

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 26, 2015 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Kostura, Porter, Dishong (arrived at 8:57 p.m.), Binder, Carroll and Koons

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

VISITORS: Cindy Nairn, Whitetail Drive; Ralph Richard, Chillicothe Road;

Kostura moved to approve the minutes of the October 12, 2015 Council meeting, seconded by Koons. Roll call – ayes, all. Motion carried.

VISITORS: Ralph Richard addressed Mayor and Council concerning the utility rates from Constellation. He provided Council with some rates and compared his services to NOPEC's proposal. He questioned some of NOPEC's rates and whether they are fixed or variable.

Kostura asked if there is an additional monthly fee that is charged in addition to the rates. Richard said there are no additional fees.

Carroll asked if there are other communities that use Constellation. Richard said Chagrin Falls uses them for their electric and are currently looking into their gas rates. There are several local businesses that also utilize Constellation's service as well.

The Fiscal Officer asked if there is a cancellation fee. Richard stated it would be \$150 for the initial term and \$25 during the renewal term.

Mayor asked if Constellation has a variable rate. Richard said it does have a variable rate. He also added that under new laws in Ohio, he is required to disclose the 29 cent profit margin that is built into the rates quoted. Porter stated the Utilities Committee will look at the proposals and return to Council with a recommendation.

Richard also asked if Council could enact a no jake brake ordinance. He lives on Chillicothe Road and is noticing an increasing problem with noisy semi-trucks.

MAYOR'S REPORT: Mayor said the approach that Council discussed with U.S. Geological Survey (USGS) about the well monitoring and looking at areas like Gurney and the Lantern of South Russell is a good idea.

The Mayor stated the Engineer, a Chagrin Falls school official and a representative from the Chagrin River Watershed Partnership (CRWP) walked the Gurney School property that drains

onto Waverly Lane. CRWP will get back to the Engineer with their suggestions to help the current storm water runoff issue.

The Mayor was approached by Chagrin Valley Chamber of Commerce to host a concert at the South Russell Village Park. He thinks this is a good way to utilize the park property and would like to see Council support this event. Koons added that Chagrin Yoga is looking into holding classes on Sunday evenings in the summer. Mayor said he also likes the idea of having a movie in the park.

Mayor would like Council to go into executive session at the end of the meeting to discuss personnel disciplinary action.

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

The Fiscal Officer spoke with County Administrator David Lair, who is researching the idea of the County monitoring their wells remotely. He said if the county does find that they have the ability to do this, he believes they would possibly be able to do this for the Village as well. Given that the Village just approved a one-year contract with USGS, this would be a good issue to look at for next year.

The Fiscal Officer asked if Council would like to advertise a notice for the Council seat opening that will be coming up in January of 2016 as well as the openings for the new Tax Board. She said these notices can be advertised in both the upcoming newsletter as well as the Chagrin Valley Times. Mayor said he and Koons have discussed this and know who they would like to appoint to these positions.

Carroll would like to get the notice to as many residents as possible and said he would like to see it in both the newsletter and newspaper. Binder agreed. Discussion followed.

The process of appointing members to the Tax Board of Review and for the open Council seat was discussed. Mayor would like to see someone appointed before the end of the year so they are ready to serve on Council at the beginning of the year.

Binder asked if Mr. Canton, who will be serving on Council starting in 2016, will be included in the process. Solicitor Ondrey stated that he can be included in the discussion but he won't have a vote until his term begins in 2016. Binder said he thinks Canton should have a vote on this matter since he will be serving on Council with the new individual.

Mayor stated that he feels the newsletter would have to go out soon to get an appointment to the Tax Board of Review by the end of 2015. Ondrey said the Tax Board isn't needed often and he doesn't feel it is a great concern to have it in place before the end of the year.

Kostura said he doesn't see the need to advertise the Tax Board of Review opening since it is suggested to establish the Board sooner than later and there may already be a few potential candidates for these appointments.

Council agreed they would like to advertise the open Council seat in the newsletter and newspaper.

Regarding the Tax Board, Carroll moved to advertise for the Tax Board openings, seconded by Koons. Roll call—ayes; Porter, Carroll and Koons. Nay; Kostura and Binder. Motion carried.

The Fiscal Officer stated the gross income tax distribution for September was \$125,701.10 and after refunds and overhead the net distribution was \$114,514.28.

FISCAL AUDITOR'S REPORT: The Fiscal Auditor presented his report to Council and stated that he and the Fiscal Officer balance to the penny on all funds. He explained some of the account balances and said funds are up by \$350,000 from the beginning of the year.

ENGINEER'S REPORT: Regarding the 2015 Road Program, Council budgeted about \$411,000 but there is a surplus of approximately \$72,000 due to the base of the roads being in better condition than expected. The Engineer said Council can consider applying that balance to the 2016 Road Program since it looks like the companies are running out of time to complete the additional repair projects this year. The Street Commissioner added that he feels summer weather is more practical for this type of work to make sure it seals properly. It was decided the 2015 Road Program will be closed.

The Engineer distributed a list of the 12 worst roads in the Village and stated that if all the roads suggested were to be repaired it would cost the village a total of about \$1,200,000. The Engineer felt that Council's idea to decide on the roads for the 2016 Road Program sooner was very beneficial to make sure the project can go out to bid on time in the spring. He added that now the Village will be first in line for bidding since all the information will be ready.

Porter asked if the 2014 Road Program will be closed soon. The Engineer was informed by Specialized Construction that the project will be complete by the end of October. If the driveway apron is not repaired by end of the week, the Engineer suggested that the Street Department install the apron and take the funding out of the final payment to Specialized Construction.

The Engineer asked the striping company that completed Bell Road west work, for a discounted or free service for next year due to their mistake. They seemed to be receptive to this idea.

STREET COMMISSIONER'S REPORT: The Street Commissioner reviewed his monthly report.

The salt dome roof project has been completed and the Street Department is preparing for Election Day.

The first cremation burial at the cemetery is scheduled for Thursday, October 29th. Another cremation burial may be scheduled in November.

The Street Commissioner presented some information for both leasing and purchasing options of a new plow truck and explained the state bidding process. He received quotes from Lake Jones

Truck and Concord Equipment, which were comparable in price but are manufactured separately. The estimated price is about \$77,000 for the cab and chassis and about \$55,650 for the equipment package. If the truck is traded in, the Village will receive a credit on the amount as well. Discussion was held on a lease as opposed to the purchase of the truck.

The Mayor stated he wasn't pleased with the work completed by the crack sealing company hired this year.

SOLICITOR'S REPORT: The Solicitor brought attention to HB8, which permits well drilling as long as 65% of the property owners in the area would like to allow it. He said municipalities will not have an option either. State parks are the only exemption considered at this time in the legislation.

COMMITTEE REPORTS: Binder and Carroll had nothing to report.

Kostura stated that the Finance Committee will be meeting the first or second week of November and the proposed budget will be placed on first reading at the next meeting.

The Planning Commission will be meeting in about two weeks.

Kostura moved to approve the September Financial Statements as submitted, seconded by Porter. Roll call – ayes, all. Motion carried.

Porter stated the Street Committee will meet later in the week.

Koons stated that he attended the Geauga Growth Partnership meeting concerning the First Energy rate hikes. He will also be attending their upcoming meeting addressing employee evaluations.

Koons presented some Health Reimbursement Accounts (HRA) information that Chagrin Valley Dispatch is using for their health care.

Koons said the idea of a corn maze at the park next year for the Fall Festival has been discussed. He has asked the Western Reserve Land Conservancy if this is permissible.

ORDINANCES/RESOLUTIONS:

Kostura gave second reading to an ordinance adopting, in conformance with ORC 718, a "Municipal Income Tax", and comprising sections 881.01 to 881.99.

Dishong arrived at 8:57 p.m.

Kostura introduced an ordinance amending appropriations increasing Streets Fund expenses \$1,475, General Fund expenses \$11,000, Fiduciary Fund expenses \$54,000, and Income Tax Fund Transfer expense \$11,000, declaring an emergency. Kostura moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Kostura moved to adopt,

seconded by Koons. Roll call – ayes, all. Motion carried. **Ordinance 2015-33**

Kostura introduced an ordinance transferring from the Income Tax Fund to the General Fund \$11,000 and declaring an emergency. Kostura moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. **Ordinance 2015-34**

BILLS LIST:

Koons moved to ratify the October 15, 2015 bills list #2 in the amount of \$36,919.70, seconded by Kostura. Roll call – ayes, all. Motion carried.

Koons moved to approve the October 30, 2015 bills list in the amount of \$22,865.94, seconded by Dishong. Roll call – ayes, all. Motion carried.

Porter asked if the portico project is complete. The Fiscal Officer stated the construction is done. The light will be installed by Hocevar and the painting wasn't included in the quote. Kostura added that the Building Inspector was asked to get some quotes for the painting.

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

Carroll stated he thought the new renters would be taking care of the lawn maintenance at the rental property. The Mayor said that he agreed with the renters that the lawn maintenance will be included in the rent at \$1,250 per month.

At 9:03 p.m. Carroll moved to enter into executive session to discuss salaries and benefits, and personnel discipline seconded by Dishong. Roll call – ayes, all. Motion carried.

Council reconvened at 9:24 p.m.

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

Meeting adjourned at 9:24 p.m.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen