RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 23, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING

MEMBERS PRESENT:	Porter, Canton, Carroll, Kostura and Nairn
MEMBERS ABSENT:	Dishong
OFFICIALS PRESENT:	Fiscal Officer Romanowski, Police Chief Rizzo, Building Inspector Heilman, Solicitor Ondrey
VISITORS:	Tim & Valerie Mariola, Russell Township; Marshall Kidd; Joan Demirjian, Chagrin Valley Times; Mary DeFoy, Fox Way; Frank Eagle, Fox Trail; Wayne Segal, Fairview Road; Bill Stone, Fairview Road; Rooney Moy, Fox Way; Philip Moy, Fox Way; David Lewis, Fox Way; Pat Holtz, Fox Way; Steve Patton, Chagrin Falls; Bill McDonnell, Fox Way; Mary Blalock, Hazelwood Drive; Eddie Patton, Chagrin Falls; Todd Lyle, Bell Road;

Being that Memorial Day is a week away, Mayor recognized Porter and Kostura for their military service. Canton presented a memorial speech and listed names of veterans buried in the South Russell cemeteries. Mayor stated that the Show Your Colors flags will be displayed for Memorial Day as well.

Mayor introduced Todd Lyle, who will be involved with the Memorial Day events this year at the Civil War Memorial on Monday morning.

PUBLIC HEARING:
At 7:37 p.m., the Mayor opened the Public Hearing regarding the proposed zoning ordinance, amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved. This revision was previously changed in the 1990's but wasn't included when the Zoning Code changes were adopted.

Patrick Holtz feels the ordinance as it is currently established with the 500 foot notice requirement, is the best practice for performance planning. He feels that a 500 foot notice is the standard requirement within the Western Reserve area.

Phillip Moy asked if future notices would be sent to the President of the Homeowners Association contiguous to the property. Mayor stated the President of the Homeowners Association would be contacted.

Bill Stone presented a notarized statement from his neighbor, Emily Unkridge, concerning the Zoning Hearing notification change. She wrote the Village website states; The Village of South Russell elected officials are committed to provide an effective, fiscally responsible local government focused upon serving our residents. We have adopted the following mission statement to stay focused upon the most crucial aspects:
The mission of South Russell Village is to serve the residents of the Village by:
· Providing a high level of essential services
· Planning for future needs while preserving the character of the Village
· Promoting an attitude of professionalism and impartiality among Village officials and employees in a fiscally responsible manner.

Stone went on to read from Unkridge's letter which stated that having the mission statement in mind, she feels Council would be doing the residents of the village a disservice by changing the notification requirements. Previous to the Chagrin Heights recent house proposal that required a Zoning variance, notices were only being sent to properties contiguous to the property being discussed since it was thought that the change in the 1990's was in effect. Unkridge made the previous Mayor aware that the requirement for notification wasn't met and the issue was addressed.

Stone stated that his opinion is that if the notice requirements are changed, they should be sent with more time prior to a meeting so neighboring property owners are given enough time to attend the meeting if desired.

Carroll asked the visitors if their Homeowners Association (HOA) Rules state that the President is required to notify everyone within the HOA about an upcpoming meeting. They weren't aware of anything specific in their rules. Carroll suggested adding something to their President requirements.

Frank Eagle asked why Council is considering the notification change and what the requirements are for surrounding communities. The Mayor responded that the village decided on the change to be more efficient but he isn't aware of surrounding communities' requirements.

Carroll stated this was a topic in the 1990's and was thought to have been changed so we could be more efficient back then. Mariola stated that Chagrin Falls and Russell Township have a 300 foot requirement, and that Newbury, Moreland Hills and Bentleyville say that they will notify interested parties.

Porter stated that 500 feet can include many properties depending on the area of the village. He feels that contiguous is the best decision because then it is uniform throughout the village. Porter feels that the ten day requirement should state ten business days so that the property owners have enough time to arrange their plans to attend and get questions or comments together for the hearing.

Ondrey said that the proposed ordinance as written is a recommendation from the Planning Commission. If Council would like to reject or modify it, that will require 5 votes.

The Mayor closed the Public Hearing at 7:56 p.m.

REGULAR MEETING:
Fiscal Officer Romanowski read the roll.

Porter moved to approve the minutes of the May 9, 2016 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

VISITORS:
Eddie Patton would like to install a kiosk on the East Washington Street side of park for an Eagle Scout Project. Patton presented a picture of the kiosk that he would like to build and explained that he needs approval from Council for the installation. He will also have to engage other scouts and gather funds. The Mayor met with the Street Commissioner, who suggested removing some of the signs currently at the park and adding the information on them to the kiosk. The Mayor suggested that Patton meet with Parks Committee to present his plans.

Porter asked if it will look similar to the kiosk on the Bell Street side of the park. Patton said that he has the plans for the kiosk in the picture presented so it will look similar to that model. Council feels this is a good project.

Todd Lyle, a South Russell Village resident, said he is grateful for Bell Road project, which has allowed for extra road space. He explained that a couple years ago when the project started, he noticed a lot of water in his yard and contacted the Chagrin Falls Water Department in case of a leak. They tested the water and said at that time that they didn't think it was the water line. The leak began during the landscaping part of the Bell Road project and he feels that a machine may have been the cause. The repair cost Lyle about $7,000, which Chagrin Falls says he is responsible due to where the line was broken. He would like reimbursement for the valve portion of the repair from Karvo, the company that completed the Bell Road repairs. My Lyle provided his paperwork and documentation. The Mayor said they will look into the situation and get back to Lyle.

Porter asked the cost to fix the valve, since that is the portion of the repair that Lyle would like reimbursed. Lyle said he would have to ask a contractor.

Kostura asked if Lyle kept a timeline of when Karvo was doing work in his yard. Lyle is looking into this and has requested some information from the Street Commissioner but he started to notice a wet spot in his yard in August of 2014.

Dave Lewis asked if the Village could make available the agreement with the Bell Station. The Solicitor stated the agreement will be available to the public the next day as long as the ordinance referring to the agreement is introduced at this meeting. The next step is to either go through three readings with the legislation or Council could waive further readings, which would

require approval of five Council members. Mayor stated the Fiscal Officer will make the document available for any concerned residents review.

Lewis added that the request, which was denied by the Zoning Board of Appeals, went through the proper process where the public was given the chance to make comments. He would appreciate that the public be allowed to make further comments and review the legislation before it is approved.

Holtz added that he hopes that Council would consider the cause of action before considering legislation. He added that the Zoning Board of Appeals made their decision based on the safety of the community as well as many other considerations.

The Mayor stated due to the summer meeting schedule of meeting only once a month, Council may decide to approve the legislation for the Bell Road Station at the June 13th meeting so that the litigation can be cleared up sooner.

MAYOR'S REPORT:
The Mayor referred to his monthly report that was distributed to Council. He also stated that he would like to enter into executive session at the end of the meeting.

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

The Fiscal Officer reminded Council that the 2016 Road Program bid opening will be held May 27, 2016 at 11 a.m. at Village Hall.

The Fiscal Officer stated that the Human Resource Committee has decided to remain with Comp Management for the village Workers Compensation for another year.

Porter mentioned that all Dominion bills should be charged NOPEC rates. The Police Chief mentioned the electric bill has also dropped significantly for the traffic signals.

SOLICITOR'S REPORT: The Solicitor had nothing to report.

COMMITTEE REPORTS: Porter and Nairn had nothing to report.

Canton attended the Chagrin River Watershed Partners meeting with the Mayor. They are celebrating their 20th anniversary. There are currently 34 municipalities involved in this organization.

Carroll stated the Emergency Operations Committee will meet again May 31st from 3-5 p.m. to review our current plan.

Kostura met with the Street Committee. The new no parking signs were discussed due to complaints if excessive signage. Some of the signage will be eliminated. Kostura reminded

Council that the Street Department has a culvert pipe replacement program in place and they have a few requests to fulfill.

Kostura said the Street Department installed a concrete pad under the grills at the park pavilion and will be putting up the Show Your Colors flags this week. The bid opening for the 2016 Road Program will be held May 27th.

Kostura stated that it was recommended by the Finance Committee that department heads receive a stipend or a bonus at the end of the year, since they aren't eligible for overtime like the other employees.

Kostura moved to hold a Public Hearing on June 13, 2016 at 7:25 p.m. for the Tax Budget, seconded by Nairn. Voice vote – all in favor. Motion carried.

Kostura stated the Finance Committee has suggested a spending limit of $1,500 for Department Heads so they don't have to request approval for every small purchase for maintenance or repairs, as long as there is funds available in the budget.

ORDINANCES/RESOLUTIONS:

Porter gave final reading on an ordinance amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved. Porter moved to adopt, seconded by Nairn.

The Solicitor stated that Council can either vote on the ordinance or table the ordinance for a short period of time if Council isn't prepared to vote.

Porter would like to amend the ordinance to state ten business days for the notice requirement instead of ten calendar days. The Solicitor stated that it would take five votes to make this change to the proposed ordinance.

Carroll and Kostura would like to see a broader area for the notice requirement. They feel that 500 feet is a wide area but that contiguous is too small. Kostura added that he agrees with the 10 business day modification that Porter suggested.

Canton asked if the meeting is advertised on the website. The Building Inspector stated that it is advertised on the website, as well as in the newspaper and notifying neighbors.

Nairn agrees that ten business days would be more adequate for the neighbors notice.

The Mayor suggested that Council amend the ordinance.

Porter moved to withdraw his motion to adopt an ordinance amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved,

Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved, seconded by Nairn. Roll call – ayes, all. Motion carried.

Porter moved to table an ordinance amending section 3.07(b) of the Zoning Code of the Village of South Russell by eliminating the requirement of mailing notice of Zoning Appeal Hearings to property owners within 500 feet of any yard of the property involved, seconded by Carroll. Roll call – ayes, all. Motion carried.

The Mayor suggested that the Building Inspector look into other communities' requirements, then Council will discuss possible changes. Mayor asked a few audience members to inform their neighbors that the ordinance was tabled.

Kostura gave final reading on a resolution declaring it necessary to levy a tax in excess of the 10 mill limitation for current expenses. Kostura reminded Council that this is not a tax increase. Kostura moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Resolution 2016-14**

Nairn gave final reading on an ordinance repealing Chapter 270 of the Codified Ordinances of the Village of South Russell so as to eliminate the Cemetery Board. Nairn moved to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **Ordinance 2016-15**

Canton gave final reading on an ordinance to approve the current replacement pages to the South Russell Codified Ordinances. Canton moved to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2016-16**

Porter gave second reading on an ordinance amending the residential district regulations of section 402 of the zoning code of the Village of South Russell by establishing new reduced minimum dwelling unit dimensions for residences in the Chagrin Heights Subdivision.

Kostura introduced a resolution requesting the advance of taxes collected from the County. Kostura moved to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Resolution 2016-17**

BILLS LIST:
Kostura moved to ratify the May 13, 2016 bills list #2 in the amount of $4,757.95, seconded by Carroll. Voice vote – all in favor. Motion carried.

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

Canton stated the Chagrin Valley Little Theater is going to present a play called Calendar Girls at the end of June 2016.

The Mayor moved the Police Department presentation to the June 13th meeting.

At 8:53 p.m. Porter moved to enter into executive session to discuss property sale, employee compensation, personnel matters and pending litigation, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 9:43 p.m.

Porter introduced an ordinance authorizing the Mayor to enter into a settlement with Bell Street Station, LLC permitting the expansion of its gas station at 5196 Chillicothe Road and declaring an emergency. The Solicitor will be making a few changes to the exhibit that the ordinance refers to, which will be made available to the public within the next couple days.

ADJOURNMENT: Being that there was no further business before Council, Nairn moved to adjourn, seconded by Porter. Voice vote – all in favor. Motion carried.

Meeting adjourned at 9:44 p.m.

William G. Koons

William G. Koons, Mayor

Danielle Romanowski

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen