

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 10, 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, Building Inspector Heilman, Solicitor Ondrey, Engineer Haibach

VISITORS: Barbara Stiebeling, East Bel Meadow Lane; Faith Pescatore, Novelty; Gregory Pike, Whitetail Drive; Ted Kruse, Bell Road; Dr. Sharmyn Clark, Veterinarian; Ed Pyle, Potomac Drive; Cindy Nairn, Whitetail Drive; Patty Mills, Manor Brook Drive;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Regarding the October 13, 2014 Council meeting minutes, Kostura stated he was on record as both a yea and nay in several of the votes. He asked for the minutes to be corrected to reflect the proper responses. Koons moved to approve the regular meeting minutes of the October 13, 2014 Council meeting as amended, seconded by Dishong. Roll call – ayes, all. Motion carried.

VISITORS: Park Committee members proposed a new plan regarding dogs. They presented a diagram that showed an area of the park by the woods for unleashed dogs which would be separated from the rest of the park by a snow fence. They were asked to see if temporary fences are permitted with the Western Reserve Land Conservancy. Binder stated that Council proposed this idea before and was told the plan wasn't acceptable. Binder said the Village cannot keep revisiting the same issue continually when it has already failed several times.

Dishong said he feels this idea will work and that the Village will need to enforce the issue without extra patrol of the Police Department. Pike added this would still be the largest off-leash dog park in Ohio if Council approves the idea. Kostura added that he feels this is a good last opportunity to allow residents to prove that the plan can work.

Carroll asked if they have determined rule parameters and if this will be every day or every other day. Dishong said this would have to be discussed. Mayor asked that the Park Committee put some parameters together to present to Council and for the Chief to review to determine if there will be any challenges. He wants to see specific success criteria built into the plan to determine if it is effective.

Pescatore from Russell Township presented to Mayor and Council a petition with 548 signatures in support of banning circuses in the village. Veterinarian, Dr. Sharmyn Clark, said while she was obtaining signatures for the petition, no one she approached was against signing it. She

asked Council to put a lot of thought into having the circus return to the Village. Stiebeling said they want Council to pass an ordinance banning circuses. The Mayor said they will review the petition and see if it is compelling enough for Council to introduce an ordinance.

Dishong asked what would happen to the animals if all circuses were banned. Pescatore said the animals would go to sanctuaries. Koons asked what the difference is between circuses and horse shows. Pescatore said horses are different because they are domesticated and easily fit into a human's life.

MAYOR'S REPORT: Mayor commended Council and the Police Department for the passing of the Safety levy by 76%.

The Planning Commission/ABR/ZBA Clerk has been replaced by Kathleen DeMarco. She was a full-time secretary for the Village of Glenwillow's Building Department, however they recently changed their structure and contract out the Building Department services. Kathy will be part-time and will be starting later in the week.

The dispatch Council of Governments (COG) will be meeting November 20th. The Mayor asked Council to let him know if there are any items they would like addressed. Dishong brought attention to the concept of each municipality's "share" shrinking as more communities join.

Mayor would like to set May 1st as an opening date for the South Russell Cemetery.

It was determined that muddy water did go into Chagrin Lakes due to the Lantern of South Russell project and there has been discussion as to whether the lakes will be cleared. If the Lantern of South Russell doesn't rectify the situation, the Village has the right to use a portion of the deposit money to clear the lake.

FISCAL OFFICER'S REPORT: The Fiscal Officer reviewed her monthly report.

Dishong moved to acknowledge Kathleen DeMarco's employment as the Planning Commission/ABR/ZBA Secretary, seconded by Koons. Roll call – ayes, all. Motion carried.

The Fiscal Officer updated Mayor and Council about the Leadership class that she and Koons are attending through Cleveland State University. She has found it very interesting and informative and believes the benefits of networking with other municipalities and government entities will be a big asset.

The Fiscal Officer has been working on the 2015 Budget.

FISCAL AUDITOR'S REPORT: The October report is not yet complete.

Fiscal Auditor informed Mayor and Council that the CDAR funds have been moved over to Star Plus account for liquidity purposes. The November report will reflect these changes.

ENGINEER'S REPORT: The Engineer stated Karvo Paving will not be able to establish grass growth this year – therefore the Bell Road project won't be completed until 2015. The Mayor, Engineer, Street Commissioner and Street Committee will have a meeting with the Ohio Department of Transportation (ODOT). If Council has any concerns they are to contact the Mayor so they can be addressed. ODOT won't release funds until 2015.

The Engineer is working on finalizing the details at the Cemetery and he spoke with Sitetech Construction about installing the fence across the front. The Engineer added that the warranty on all the plantings is two years and the electric extension should be installed in the next couple weeks. Joyce Bond is working with the Fiscal Officer on coordinating the well installation with Ayers Well Drilling.

The 2014 Road Program will be closed soon. There is one concrete drive on Snyder Road that needs to be repaired and Specialized Construction will reimburse the Village for a mailbox that was damaged.

The Ohio Environmental Protection Agency (OEPA) followed up with the Lantern of South Russell project and said that everything looks good except a dumpster that wasn't covered.

The Village needs to work on a map for the NPDES storm water requirements. The cost for updating the current map is \$4,800, which would keep the Village current with its requirement. This needs to be completed by early 2015.

The new school zone markings are the ODOT standard.

BUILDING INSPECTOR'S REPORT: Building Inspector stated she is currently receiving registrations for 2015.

Building Inspector will be attending a seminar in Columbus next week.

POLICE CHIEF'S REPORT: Chief said there were fraud cases both last month and this month at a check-and-go business.

Chief asked if Council would like to move forward with the proposed curfew ordinance. Binder stated he wants a little more time to review the ordinance and hopes to address this at the next meeting. Koons said he feels the school will probably be very supportive of the curfew ordinance.

Koons said he appreciated the numbers and facts from the Police Department regarding dog citations and warnings at the park.

STREET COMMISSIONER'S REPORT: The Street Commissioner referred to his monthly report and said the Service Department is trying to winterize the Village while finishing up the service garage addition.

The flags will be coming down after Veterans Day.

SOLICITOR’S REPORT: Ondrey referred to an email he sent to the Planning Commission about an article that was written by a couple of nationally known zoning experts who are also lawyers. The article stated that given some recent U.S. Supreme Court decisions, communities are well advised to make tougher, clearer standards for when approvals are going to issue a permit. Ondrey suggested that the Village tighten up the current regulations so that it is clear where the Village stands and the decisions the Planning Commission makes for applicants.

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

Kostura said a cross-fit gym will be discussed at the November 13th Planning Commission meeting and Flesher will be applying for a subdivision variance, but hasn’t yet.

Binder reported that the Safety Committee will meet Thursday, November 20th at 7:30 a.m.

Dishong said the Finance Committee has been reviewing the 2015 Budget and the Human Resource Committee has an option picked for 2015 medical benefits.

Dishong will need articles soon if they are to be included in the upcoming holiday newsletter.

ORDINANCES/RESOLUTIONS:

Kostura gave a second reading on a resolution of appreciation for Margaret Tomaro.

The Engineer said it would be better to wait until next year for the ground to settle more before the Village marks the lots at the cemetery. The Fiscal Officer said there is no need to continue with amending this year’s budget if Council decides not to proceed and will add the cost to the 2015 Cemetery budget. Dishong gave second reading to an ordinance to amend the appropriations increasing Special Land and Building Expenses in the amount of \$5,700 and increasing Income Tax transfers \$5,700. Dishong moved to waive further readings, seconded by Koons. Roll call–ayes; Kostura, Koons, Carroll, Dishong, Binder. Nay; Porter. Motion carried. Dishong moved to adopt, seconded by Koons. Roll call – nay, all. **Ordinance failed.**

Dishong introduced a resolution to increase General Fund expenses by \$4,800. 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. **Resolution 2014-47**

Dishong introduced a resolution to increase Special Land and Building Fund expenses by \$10,000. Dishong moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Koons. Roll call–ayes; Koons, Porter, Carroll, Dishong, Binder. Nay; Kostura. Motion carried. **Resolution 2014-48**

Dishong introduced a resolution decreasing Income Tax transfers by \$14,800 and increasing Special Land and Building Fund expenses by \$10,000 and the General Fund expenses by \$4,800. 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. **Resolution 2014-49**

Kostura introduced an ordinance repealing chapter 830 of the Codified Ordinances and adopting new chapter 830 of the Codified Ordinances to regulate peddlers, vendors, canvassers and charitable solicitations between the hours of 9:00 a.m. and 7:30 p.m. and declaring an emergency. Kostura moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, all. **Resolution 2014-50**

Koons introduced an ordinance amending section 618.13(a) of the Codified Ordinances by permitting mini pigs and regulating the keeping of such animals.

BILLS LIST: Koons moved to ratify the October 31, 2014 bills list #2 in the amount of \$41,151.13, seconded by Kostura. Roll call – ayes, all. Motion carried.

Kostura moved to approve the November 14, 2014 bills list in the amount of \$23,030.43, seconded by Koons. Roll call – ayes, all. Motion carried.

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

Dishong would like CT Consultants to look into a small plaque in dedication of key individuals that have contributed to the cemetery planning over the years.

Dishong moved to approve the revised Rules and Regulations for South Russell Village Cemetery, which states that the Village will only be selling lots to current and past village residents, seconded by Koons. Roll call – ayes, all. Motion carried.

Council would like more time to review the Cemetery Price List.

Jagucki of U.S. Geological Survey (USGS) attended the October 13, 2014 meeting to inform Council that the transducer on the deepest well broke. She presented two service options for the Village. The first option was that the Village can replace the transducer on this well located on Fawn Court for \$8,800 and continue to receive hourly monitoring, or not replace it and have USGS come out to monitor the well four times a year for \$6,200. Dishong moved to not replace the transducer and have USGS come out to monitor the well four times a year for \$6,200, seconded by Kostura. Roll call – ayes; Kostura, Binder, Dishong, Nay; Porter, Carroll, Koons. The Mayor voted to break the tie and is in favor of the motion presented. Motion carried.

Mayor said Ms. Reiss, wife of former Mayor Reiss, would like to be buried with her husband as a cremation burial at the Rarrick Cemetery. Dishong moved to allow Ms. Reiss to be buried with her husband as a cremation burial at the Rarrick Cemetery, seconded by Binder. Roll call – ayes, all. Motion carried.

At 9:38 pm, Dishong moved to go into Executive Session to discuss personnel compensation, seconded by Binder. Roll call – ayes, all. Motion carried.

Council reconvened at 9:51 pm.

Dishong moved to accept the proposal from Gallagher Benefit Services for 2015 health benefits, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Meeting adjourned at 9:52 PM.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen