

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 20, 2013 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

OFFICIALS PRESENT: Police Chief Rizzo, Solicitor Ondrey, and Engineer Haibach

VISITORS: Judy Maloni, Foxhall Dr.; Roger Weiss, Country Ln.; Cindy Nairn, Whitetail Dr.; Patty Mills, Manorbrook Dr.; Lee Schiemann, Forest Dr.; Gregory Pike, Whitetail Dr.; Ed Pyle, Potomac Dr.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Sheryl Hatridge read the roll. Mayor turned the floor over to Chief Rizzo to introduce the first visitor.

Chief Rizzo recommended hiring and swearing in David Young for part-time patrolman for South Russell Village, Mayor affirmed his recommendation. Chief stated Young previously worked for the Horseshoe Casino as well as in the health care field. Mayor stated he believed Young would be a great fit for the residents and the department. Wolfe made a motion to affirm hiring David Young as a part-time patrolman for the South Russell Police Department, seconded by Dishong. Roll call – ayes, Porter, Wolfe, Dishong, Kostura and Koons. Motion carried. Council affirmed the appointment of David Young to part-time patrolman and Mayor swore him in.

Judy Malone, Fox Hall Dr., stated she would like to address Council regarding the dog ordinance. She stated she would like clarification regarding a misdemeanor and a fourth degree misdemeanor. Solicitor Ondrey explained the difference between the misdemeanors and that they are all less serious than a first degree misdemeanor. Malone also asked for clarification regarding section 1, (c), 1. force or threat of force being considered not under control. Chief Rizzo stated something must occur and the incident would be investigated. Porter stated the dog must do something for this ordinance to apply and Chief Rizzo stated if the dog is off a leash and makes bodily contact with someone this would apply. Kostura explained that if a dog growls, shows it's teeth to intimidate - then it could make people feel unsafe.

Roger Weiss asked for a copy of a map designating leash areas/no leash areas and clarification regarding Section I, (b). Kostura explained that the ordinance was put in place in the event there were designated areas where no dogs were allowed at all, such as near a pavilion, if there is not a designated area then the dog can be on leash anywhere in the park. He also confirmed that odd days are no leash and even days are leashed. Weiss asked what happens after the six month trial period and Dishong explained Council would then evaluate and determine if this would continue according to Section I, (b), 4.

Cindy Nairn addressed Council for the Cemetery Committee to ask Council for approval for a cemetery for South Russell Village. She stated there is a need for a cemetery because many area cemeteries are full or near full, or for residents only. Nairn said the cemetery would be a great

service to the residents. She stated she visited the new St. Johns Funeral Home and believes they will have a positive impact on a cemetery in South Russell.

Ed Pyle addressed the financial aspects of the cemetery and said with a 10-year payback on the \$182,580 the Village would go into a break even on the cemetery. He stated the life of the cemetery is 24-28 years depending upon cremain burials, standard burials and non-resident burials. Pyle pointed out that the pro forma is based on the best information available and is based on eight resident/non-resident burials per year, and he said it is true that cremain type burials are increasing. He said that the Village is currently mowing the area now and would get a supplement from the cemetery and he believes the expenses are overstated at \$9,000 per year. Pyle believes there is 4 hours administratively per grave from sale to burial. He said it is a service to the community even if it costs some money to maintain it. He believes the village owes families the opportunity to keep their families here.

Patti Mills read the cemetery's mission statement established 5 years ago; "To proceed with a plan to establish a cemetery in South Russell that will be in keeping with the beauty and character of our Village". She said it has been a privilege to work with Cindy and Ed and they are grateful to Council and Mayor. Mills stated they never wavered in their commitment that South Russell should offer a final resting place for its residents. She said this service has long been omitted and needs to be addressed. Mills closed with respectfully asking Council to make that happen tonight.

Mayor stated the objective for Council is to make a determination if the cemetery project is a go or no go. He read excerpts of a letter from resident Rob Myers of Deerfield Dr. Mayor summarized Mr. Myers points that 1) the Village will have a need for future revenues and he believes the best thing the Village could do and should do is to have this property reserved for some sort of economic/commercial development and 2) that cemeteries have an ongoing expense. Mayor said Mr. Myers feels the Village should not move forward with the cemetery primarily from an economic perspective.

Mayor said he has been impressed with the hard work and dedication of the cemetery committee and thanked the committee. Mayor opened the floor for comments or questions from Council.

Dishong thanked the committee and stated he does think the Village has a civic obligation as a municipality to provide a resting place for the residents. He said that the Village has benefited from estate taxes and in his mind a portion of those should have gone for this. Dishong stated Council's charge was that the cemetery revenue payback the Village over a reasonable amount of time and by all estimates that will occur. He also stated that residents of Chagrin Lakes did not want any development on that property and spoke against that. Dishong stated he does not feel this is an all or nothing proposition as the cemetery would only be a fraction of the property.

Koons said he is going to vote against the cemetery because now 40 to 45% of people are being cremated, and the consultant he spoke to said only one cemetery is being considered in the state of Ohio, and the location is below grade. He said when the cemetery sign went up, the response from residents was underwhelming. Koons stated he feels if the cemetery were on the ballot it would not pass. He mentioned the income tax levy went down and the school levy only passed by 8 votes last time. Koons said the biggest cemetery in Ohio has a \$25 million endowment and is barely breaking even. He said he is voting no.

Porter stated a cemetery is probably a money loser but he feels it is a civic responsibility for the Village. He feels since the pro forma shows payback over a period of time and generates revenue for at least awhile, he thinks the Village owes it to the citizens to provide a resting place for those that wish to stay here on a permanent basis. He said he will vote for the cemetery.

Kostura thanked the cemetery committee and stated he wants to support the cemetery but he has big issues he can't get over. He stated he sees this as an overhead expense that the Village is self-imposing upon itself and that overhead will never go away. Kostura said he has an issue with the continued cost that will never go away since once the first person is buried the costs will last forever. He said he is concerned with the unforeseen costs of management, training, record-keeping etc. and now these responsibilities will be put on an already burdened staff of local employees. Kostura stated this service is an added expense that is nice to have, but he can't wrap his head around increasing the Village overhead that in and of itself will run out of money in 24 years and require expansion to pay for itself, or put a line item in the general fund every year to pay for it. He said it is for these reasons he can't support the cemetery and it is not something that will eventually pay for itself because the costs will eventually come out of our pockets or our children's pockets.

Mayor stated that a lot of good thinking has been shared. He stated from his perspective he doesn't think the village is looking at huge dollar amounts but feels we have some sort of obligation to service our residents – but questions how much. He feels the Village has been fortunate enough to acquire property over the years, and he encourages Council to move forward. Wolfe made a motion to indicate a desire to move forward with a cemetery for South Russell, seconded by Dishong. Roll call – ayes, Porter, Wolfe, Dishong. Nays – Kostura and Koons. Motion carried. Mayor stated they will very quickly need to figure out the next steps - but the Village has just approved a cemetery.

MAYOR'S REPORT: Mayor reported he will be meeting with the Chagrin Valley Dispatch group May 21st and that the other 7 members have passed their resolutions accepting the new bylaws and restated agreement. Mayor indicated the Village looks to make a decision on this issue by June 10th. He stated the group has finished negotiation with University Hospital for a lease and they are looking to approve this at the meeting. Mayor reported the timeline for the new dispatch center is a move-in date of January 1, 2014. He said there is probably 4 or 5 months of work to be done before move-in. Mayor said the need to push this along is also due to the long lead time for the consoles. Koons asked the Mayor if county dispatch is being considered at all. Mayor responded they are continuing to look at that as an option as well.

Mayor reported he met with Russell Township to discuss services provided by them and provided notes to Council and Mayor. Mayor said this issue will need to be discussed and he would look to make a recommendation by next council meeting.

Mayor reported tomorrow evening the Village will host the first of five sessions with the Geauga Soil and Water partnership about rain gardens. He stated an email should be sent and it was announced in the newsletter.

Mayor reported the police station project needs to address the doors, paint the exterior of building, landscaping, the Police Department sign, cleaning the roof and shingles and the most pressing item is the storm drain in the garage that is not designed correctly or working adequately. He stated the drain needs removed and replaced which will require the sidewalk

being removed and replaced as well. Mayor said the drainage will be done by the Service Department and they will also remove the existing sidewalk. He said the village has a quote for approximately \$1,400 to replace the sidewalk. Mayor asked for \$5,000 to begin the project. Wolfe made a motion for \$5,000 to authorize funding for Police Department improvements, seconded by Koons. Roll call – ayes, Porter, Wolfe, Dishong, Kostura and Koons. Motion carried.

Mayor reported he received a call from First Energy and they said they will not be applying any herbicide this year. He stated they have already cut and may return to cut more.

Mayor reported that House Bill 5 continues to move along and seems like it is going. He stated they will continue to try to do whatever they can about it.

ENGINEER'S REPORT: Engineer reported he has nothing new to report; however he is looking for direction from Council on how to proceed for this year's road program. He stated he provided a hot list of the roads that he thought should be considered for this year's road program along with repair strategies and associated costs. Dishong stated he thinks the Village needs to be fairly aggressive with infrastructure as it gets more expensive the longer you wait. He believes we should be aggressive with Snyder Road and half or all of Silver Springs because this is an investment in the infrastructure. Mayor recommended Council look at Snyder Rd. and Silver Springs and look to make a decision at the next meeting. He asked the Engineer to make a recommendation with the best options so Council could make a decision. Engineer reported the cost of Snyder with mill and fill would be approximately \$150,000, and for Silver Springs he recommended a recycle for \$150,000 for the lower half and \$120,000 for upper half. Mayor stated the cost would be approximately \$450,000 total for all of these repairs. Dishong made a motion for Engineer to get bids for the 2013 Road Program for Snyder Road and Silver Spring as optional projects for necessary repairs and engineering costs, seconded by Koons. Roll call – ayes, Porter, Wolfe, Dishong, Kostura and Koons. Motion carried.

POLICE CHIEF'S REPORT: Chief Rizzo reported Click It or Ticket mobilization started and will go for two weeks through Memorial Day, and there will be extra officers on duty to enforce.

Chief reported ODNR had a recent training offering advice and techniques regarding black bear sightings through the peak season which is now through Labor Day. South Russell has been identified as an area where sightings have increased. He stated the ODNR handles these calls and in 2012 there were 224 calls up from 150 calls the previous year.

Mayor stated he has received positive comments regarding Chief's presentation and attendance to local homeowner's association meetings.

SOLICITOR'S REPORT: Solicitor had nothing new to report but asked for executive session at the end of regular business to discuss pending litigation.

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

Koons reported the rental house is looking great and he believes it is money well spent.

Koons stated the specifications for the new pavilion and recommended the Building Commissioner oversee the project. Koons made a motion for Building Commissioner Hocevar to

be the project manager for the pavilion project, seconded by Wolfe. Roll call – ayes, Porter, Wolfe, Dishong, Kostura and Koons. Motion carried.

Kostura reported he attended the Planning Committee meeting and 3 items were addressed. He stated The Bell Station wanted to expand to increase food capacity, install a small office and cooler area. Kostura reported Planning Commission approved this and he believes it was already approved by Zoning and Building. He said Living Lean wants to expand and put in a larger parking lot and have both the top and bottom floors. Kostura reported this was approved by the Planning Commission. He reported the Planning Committee spoke with Gene Makesh regarding a possible assisted living facility at 5277 Chillicothe Rd. since 10 of the 15 acres are zoned for assisted living, the front 5 acres are not. Kostura stated his company specializes in Alzheimer patient care and is considering an 80-bed facility with 45,000 square feet of assisted living and 45,000 square feet for Alzheimer's/dementia patients. He said this was an informal conversation, there is nothing concrete and definite plans would be forthcoming.

ORDINANCES/RESOLUTIONS:

Mayor reported that the parcel the Village owns needs to have the zoning changed to include zoning for municipal cemeteries. Wolfe introduced an ordinance amending sections of the zoning code of the Village of South Russell by establishing municipal cemetery as a permitted main use within each zoning district of the residential, commercial and industrial districts and by establishing there shall be no minimum lot area, no maximum lot coverage, no minimum lot width, no minimum front side or rear yard dimensions, no parking regulations and no signage regulations for such use.

Porter moved to waive further readings and declare an emergency for the ordinance defining control of dogs or other household pets or animals in any Village park or Village property and waste removal thereof and declaring an emergency, seconded by Dishong. Roll call – ayes, Kostura, Dishong, Porter. Nays – Koons, Wolfe. Waiving was denied. The ordinance will be on the third reading at the 6/10/13 Council meeting.

Mayor read the second reading of a resolution for Mayor to enter into a restated and amended agreement continuing the Chagrin Valley Dispatch Council and declaring an emergency. The resolution will be on the third reading at the 6/10/13 Council meeting.

Dishong introduced an ordinance to request for the advance of taxes collected. Dishong moved to waive further readings and declare an emergency, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Wolfe. Roll call, ayes- all. Motion carried. **Ordinance 2013-14.**

Dishong introduced an ordinance transferring \$50,000 from the Income Tax fund into the Operating Fund. Dishong moved to waive further readings and declare an emergency, seconded by Kostura. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Kostura. Roll call, ayes- all. Motion carried. **Ordinance 2013-15.**

Kostura introduced an ordinance to approve current replacement pages to the South Russell Codified Ordinances. Kostura moved to waive further readings and declare an emergency, seconded by Dishong. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes all. Motion carried. **Ordinance 2013-16.**

Dishong introduced a resolution declaring it necessary to levy a tax in excess of the 10 mil limitation.

Wolfe made a motion to allow the Mayor and Fiscal Officer to enter into a revised agreement with Chagrin Falls Board of Education, Chagrin Falls Village, Bentleyville and the Chagrin Falls Fire Department for the purchase of bulk fuel, seconded by Dishong. Roll calls, ayes – all. Motion carried.

BILLS LIST: Dishong made a motion to ratify the bills list dated 5/15/13 in the amount of \$40,214.40, seconded by Wolfe. Roll call – ayes, all. Motion carried. Dishong made a motion to ratify the bills list dated 5/30/13 in the amount of \$21,055.95, seconded by Kostura. Roll call – ayes, all. Motion carried.

NEW/OTHER: Porter reported he should have a resolution for Council’s consideration about notification of drilling permits applied for at the next Council meeting.

Koons stated he will be requesting an executive session to prepare for pending litigation.

At approximately 9:30pm Wolfe made a motion to adjourn into Executive Session to discuss pending litigation, seconded by Koons. Roll call – ayes, all. Motion carried.

Koons made a motion based upon the minutes of the 4/22/13 Council Meeting to adopt the findings of fact presented to Council by the Solicitor, seconded by Wolfe. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, at 9:53 p.m., Wolfe made a motion to adjourn the meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Sheryl Hatridge.