and the amount to be requested to go out to bid for with the Ohio Department of Transportation (ODOT). Koons made a motion to go out to bid for 1,700 tons, seconded by Porter. Roll call – ayes, all. Motion carried.

Street sweeping will start Monday, April 7<sup>th</sup> but will not include Bell Road West, only the side streets on that end of the Village.

**SOLICITOR’S REPORT:** No report.

**COMMITTEE REPORTS:** Porter, Binder, had no report.

Carroll made a motion to expend up to \$1,500 for the postage, mailing, and supplies for the sewer survey, seconded by Porter. Roll call – ayes, all. Motion carried.

Binder reported the Streets Committee would meet on Friday, April 4<sup>th</sup> at 7:30 am.

Dishong thanked everyone for their newsletter articles.

Dishong reported that the Finance Committee would meet Thursday, April 8<sup>th</sup> at 7:45 am at Village Hall.

Dishong reported the Finance Committee would request an Executive Session to discuss employee compensation. Mayor said Executive Session should also include pending litigation.

Koons referred to a building department fee schedule he distributed to Mayor and Council which shows the fees the Village charges as well as what surrounding communities charge. The Building Department would like to change the fees but there was a question whether that needed to be done by motion or ordinance/resolution. Fiscal Officer replied there was an ordinance passed in 2001 amending sections of the building fees, construction deposits and certificates of the codified ordinance. Therefore it was decided it needed to be done by ordinance.

Koons said the Building Commissioner is still working on getting estimates for adding a bay on the south end of the service department garage. He said it is estimated to cost about \$35,000 - \$40,000 and Council allocated money for this project in November. Koons asked if Council was okay with going with a 16 foot addition – there was no opposition.

Koons distributed a handout with a proposed new sign for the park. He said currently there are three signs at the park. The new proposed sign would change the wording on the green sign to include information on how to reserve the pavilion and how to file a complaint regarding the park. Kostura questioned the verbiage “Dogs are required to be on leash in remote areas on odd days” seems to be contradictory to the large sign that says “only on marked paths”. Koons replied that he thought that it was the three acres and then they hit the path. It was clarified that

the red markers indicate where the paths start. Mayor clarified that the existing signs would stay, but the green one would have different verbiage as noted on the handout. Dishong questioned the “no alcoholic beverages”. Solicitor said the Geauga Park District allows alcohol if they reserve the pavilion. Koons said he was also surprised that alcohol was not permitted at the park. Mayor asked if there was anything in the easement that restricted alcohol at the park. Solicitor said he was pretty sure there was not. Binder asked about the first rule that states these are the Village rules and questioned whether that isn’t presumed? Koons replied that was listed on the original sign and he just moved it from the bottom of the old sign to the top of the proposed new sign. Mayor said Council should review the rules prior to the next Council meeting and provide Koons with some feedback. Mayor said the Village doesn’t want a bunch of drinking in the middle of the park. Street Commissioner recommended if the Village is going to allow alcohol, it should be in the pavilion by permit only.

Koons said the Fall Festival date will be the last Sunday in September.

The fireplace project at the pavilion will start in the next couple days.

Kostura said the Properties Committee will meet Wednesday, April 2<sup>nd</sup> at 7 am.

Kostura reported that the Planning Commission will meet on April 10<sup>th</sup>. Mayor said the assisted living center will be attending the meeting and is hoping to get approval on everything. Mayor said he thinks it is wise to plan on two Planning Commission meetings in April because in order to finalize everything in one night for the assisted living center would be a lot.

#### **ORDINANCES/RESOLUTIONS:**

Koons introduced an ordinance adjusting the building department fees per the schedule distributed to Council. 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 2014-10.**

Binder introduced a resolution to participate in the Ohio Department of Transportation Cooperative Purchasing program for the purposes of purchasing rock salt for 2014-2015 season 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 2014-11.**

**BILLS LIST:** Dishong made a motion to approve the 3/31/14 bills list in the amount of \$51,555.59 seconded by Kostura. Roll call – ayes, all. Motion carried.

Koons made a motion to ratify the 3/14/14 bills list #2 in the amount of \$12,298.18, seconded by Kostura. Roll call – ayes, all. Motion carried.

**NEW/OTHER:** Porter, Binder, Koons and Kostura had no new business.

Carroll said he attended the Newly Elected Officials conference last week. He said it was an excellent program and he would highly recommend Council members attend even if they have been on Council for a while. He said it was very informative.

Carroll asked if Council would consider putting some Village funds towards the sewer project engineering if it passes. He said the engineering is estimated at \$180,000 and the Village put

\$60,000 so far towards the cemetery. He said he wondered if there was any thought about whether the village would be interested in putting any funds towards the engineering to show a good faith effort on the Village's part in the project. Porter said Council should wait until the resident vote is taken. Mayor said he doesn't know if the Village has ever done that before. He said it is a nice gesture, but thinks it causes another issue of why would the Village pay for that and not pay for other things. Carroll said it was just a thought.

Dishong said the Village needs to do a Strategic Planning session. He will send out an email with date requests to see what works best for Mayor and Council.

At 9:16 pm Dishong made a motion to go into Executive Session to discuss employee compensation and pending litigation, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 9:40 pm.

### **ORDINANCES/RESOLUTIONS:**

Dishong introduced an ordinance creating a full-time Administrative Assistant position for the Village and declaring an emergency. Dishong moved to waive readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-12.**

Dishong introduced an ordinance amending the Village pay range ordinance by establishing a pay range for the Full-Time Administrative Assistant and establishing a new pay range for the Fiscal Officer and declaring an emergency. Dishong moved to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-13.**

Dishong made a motion to offer the full-time Administrative Assistant position to the candidate agreed upon with a salary of \$40,000 per year, seconded by Kostura. Roll call – ayes, all. Motion carried.

Dishong made a motion to pay the combined position of Fiscal Officer and Tax Administrator a combined salary of \$71,500 - the Tax Administrator portion remains at \$6,619 and revision to the Fiscal Officer salary to \$64,881 – seconded by Kostura. Roll call – ayes, all. Motion carried.

**ADJOURNMENT:** Being that there was no further business before Council, Kostura made a motion to adjourn, seconded by Koons. Roll call, ayes - all. Motion carried.

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Matthew E. Brett, Mayor

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Danielle Romanowski, Fiscal Officer