

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MARCH 4, 2013 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey, Engineer Haibach

VISITORS: Jack & Amy Withrow, Fawn Ct.; Tibor Prokay, Lakewood Dr.; Lee Schiemann, Parks Committee; Ted Kruse, Parks Committee; Ed Weston, Whitetail Dr.; Bob Brown, Waterford 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. Mary Beth Wolfe requested clarification regarding statements made by Lee Schiemann on page 2 of the February 25, 2013 council minutes. Bill Koons corrected the date of Trash Day to May 4, 2013 on page 3. Porter moved to approve the amended minutes of the February 25, 2013 council meeting seconded by Dishong. Roll call – ayes, all. Motion carried.

VISITORS: Amy Withrow addressed Mayor and Council regarding the leash rules for South Russell Park. She stated she does not have a solution, and she does not oppose strict leash rules or off leash rules. Withrow explained she has experienced a few incidents at the park. She said she is usually greeted by large dogs when she has her small dog with her, and in one incident a large dog kept coming at them and nipped at her small dog, she picked her small dog up then the large dog jumped on her. Withrow stated she has been jumped on by dogs on more occasions than not. She said she does let her small dog off leash when the park is empty. Withrow said she believes it is the responsibility of the owner to have better control over their pet.

Bob Brown stated he wanted to reiterate his support for the Parks Committee proposal. He said the committee spent a lot of time preparing their recommendation, and their proposal addresses some of the concerns Ms. Withrow had. Brown said there is no doubt about it - he is an absolute supporter of the odd/even approach. He stated his sincerest hope is that what the Parks Committee proposed is ultimately passed or at least given due consideration for a trial period. Brown said if this is done, he would be a strong proponent of putting strict governance around it. He explained what he would like to see is that we mutually work on ways to make their proposal work, rather than eliminate it and go to Plan B when there is a Plan A on the table that he thinks is worth a trial period. Brown stated he thinks the Parks Committee's proposal needs to be tightened up and given a trial period along with a fair chance to work. Mayor explained he asked the Park Committee for a recommendation, and that the recommendation might be adopted as presented, modified, or Council may wish to go in a different direction. Mayor said he has also asked the Safety Committee for a recommendation, and following that recommendation Council will make a decision, perhaps in April. Brown said he hoped that the Parks Committee proposal will be given due consideration.

Tibor Prokay addressed Mayor and Council regarding the dog situation. He stated he is retired and goes to the park on a daily basis and has made a lot of friends. Prokay said he goes to the

park at all times of the day to see what is going on. He said 90% of the people that are there have dogs. Prokay suggested older adults and kids could stay on the E. Washington Street side and people with dogs could be on Bell Street side. He also said some kind of fence could separate the people who want to walk without dogs from the people with dogs. Prokay said the dog owners could donate money for a fence. Prokay said in his opinion, most of the small dogs and big dogs stay together and don't bother people.

MAYOR'S REPORT: Mayor reported that he distributed a proposed resolution regarding HB5 and would like to see it introduced and passed tonight.

Mayor reported that he met with the Properties Committee and the Building Commissioner and mapped out three options for the rental property as follows:

- 1) Parcel off 1 or 2 acres with the house and look to sell it for approximately \$150,000.
- 2) Remove the house by demolition or fire burn and keep property (cost involved to prepare the house would be approximately around \$10,000).
- 3) Invest between \$20,000 to \$25,000 and look to rent the house for approximately \$1,200 per month.

Binder responded that he thinks the Village should try to sell the house as it is a nuisance. He also believes there are more hidden costs with keeping the property. Dishong stated he agrees with selling it.

Koons said he would rehab the house and believes it will make a profit eventually. He stated he would hate to give up the land and sell it off, or burn down a \$75,000 house.

Porter stated he was in favor of rehabilitating the house and looks at it as a Village asset. He said he doesn't feel the Village needs to sell it, and doesn't want to lose the land.

Kostura stated he thought the initial impetus to purchase the property was to avoid having an eyesore on Bell Rd. He explained he thinks if we were to sell it we would be selling at the bottom of the market, and it may be worth more to the Village in use or monetary value down the road. Kostura said he supports rehabilitating the house.

Wolfe stated she does not believe the Village is a good landlord, and she believes the land is important to keep for future use. She stated she is in favor of not having the house but keeping the land, so she is in favor of either demolition or burn.

Mayor stated the house is not in good shape but the Building Commissioner feels that the core of the structure is in good shape. Mayor acknowledges there are items such as carpet, paint, bath and kitchen items that need some work. He believes the best thing for the Village to do is to make an investment into it. Mayor thinks the profit would be helpful to the Village. Koons made a motion to authorize the Building Department to spend \$20,000 to rehabilitate the 5244 Chillicothe Rd. property, seconded by Porter. Roll call – ayes, Porter, Koons, and Kostura. Nays Wolfe, Binder, Dishong. Vote resulted in a tie and Mayor made the determining decision by vote in favor of rehabilitating the house. Motion carried.

Mayor reported he circulated a draft of the terms for the agreement for the Jaycee's donation to the Village for a pavilion. He stated he drafted language for the size, location and how long the sign would be there.

Kostura said he has issue with the size of the sign and it being seen from the road. He feels it will become known as Jaycee Park and shouldn't be seen from the road. Kostura questioned why we would limit donations to \$15,000. Mayor stated we identified this as a \$50,000 project, and received a \$25,000 donation and it is probably not likely we will receive other donations for this project. Mayor asked for height and length recommendations to define an acceptable size.

Mayor reported there are two boxes at Village Hall for Harvest for Hunger for food donations,

Mayor reported the Chagrin Valley Intergovernmental Council is meeting Saturday and will have a follow-up session from the walkthrough of the proposed dispatch center location at Bedford Hospital. They are also meeting Wednesday to discuss financing and what the model will look like.

Mayor reported he asked the Service Department to remove trees in front of the Police Department which they have completed. He said discussions have been had regarding the landscaping for the building. Mayor asked Joyce Bond of CT Consultants to give the Village a quote for the project. Mayor would like to know how to incorporate the police department building along with the other village buildings.

Mayor reported he was approached by a resident that works at St. Peter Chanel and they have offered a large flag pole for the Village cemetery. Mayor accepted the flag pole donation.

FISCAL OFFICER: Fiscal Officer had no report but asked Council if anyone would like to assume the membership to the Geauga County Township Association held by departed council member Jim Flaiz. Mark Porter volunteered to assume the membership.

ENGINEER'S REPORT: Engineer reported the Village has asked for a large portion of the Bell Rd. project to be financed from the NOACA 80/20% grant. He stated a large portion of the local 20% is to be picked up by an Ohio Public Works Commission (OWPC) grant. Engineer reported he received an email from OWPC regarding a \$450,000 grant and a \$200,000 loan. The final meeting with NOACA is Friday to finalize funding with an expected June lock-in date. He stated he received notification from the Geauga County Engineer's office Thursday afternoon saying we should be looking for Round 28 OWPC applications, and he will meet with the Street Commissioner and Geauga County Engineer to discuss options. Snyder Rd. and ground water issues were mentioned as possibilities.

Engineer reported the municipal agreement between CT Consultants and the Village is currently being worked on for 2013. They are working on a 2-year agreement. He stated the text of the agreement would remain the same; however the rates are up against the high end of structure limits. Engineer reported that the rates in 2012 are the same as 2009 and past increases from 2005-2007 were 3.5% increase, and from 2008-2009 was a 3.5% increase. Since then there has been no other increases, and a 5% pay scale increase would be in order. Engineer proposed leaving 2013 rates in place with a plan to increase rates 5% for the contract period for 2014. He explained the retainer would stay the same and the base rates for projects remain the same, but invoiced amounts for certain people would be increased for wage adjustments.

SOLICITOR'S REPORT: Solicitor reported he may not be able to attend the April 8, 2013 meeting.

COMMITTEE REPORTS: Wolfe, Porter, and Kostura had no report.

Binder reported for the Safety Committee regarding reviewing the Parks Committee's recommendation for the South Russell Park. He explained the review is still in the process and the committee feels there are still some health and safety issues to be resolved. Binder said they hope to have a recommendation for the March 18, 2013 meeting. He explained the framework from which the Safety Committee is looking at the park situation. Binder stated they are looking at the constituents, and listed several groups such as park users, dog owners, both off leash and on leash dog owners, and other users such as runners, walkers, skiers, adjacent private property owners, people/vehicles on adjacent roadways/paths, and village officials. He acknowledged that the Parks Committee's plan has pros allowing equal access and in theory will reduce safety issues pertaining to dogs off leash by 50%. Binder reported you would assume it will reduce fecal matter by 50% assuming the owner will have the capability to clean up a little better since the dog will be right next to them. He said they feel there are some outstanding issues and he broke them down into several areas. Binder stated in the park there are safety issues such as conflicts with dog vs. dog, dog vs. person, dog intimidation of people, and interference of others doing activities. It is very difficult within that setting to ensure that anybody who is using the park is safe in whatever they are doing. Binder next reported off park safety issues include property owners adjacent to the park, cars and or people travelling or walking on E. Washington St. since we haven't established a method for containing the activities of dogs off leash or confining them to be sure they stay in the park, not in the street or on private property. Binder addressed compatibility and safety with multiple uses of the park in addition to dogs. He reported they are looking at walkers, joggers and separating them so all can enjoy what they are doing. Binder stated the hygiene issue exists and they do not know how to increase the level of hygiene in the park but stated there is still definitely a fecal matter problem. Binder reported another issue is enforceability, the concept of dogs need to be under control, and the definition and clear guidelines for this. He stated penalties, liability issues, and significant signage are concerns. He reported that there have been discussions about an evaluation period, however he has not heard what metrics will be used to evaluate success. He stated he has spoken to residents who say they don't use the park anymore because they are not comfortable there. Binder said he doesn't know how to measure or assess this. He shared parts of an email from a resident who lives across the street from the park on Bell Rd who said she uses the park when few cars are there. The writer said she prefers the Chagrin Park where leashes are required, although some owners have their dogs under control but many do not. She also said there have been many near misses with vehicles, recently a school bus. Binder reported the Safety Committee is trying to review this in an objective manner although this is a passionate matter.

Questions were asked about how long has the park been here and why is this issue with the dogs happening now? Mayor responded that the issue about concerns with dogs in the park has been ongoing for several years and the feedback has gotten worse over the last several years. Mr. Prokay said he would volunteer to stay at park and educate visitors and people.

Dishong stated he thinks somewhere in the middle is the right balance. He believes a trial period with some predefined success criteria is the best way to gauge what is happening. Dishong feels most feedback has been anecdotal at best and thinks if we have gone six years with very few

restrictions, let's choose an option that gives it a chance to work. If it doesn't work then everyone can see it was given a chance but didn't work. If it works it is a win-win, if it doesn't then it's because it doesn't meet the success criteria stated. Binder replied from a safety standpoint, safety is not an area to compromise.

Mayor reported that Council will look to make a decision in April regarding the park issue.

Dishong reported he is looking for newsletter articles for spring.

Koons reported the Parks Committee will be meeting Wednesday to discuss the Jaycee sign and donation. He asked Council if they want another proposal since currently it is a rectangular design proposal.

ORDINANCES/RESOLUTIONS:

Wolfe introduced an ordinance amending Ordinance 2007-46 by amending the pay ranges for South Russell Village employees due to increases over time. Wolfe moved to waive further readings and declare an emergency, seconded by Porter. Roll call – ayes, all. Motion carried. Wolfe moved to adopt, seconded by Porter. Roll call, ayes- all. Motion carried. **Ordinance 2013-08.**

Porter introduced a resolution opposing the passage of HB 5. Porter moved to waive further readings and declare an emergency, seconded by Binder. Roll call – ayes, all. Motion carried. Porter moved to adopt, seconded by Binder. Roll call, ayes- all. Motion carried. **Ordinance 2013-09.**

BILLS LIST: Wolfe made a motion to ratify the bills list dated 2/28/13 #2 in the amount of \$9,086.71, seconded by Dishong. Roll call – ayes, all. Motion carried.

NEW/OTHER BUSINESS: Binder stated he ran into newly elected Congressman David Joyce and his get together will be in Washington from May 16-18, 2013.

At 9:13 pm, Binder made a motion to go into Executive Session to discuss personnel issues, seconded by Dishong. Roll call, ayes- all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, at 9:30 p.m., Koons made a motion to adjourn the meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer