

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, AUGUST 12, 2013 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

MEMBERS ABSENT: Wolfe

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

VISITORS: Greg Pike, Whitetail Dr.; Andy & Marilou Nicol, Green Valley Dr.; Mary Sullivan, Ridgecrest Dr.; Sylvia Debick, Maple Hill Dr.; Bob Stancik, Louise Dr.; Ted Kruse, Bell Rd.; Frank Jacobson, Bell Rd.; Bob Flesher, Manor Brook Dr.; Sally Noble, Louise Dr.; Joann Hardy, Morningside Dr.; Mark Hickman, Maple Hill Dr.; Jeff Baker, Maple Hill Dr.; Matt & Christine Davidson, Sun Ridge Ln.; Tom Rooney, Sun Ridge Ln.; Chad Riley, Maple Hill Dr.; Mark Clemens Jr., Louise Dr.; Greg Vickers, Sun Ridge Ln.; Michael Carroll, Lakeview Ln.; Trish Gleason, Maple Hill Dr.; John Krissinger, Maple Hill Dr.; Jean Krissinger, Maple Hill Dr.; John Debick, Maple Hill Dr.; Jean Malley & S Dhewan, Chillicothe Rd.; Kate Ignaut, Maple Hill Dr.; Mark Evans, Fernwood Rd.; Jonathan Seewald, Tanglewood Trail

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll. Koons moved to approve the amended minutes of the June 10, 2013 council meeting, seconded by Binder. Roll call – ayes, all. Motion carried. Dishong moved to approve the minutes of the July 8, 2013 council meeting, seconded by Kostura. Roll call – ayes, all. Motion carried. Kostura moved to approve the minutes of the July 8, 2013 tax budget meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

Koons discussed the pavilion topic for the South Russell Park. He stated the Village has received a list of materials needed at a cost of \$22,000, the pavilion will be 24 x 40 square feet and it will be on a concrete slab with a green standing seam metal roof. Koons reported that it will probably be built to accommodate a fireplace in the future but they want to keep the total cost of the project under \$50,000, of which the Jaycee's are donating \$25,000. He stated they have two contractors bidding on the project, both with and without a fireplace. Koons said there is an easement for 3 acres near the west side of the park. Mayor asked if Council needed to take any action, and he asked if Council could take action tonight to continue moving the project forward. A discussion followed regarding the plan and authorization with the Solicitor. Solicitor stated an ordinance could be passed authorizing Mayor or someone to enter into an agreement with a cap on the expenses for the project, otherwise he said they would have to hold a special meeting after the bids have come in.

Bob Flesher addressed Council regarding the proposed location of the pavilion. He said his personal opinion regarding the west side location is that it causes a distraction from the scenery

of the park. Flesher stated the lower topography on the east side is still a feasible location and he offered to bring in a civil engineer and a survey crew to create the topography and grading plan that would demonstrate a good location on the eastern portion of the property. Mayor stated he would like to see the pavilion project done by early October before the Fall Fest; and as soon as Porter arrived to the meeting, he wanted Council to take action.

Ann Dunning addressed Council and stated she would like the pavilion kept to the east for aesthetic reasons, and it should have space to expand towards the west. Dishong asked the Jaycee's if they had a preference for the pavilion location, and the response was their biggest concern was the evaluation of drainage issues so that the best location is chosen.

Ann Dunning addressed Council regarding sewers. She gave a recap of past efforts and stated they have signed petitions with a total of 71% for sewers. Dunning stated it is important to protect property values and this would greatly improve the housing stock.

Sylvia Debick addressed Council and said she has signed petitions with her and she echoes the reasoning for sewers that Ann had.

Sally Noble of Louise Drive addressed Council and stated she voted no and does not want to pay \$25,000 for sewers. She said she was solicited to change her vote and she questions the accuracy of the petitions, and asked if residents could change their votes or not. She stated she would like a recount.

Ann Dunning responded that Ms. Noble was new to the community and was asking a lot of questions about the sewers after the vote. Dunning said she wanted to clarify that the resident understood the process and her vote.

Jeff Baker of Maple Hill addressed Council and felt that it was unfortunate the sewer issue is dividing these communities. He stated that he believes they need to pursue this in a different way. Baker said for years some homes have been in non-compliance with Geauga County and they need to be in compliance.

Mark Clemens addressed Council and said he moved in six years ago and has a new septic system that is failing. He stated he is for sewers.

Mayor stated that this is a petition that indicates what a group of residents want to do. He stated that his stance, and he believes the Village's stance, is that sewers are probably inevitable, they are probably the best solution for many of the homes in the Village, yet the stance has been that it is up to the residents, and Council should not push this on any residents.

Porter arrived at 8:00 pm.

Mayor was asked why Council will not vote for sewers for the entire Village if they are convinced sewers are inevitable. Mayor responded he believes sewers are coming however; the cost is a lot of money and it is up to the homeowners to make the decision. Dishong stated not every neighborhood is in the same situation.

John Debick addressed Council and stated the key issue is clean water. He said his street's water is polluted and 90% of the homes are in non-compliance. Debick said in his opinion, Council should show leadership and direction and find the truth in where this is going and why.

Tom Rooney from Sun Ridge Lane addressed Council and inquired about whether residents could have the option to install sewers rather than be required to. Mayor responded it is not a village requirement but it is a requirement from the County if a sewer line is present.

Mark Porter responded he is in favor of requiring sewers in the East end of the village and to spread the burden out amongst everybody that doesn't have sewers. He said he is in favor of the proposal.

Bill Koons responded that he would like to see sewers required to Snyder Road by 2018 which would give residents time to prepare for the requirement.

John Dishong responded that there is a water quality problem when you can drive through a neighborhood and smell waste.

Bryan Kostura responded that he believes sewers are a way to increase the property values and the health of the community. He thinks the longer this is prolonged it will continue to eat away at the benefits and he thinks it's time to pull the trigger and move forward with sewers.

Jack Binder responded that going forward with sewers for 1 to 2 communities does not make sense. He is in favor of sewers but wonders what the outcome would be of a referendum for all the homes that do not have sewers. Binder stated that the cost is still unknown.

Dishong stated there is not unlimited capacity for sewers and other communities are developing so capacity may not be there when the village is ready to move forward.

Mayor asked if Council is ready to vote on the two communities for sewers. Solicitor explained the process of voting on the sewer issue and said the County can't come into the Village unless the Village gives approval. Further discussion was had regarding what Council would be voting on.

Koons moved to ask the County to determine the cost of installing sewers to Lake Louise and the cost to install sewers to all communities not served west of Snyder Road. Roll call – ayes, all. Motion carried.

Mayor stated once the Village has received the numbers from the County they will make them available to the residents that would be impacted.

Mayor introduced Jean Makesh who informed Council of his plan to build an Alzheimer care facility and assisted living facility on Chillicothe Road. Makesh stated the property does have water, but not city water. He believes it would be more economical and beneficial to bring water from Bainbridge and extend the water main to his property. Mayor stated that Makesh is requesting feedback from Council regarding extending the waterline from Bainbridge Twp. to his property. Koons asked Makesh if has spoken to the school since they are having water problems. Makesh responded he has not. There was a brief discussion about the process that would have to be undertaken for Makesh to get the water line extended. Solicitor stated it is a matter of negotiating a contract with Cleveland and/or Chagrin Falls regarding specifics. He said Council may wish to see the actual plans prior to making a final decision on the waterline. Building Commissioner stated that the process would begin with South Russell, then go to

Bainbridge, then to Cleveland, and lastly to the County. Mayor recommended Makesh speak with the schools and possibly collaborate with them.

MAYOR'S REPORT: Mayor reported the park signage should be installed in the next couple of days. He said the mowing of the park will be done in next couple of weeks. Mayor requested that the trail stakes not be put in until after mowing.

Mayor reported that the Appreciation event was enjoyed by all and he congratulated Dave Hocevar for being the 2012 Employee of the Year.

Mayor reported that the Engineer has provided the road program and Bell Road contracts and the Solicitor has reviewed them. He said the Village will need to do an ordinance to approve the road program. Mayor stated there is additional legislation that is needed for the Bell Road project. Solicitor stated that a resolution has to be passed to enter into a contract with ODOT and also a resolution for tax purposes.

Mayor requested a motion to approve him entering into a rental agreement to rent the rental property. Lease details were discussed including it being a 12-month lease, minimum \$1,100 monthly rent, the number of persons permitted to live there, no garage sales permitted, etc. Koons made a motion to allow the Mayor to enter into a lease agreement for a minimum monthly amount of \$1,100, seconded by Dishong. Roll call – ayes, all. Motion carried.

Mayor reported that Deerfield Dr. has had some complaints on last year's fog/chip seal program. Tar has come up and it appears some of the traffic has disturbed the aggregate. The contractor has agreed that on the next hot day they will reapply aggregate to address this situation.

Mayor reported that rules and regulations for the cemetery were distributed at the last Council meeting and if everyone is comfortable with them he would like to move to adopt them. Porter made a motion to adopt the rules and regulations proposed by the Cemetery Committee, seconded by Dishong. Roll call – ayes, all. Motion carried.

Mayor requested an executive session for later in the evening to address a personnel matter pending litigation.

Mayor congratulated Dishong, Koons, Porter and Mike Carroll who have submitted petitions to run for Council.

FISCAL OFFICER: Fiscal Officer reported the tax budget hearing is Wednesday, August 14th at 10:30 A.M. in Chardon.

Fiscal Officer stated she believes the fuel sharing agreement should be re-addressed since the agreement includes a maximum out of pocket of \$4,500 which was not stated in the draft agreement approved by Council. Binder inquired about tank access during the winter and a hold harmless agreement. Mayor responded that the Village was assured of access and stated a hold harmless agreement was not considered when putting the plan together. Koons made a motion to approve the revised fuel sharing agreement with a maximum price of \$4,500, seconded by Kostura. Roll call – ayes, all. Motion carried.

FISCAL AUDITOR: Fiscal Auditor reviewed his report. He reported that the fund balances tie out to the Fiscal Officer's report and the checking account ties out to the bank statement.

Fiscal Auditor reported that CDARS is now at \$1,004,000. He thinks the Village could invest more depending on the cost of the cemetery. Engineer stated he hopes to stay within \$200,000 for the cemetery using estimated numbers. Further discussion occurred regarding finances and the state homestead and rollback issue.

ENGINEER'S REPORT: Engineer updated Council stating that the curbs are done on Silver Springs. Engineer anticipates Specialized Construction will get started pretty quickly since they were awaiting contract approval. Kostura inquired regarding fees for the loan from the state, and Engineer stated it is a 0% loan.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported many of the rental property updates are complete and the property should be ready to show potential tenants next week. He stated there is a small amount of finish up work and the project is still on budget.

Building Commissioner said he is getting bids for light fixture retrofitting and painting for the Police Department, service garage and porch at Village Hall.

Building Commissioner stated that the Village is enrolled in the Geauga County Safety Council program which gives a 2% rebate on Workers Comp.

POLICE CHIEF'S REPORT: Police Chief reported there have been several suicides in the Village and the Police Department is looking at sending officers to training to help with coping.

Police Chief said the South Russell Park had the first "smash and grab" in the parking lot on the Bell Road side and patrol of the area will increase.

STREET COMMISSIONER'S REPORT: Street Commissioner reported there was a storm sewer issue in Kensington that was repaired.

Street Commissioner said the Chief was able to get 2 flagpoles donated; one at the Police Department and the other will be in front of the Building Department.

Street Commissioner informed Council the results for the salt bid came in at \$24.62/ton for Geauga County from Morton versus the ODOT price last year of \$36.45/ton.

Street Commissioner announced Ted Holt will be retiring September 30, 2013 and they will be having a luncheon on Wednesday, Sept. 25, 2013.

SOLICITOR'S REPORT: Solicitor reported that he had issues to discuss in executive session.

COMMITTEE REPORTS: Binder had no report.

Dishong reported the Finance Committee met and 2014 budget worksheets would be distributed to departments in September.

Dishong said he would like to get the newsletter out in September and would appreciate submissions by the end of August.

Koons reported Safe Routes to School will purchase a flagpole for the park.

Koons said the Parks Committee will be meeting next Monday at 6 p.m. where they will be planning the Village's 90th birthday party for the Fall Festival.

Kostura reported the Planning Commission meeting for this month is cancelled and they will meet next month.

Porter reported he attended the Geauga County Township Association meeting and where they discussed equipment sharing with the County.

ORDINANCES/RESOLUTIONS:

Binder introduced an ordinance to authorize the Mayor and Fiscal Officer to enter into a contract with Specialized Construction for \$277,685 for the 2013 Road Program, declaring an emergency. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call, ayes- all. Motion carried. **Ordinance 2013-28.**

Binder introduced a resolution to enter into a contract with Ohio Department of Transportation for the Bell Road project. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2013-29.**

Binder introduced a resolution declaring the intent to reimburse the general fund for the Bell Road project with proceeds of tax exempt debt of the state of Ohio. Binder moved to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2013-30.**

Koons introduced an ordinance to amend the appropriations \$25,000 for a pavilion, seconded by Dishong. Roll call – ayes, all. Motion carried. Koons moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2013-31.**

Porter moved to untable the zoning ordinance, seconded by Dishong. Roll call – ayes, Binder, Koons, Porter and Dishong. Nays – Kostura. Motion carried.

Mayor read the third reading of 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 adopt, seconded by Dishong. Roll call – ayes, Binder, Koons, Porter, Dishong. Nays – Kostura. Motion carried. **Ordinance 2013-32**

Dishong introduced an ordinance to transfer \$333,000; \$250,000 from the income tax fund to the Safety fund, \$50,000 from the Income Tax fund to the Operating fund and \$33,000 from Income Tax fund to the Street Maintenance Fund, 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 2013-33**

BILLS LIST: Dishong made a motion to ratify the bills list dated 7/15/13 in the amount of \$91,177.19, seconded by Koons. Roll call – ayes, all. Motion carried.

Koons made a motion to ratify the bills list dated 7/31/13 in the amount of \$24,694.60, seconded by Dishong. Roll call – ayes, all. Motion carried.

Dishong made a motion to approve the bills list dated 8/15/13 in the amount of \$54,388.41 seconded by Koons. Roll call – ayes, all. Motion carried.

At approximately 10:04 p.m. Koons made a motion to adjourn into Executive Session to discuss pending litigation, seconded by Dishong. Roll call – ayes, all. Motion carried.

Council reconvened at approximately 10:36 p.m.

Kostura made a motion to authorize the Mayor to go into a settlement agreement, seconded by Binder. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, at 10:38 p.m. Kostura made a motion to adjourn the meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Sheryl Hatridge.