

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 12, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Rose Roberts, Sugar Bush Ln.; Jack Sutcliffe, Maple Hill Dr.; John Krissinger, Maple Hill Dr.; Emilie Unkrich, Fairview Dr.; Jo Ann Wise, Bell Rd.; Jeff Baker, Maple Hill Dr.; Ann Dunning, Morningside Dr.; Kate Ignaut, Maple Hill Dr.; Tom McCoystaz, Cascades Dr.; Todd Kruse, Ridgecrest Dr.; Ed Pyle, Potomac Dr.; Gary Dole, Maple Hill Dr.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Koons asked to amend the draft minutes by eliminating “replacement of posts” from the project list that was approved on page 4 of the April 28 Council minutes. Koons moved to approve the minutes of the April 28, 2014 Council meeting as amended, seconded by Kostura. Roll call – ayes, all. Motion carried.

VISITORS: Porter reported that the Village received 189 responses from the 212 surveys mailed regarding the possible sewer extension. There were 88 residents in favor and 101 residents against the engineering study. Two surveys received after the deadline didn’t count in the totals. The only neighborhood that met the 60% in favor requirement for the study was Lake Louise. On behalf of the Public Utilities Committee, Porter recommended that the Village not request the County complete the sewer extension engineering study at this time.

Ann Dunning reminded Council that the Lake Louise petition was placed on hold until Council determined the survey results for several other areas in the Village and that Council should still proceed with the engineering study for them. She asked that Council make a final decision in the near future.

Koons complimented everyone on their composure during the survey process. Porter moved that the Village not pursue the sewer extension study with Geauga County Commissioners and Engineering Department for the eastern end of the Village, since the survey results were not in favor, seconded by Carroll. Roll call – ayes, all. Motion carried.

Jeff Baker asked if informing the County of this decision would necessitate the County Health Department to pursue residents not in compliance with their septic systems to correct the issue. Mayor stated that he believes that all of the County Departments would communicate with each other about the issue and would be aware of the decision.

John Krissinger stated there were a couple houses he was aware of in the survey area that were recently sold but weren’t properly inspected before the sale transfer.

MAYOR'S REPORT: Mayor Brett recognized Building Inspector Hocevar, who is retiring. Mayor stated that Hocevar has been an outstanding employee and the Village is appreciative of his years of service. Hocevar is known as one of the top Building Inspectors in the state and has served on the State's Building Code Advisory Panel for six years. This will be a significant loss for the Village and he will be missed. Mayor reported the Village is working on an agreement to contract services with him after his retire date. Hocevar said he has enjoyed working with the residents and employees in the Village.

Mayor reported that the Engineer provided a Bell Road West project update for the public prior to the Council Meeting. Mayor said the feedback from residents regarding the project has been positive and they recognize the results will outweigh the current inconveniences the project may be causing. Mayor stated the Village will hold one more informational meeting in the next couple months.

Mayor informed Council he met with the Southwyck Homeowners Association about the sediment control in the lake. They are appreciative of the steps the Village has been taking. The Mayor will be meeting with the Rolling Ridge Homeowners Association to discuss their request of adding sidewalks to Daisy Lane due to several car accidents on the icy curve this winter.

Mayor Brett reported the trash day turnout wasn't like it has been in past years but feedback from residents was strong and appreciative.

The Mayor stated the 6-month period to evaluate the new park rules started on May 1st.

Haibach discussed the Cemetery bids received by Mr. Excavator (\$190,507.88 base bid, \$217,468.43 with asphalt alternate) and SiteTech (\$183,384.50 base bid, \$210,385 with asphalt alternate). These bids were close to the budgeted \$200,000 but were a little over and don't include the cost of clearing the lot. Fiscal Officer stated the amount used from the Cemetery budget so far in 2014 is \$15,600 for the Engineering and other miscellaneous costs. The clearing (quoted amount at \$4,250 plus \$300 for wood to be removed) and software (estimated at about \$4,000) would also need to be paid for out of the budget.

Haibach stated if Council decided to go with the alternate of an asphalt drive, the base bid would be a little less. Subtracting the extra stone for the gravel drive would only add about \$14,000 to the base bid. He added that SiteTech is a reputable company, as determined after contacting their references. Discussion ensued about whether they should install a gravel or asphalt drive. Dishong said he would like to go with the asphalt drive now instead of deciding several years from now to install asphalt and adding to the overall cemetery expense. Fiscal Officer stated Council may want to consider the asphalt drive alternate when they approve the project so that the Village doesn't have the yearly cost of adding gravel or the mess after the snow season. Mayor stated the Village is approximately \$35,000 over budget with the bids that came in and stated it will recoup some money over the years through lot sales. Haibach stated the Engineering for this project is complete so there should not be more engineering costs related to the project.

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. Dishong moved to waive further readings, seconded by Porter. Roll call – ayes: Dishong, Koons, Porter, Binder. No: Kostura, Carroll. Motion failed.

Mayor asked Council to consider the quote submitted by Blue Dog to clear the cemetery property for \$4,250. A resident will be taking the wood so the Village won't have to pay the extra \$300 to have it removed. Dishong moved to approve the quote from Blue Dog for \$4,250 seconded by Porter. Roll call – ayes: Dishong, Koons, Kostura, Porter, Binder. No: Carroll. Motion carried.

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

Fiscal Officer stated she continues to work with the Building Commissioner to get the rest of the Human Resources paperwork.

Fiscal Officer reported that the Finance Committee will have a request to amend the appropriations due to Hocevar's retirement.

FISCAL AUDITOR: The Fiscal Auditor was not available to report.

ENGINEER'S REPORT: Engineer Haibach held an informational meeting with updates on the Bell Road project. The project is on schedule.

Engineer stated the Streets Committee reviewed the road program recommendations. The consensus was to include Snyder Road, Deerfield, miscellaneous spot repairs, and they had an alternate of repaving Whitetail and Deer Court. Associated costs are estimated at about \$250,000 and an additional \$250,000 to go with the alternate, or a total of \$475,000 for the base and alternate. Dishong asked if the Village is going to include adding a cul-de-sac on Laurelbrook Drive. Engineer said there are minimum roadway requirements that need to be met and this could add substantial cost to the project.

Mayor added the roads are depreciating and he would like to see Council proceed with repairs. Dishong expressed concern about repairing Whitetail and Deer Court at the same time. He stated if the Village were to wait on Deer Court, the trucks will be driving on Whitetail to get to it in the future which will cause wear and tear. Binder moved to proceed with bidding for the Road Program as presented, seconded by Kostura. Roll call – ayes, all. Motion carried.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported the electric, stain and lighting at the pavilion will be completed this week. Koons and Kostura have been very active with the project and everything is moving forward.

Building Commissioner met with the project manager for the proposed assisted living center and they are hoping to start the project in June. Their quotes were from the same two companies that bid on the cemetery project. The facility will start with 54 units and progress with a second building in the near future. The entire facility will be about 112 beds. New site plans have been submitted for the Building Inspector and Engineer's review. The Engineer had a few concerns pertaining to the water supply and landscaping. A ground water study was reviewed by the Engineer's office and they felt it was thorough. The storm water discharge volumes were assessed and approved by the Engineer as well and he feels confident they weren't underestimating quantities.

Building Commissioner informed Council there was an applicant that came before the Planning Commission for a new pizza shop on East Washington Street, next to Panini's. The Commission held off on this application. He hasn't complied with a request from the Building Department to

remove trash around the property. This property requires several variance and permit approvals before he can properly proceed.

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

Koons referred to the dog issues at the park reported by the Chief, which indicated 12 incidences in February, 14 in March and 1 in April. He asked if the situation was getting better and Chief responded the Police Department has been exceptionally busy and hasn't had time to monitor the park area as often. Chief felt the numbers weren't accurate because of the work they have been doing in other areas of the village and the substantial number of complaints they've received from residents and employees. The Building Commissioner and Assistant Building Inspector had a dog jump on them last week near the pavilion and the Building Commissioner told the owner the dog had to be leashed. The dog owner turned her back to him and mumbled something while walking away. He said it's frustrating because he has talked to several people at the pavilion that claim they aren't aware of the leash law at the park.

The Police Department is participating in the Click It or Ticket program again this year. Chief reminded Council his department received a radar unit valued at about \$1,700 from the state last year for participating.

Chief addressed changing the uniform allowance so the officers have a paid uniform before they start employment. Chief said the expense for the basic startup uniform is about \$1,000 which doesn't include the bulletproof vest. The proposed change would allow new officers up to \$1,000 when they are hired for uniform expenses. After the first year of employment, part time employees would receive \$400 (currently at \$300) and fulltime would receive \$800 (currently at \$600) for uniform allowance. A uniform reimbursement policy agreement was drafted in the event an officer would leave after the uniform was purchased. Chief will email the policy and the agreement to the Mayor and Council for their review.

Chief reported the MDT's and video cameras have not been functioning properly since April due to being forced to the Windows 7 operating system. This system isn't compatible with their software. The Police Department will need to replace the department server, MDT's, and purchase software to have them operating again. Chief reported his budget includes \$20,000 for new equipment which could cover this cost. The best quote Chief was able to obtain before the meeting was \$4,137 per unit. He will be holding off on the campus camera equipment to pay for this unforeseen cost. Binder moved to replace the three MDT units and needed software at the Police Department not to exceed \$20,000, seconded by Carroll. Roll call – ayes, all. Motion carried.

STREET COMMISSIONER'S REPORT: Street Commissioner reported the trash day attendance was light and the Village didn't have the final numbers in yet. He stated there were a large amount of senior pickups this year and his department appreciated the assistance from the County Department on Aging.

The Service Department has been helping out with the pavilion electrical work.

Street Commissioner reported that his department used a demo loader during trash day to fill the dumpster. The cost of the demo was about \$90,000. Street Commissioner said he is looking at new equipment since the Coyote loader has a series of necessary repairs that could cost \$5,000-\$8,000. The loaner has an attachment for a broom and a posthole digger. A loading bucket and a qualified set of forks would be included in the purchase.

SOLICITOR'S REPORT: Solicitor reminded Council of the previous concern regarding how many consecutive hours of snow plowing the Village will allow the employees to work. The Village surveyed a couple different communities on their requirements but never made a final decision. The Mayor stated that a brief synopsis would be helpful in determining what the Village would like to do.

COMMITTEE REPORTS: Binder and Carroll had no report.

Dishong stated the Finance Committee met and discussed regarding the certification for the renewal for the 2.75 Safety Levy. The ordinance for a levy renewal needs to be submitted to the Board of Elections in August.

Dishong said the Strategic Planning meeting on June 8th will start at 11AM and they will provide lunch. A Professor from Cleveland State will be presenting and strategic planning ideas will be discussed. The Finance Committee is working on an agenda and will email it to Mayor and Council soon.

Koons stated the Jaycee's have asked if the Village would allow alcohol at the pavilion for the pavilion dedication event. Koon's moved to allow the Chagrin Valley Jaycee's to consume alcohol at the pavilion between now and June 13th, seconded by Kostura. Roll call – ayes, all. Motion carried.

Koons stated that the Service Department will be installing a small path to the pavilion. There is also \$2,500 available for a cooking slab which would include a grill and a prep table - this will be east of the fireplace. Gutters will also be installed to drain to the east. A portable toilet will be installed in the corner of the parking area. Koons will look for grants that may be available to defray potential restroom facility construction costs.

Koons said the radio control airplane group would like to install a runway for model airplanes in the park that would be 50 feet by 100 feet. It doesn't look hopeful for them to proceed with the plan or for a sled hill to be installed due to the conservation easement regulations on this land.

Koons reported that the Fall Festival is moving forward. They will have ponies and an ice cream stand.

Regarding the circus, Koons stated there is a concern about part of the tent from the circus being set up on some of the property that isn't permitted to be used. Koons is waiting to hear back from the Western Reserve Land Conservancy.

Koons said the electric is installed at the pavilion, the building addition to the Service Garage is scheduled for July.

The Cemetery Committee will be rescheduling their June 9th meeting.

Kostura stated the next Planning Commission Meeting is scheduled for June 12th at 7:30 to discuss the proposed pizza restaurant on East Washington Street.

Porter stated the Public Utilities Committee met the previous week and the results of the sewer survey were presented earlier in the meeting.

Mayor asked Council to address the issue of dogs without leashes at the park. Council discussed their dissatisfaction with people not obeying the rules. Dishong suggested making thresholds for different issues at hand. A level 1 issue would be dogs making physical contact with people and classifying this as a no tolerance issue. Dishong said that just because a law is in place doesn't mean that people will follow it. The second issue is people not leashing their dogs. He would like a scorecard to be kept by the departments addressing the issues so we know our biggest concerns. Dishong would like a consensus after the 6-month period about the number of incidences and the level of the concerns. He offered to survey Village residents with their opinion of the cleanliness and safety of the facilities and ask for any park suggestions.

Binder added that no one uses the park except for people with dogs and they aren't following the rules. He feels that noncompliance should cause a ticket to be issued. Kostura would like to see more citations as well. Porter asked Koons how the Parks Committee felt about the issue. He said it wasn't discussed at the last meeting but he would like to involve them with this topic. In the meantime the Chief was directed to give citations to those not complying with the rules.

ORDINANCES/RESOLUTIONS:

Dishong introduced an ordinance to amend the appropriations for the Cemetery Committee to increase the current budget from \$200,000 to \$235,000 and declaring an emergency.

Dishong introduced an ordinance amending the appropriations for the Building Department fund to decertify \$10,000 and to increase the Deferred Wages fund by \$10,000 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 2014-19**

Dishong introduced 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.

Koons introduced an ordinance to increase the Building Permit fees 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 2014-20.**

BILLS LIST: Binder moved to approve the May 15, 2014 bills list in the amount of \$27,288.65, seconded by Carroll. Roll call – ayes, all. Motion carried.

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

At 10:00 pm, Dishong moved to go into Executive Session to discuss personnel compensation and employment, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 10:30 pm.

ADJOURNMENT: Being that there was no further business before Council, Kostura moved to adjourn, seconded by Binder. Roll call, ayes - all. Motion carried. Meeting adjourned at 10:30 pm.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen