

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 11, 2013 – 7:30 P.M.  
MAYOR MATTHEW E. BRETT PRESIDING**

**MEMBERS PRESENT:** Wolfe, Binder, Koons, Porter, and Kostura

**MEMBERS ABSENT:** John Dishong

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Street Commissioner Johnson, Building Commissioner Hocevar, Police Chief Rizzo, Fiscal Auditor Lechman, Solicitor Ondrey and Engineer Haibach

**VISITORS:** Jon Seewald, Chagrin Valley Jaycee's President; Parks Committee (All visitors comments are limited to 5 minutes); Bruce Samsill, Cross Country Coach; Peter Malik, St. Ignatius

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 minutes of the January 28, 2013 Council meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

**VISITORS:** Jon Seewald, Chagrin Valley Chamber of Commerce Jaycee's President addressed Council regarding partnering with the Village to build a pavilion. He said the Jaycee's have approved a \$25,000 donation towards building a pavilion at the South Russell Park. Mayor Brett thanked Mr. Seewald for the donation to the Village.

Mayor introduced Lee Schiemann from the Park Committee. He reviewed a list of suggested park improvements, indicating that some of them will require Council's approval to move forward. Schiemann specifically discussed signs for the East Washington St. entrance, the Interurban crossing, and the new trails. He stated that the Interurban historical marker would cost approximately \$1,900 to \$2,200 of which the Village could apply for a grant to offset up to \$750 of the cost. The size of the sign would be approximately 44" by 32" with a message on both sides. Schiemann will do further research on the application process for both the sign as well as the grant and update Council at the next meeting. Koons reported that he met with the Land Conservancy for the annual review where they also discussed possibly modifying areas of the park to be mowed. Koons distributed a map and reviewed these areas with Council.

Bruce Samsill, the high school Cross Country Coach, informed council about a 5K run he is organizing for either July 20 or July 27, 2013. He distributed a proposed route and asked for Council's approval along with assistance from the police department. Mayor asked Mr. Samsill to consider an alternative day and route. There was brief discussion regarding concerns with the dates selected as well as the safety of the proposed route. Mayor requested Mr. Samsill consider the concerns of Council and return with a modified plan.

**MAYOR'S REPORT:** Mayor reported police interviews have been completed for the lieutenant and patrolmen positions. He stated the appointments will be made tonight and the swearing in will occur at the next Council meeting.

Chief Rizzo recommended Mike Fabian for the position of Lieutenant. Mayor appointed Mike Fabian for the position of Lieutenant. Binder made a motion to confirm the appointment of Mike Fabian to Police Lieutenant, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Chief Rizzo recommended the promotion of John Zippay from part-time patrolman to a full-time patrolman. Mayor appointed John Zippay to full-time patrolman. Binder made a motion to confirm the appointment of John Zippay to full-time patrolman, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Chief Rizzo recommended the promotion of Mike Kleinknecht from part-time patrolman to full-time patrolman. Mayor appointed Mike Kleinknecht to full-time patrolman. Binder made a motion to confirm the appointment of Mike Kleinknecht to full-time patrolman, seconded by Wolfe. Roll call – ayes, all. Motion carried.

Mayor stated he met with the Cemetery Committee and they are working on recommendations for a scaled back cemetery plan. They will be requesting approval of this revised plan from Council in the near future.

Mayor distributed information regarding former HB 601, now HB 5 which pertains to the uniform municipal income tax. Mayor stated he supports a resolution against this income tax issue and hopes to bring one before Council very soon. Mayor stated he plans to make calls communicating the impact this issue would make on the Village to legislators in Columbus.

Mayor addressed the casualty insurance for the Village which has a renewal date of February 24, 2013. Mayor informed Council that former Councilman Gary Brockett is reviewing the coverage on behalf of the Village but his schedule is somewhat of a challenge and thus there has been a delay in the review. Mayor stated that the renewal date is February 24<sup>th</sup>, with the next Council meeting February 25<sup>th</sup>. Therefore Mayor stated the current agent is McGowan Co. and asked Council to make a motion to authorize the Mayor and Fiscal Officer to enter into an agreement with Mr. Brockett's recommendation. Wolfe made a motion to authorize the Mayor and Fiscal Officer to enter into an agreement with Argonaut Insurance Company not to exceed \$22,500, seconded by Porter. Roll call – ayes, all. Motion carried.

Mayor shared letters and cards from the Sponsor a Family/Shop with a Cop program. He said a request came in for Harvest for Hunger and the Village will participate in that.

Mayor stated the Village received an updated contract for Regional Enterprise Data Sharing System (REDSS). Mayor requested a motion for the Mayor and Fiscal Officer to enter into an agreement with Regional Enterprise Data Sharing System (REDSS). Kostura made a motion to authorize the Mayor and Fiscal Officer to enter into an agreement with REDSS, seconded by Porter. Roll call – ayes, all. Motion carried.

Mayor asked Council to make a motion to enter into a renewal contract with CT Consultants for a 2-year period with the same terms as the previous contract. Binder made a motion to authorize the Mayor to enter into a renewal contract with CT Consultants for a 2-year period, seconded by Koons. Roll call – ayes, all. Motion carried.

In regards to the regional dispatch group, Mayor stated he will be touring the dispatch center in Bedford on Wednesday afternoon. He added that the property committee had put together

various options for the rental property and he would like them to present a recommendation to Council at the next meeting.

**FISCAL OFFICER'S REPORT:** Fiscal Officer introduced Mayor and Council to Peter Malik who is an intern from St. Ignatius High School and will be attending the Village Council meetings the remainder of this semester.

Fiscal Officer said she distributed her monthly report to Mayor and Council.

Fiscal Officer reported that the Village received an inheritance check for approximately \$102,000 this month.

As Tax Administrator, Fiscal Officer stated that she is working with the Central Collection Agency (CCA) and keeping close track of the developments of HB 5.

**FISCAL AUDITOR:** Fiscal Auditor reported that all fund balanced with the Fiscal Officer's. He reported the cash balances dropped \$100,000 since the beginning of the year, however in February the balances will increase due to real estate revenues.

**ENGINEER'S REPORT:** Engineer reported he attended a Northeast Ohio Areawide Coordinating Agency meeting discussing the Bell Road project funding. He stated that the next meeting will be March 8, 2013 and NOACA is going to award funding at that meeting. The funds will not be available before July, 2013. Engineer said there is a possibility that Bell Road construction may start in September.

The Engineer reported that the water issue continues in Emerald Lakes. He stated the homeowner association's solution is not working satisfactorily and they have been advised to work on a more comprehensive solution to solve the problem.

**BUILDING COMMISSIONER'S REPORT:** Building Commissioner reported Blue Tractor is no longer in business, the dance studio business in the Village has moved to Solon, and a potential buyer is interested in an assisted living business on farmland on Rt. 306.

**POLICE CHIEF'S REPORT:** Chief Rizzo reported he has begun new directives with his department and informed Council that Officers Malone and Svoboda will be attending field training school.

Chief informed Council that a grant for bullet proof vests has been awarded to the Village and that the Solicitor has approved the bulletproof vest policy. Chief stated he has received traffic light complaints regarding Bell Road east and westbound. He proposed adjusting the signal timing to help with the flow of traffic. The pre-emption system for the traffic light is currently all red, but the green light with green arrow would work better for emergency vehicles approaching the intersection. The cost would be approximately \$500 to rewire. Mayor and Council told him to move forward with that project.

**STREET COMMISSIONER'S REPORT:** Street Commissioner reported the service department has been handling weather conditions and equipment repairs.

**SOLICITOR'S REPORT:** Solicitor had no report.

**COMMITTEE REPORTS:** Kostura, Wolfe, and Porter had no report.

Binder reported the Safety Committee met and discussed the dog issue at South Russell Park. He informed Council that the philosophy the Safety Committee is working under is looking at the dog issue from a safety perspective. Binder shared the following statement from the Veterinarian's Association: "A group of animals not under physical control in close proximity represents an inherently unsafe and potentially unhealthy situation". He stated that other dogs, dog owners, park visitors, nearby properties and property owners and drivers on contiguous streets may be potentially unsafe. Binder said the task of the Safety Committee is to look at the park issue and take an inherently unsafe situation and within a reasonable expectation bring it up to a safe level. He looked at [www.dogpark.com](http://www.dogpark.com) and did a lot of research. Binder said the committee was unable to find a dog park without a fence regardless of size, except for national parks. He shared that most dog parks are in urban areas where dogs don't have alternatives to go such as Boston, Phoenix and Houston and they are all fenced. Binder informed Council that [www.dogpark.com](http://www.dogpark.com) says build a fence at least 4 feet to 6 feet high, and that every dog park should be enclosed with fencing that is too high for the average dog to jump over. He said they recommended an entrance that is gated to prevent any escapes, have separate areas for large dogs and an area for puppies and small dogs. Binder stated that an email from a resident who moved back here from Utah contained interesting information. The email said Salt Lake City County had 70 parks, and of those had one 3.77 acre dog park, and the Canyons, which is a national forest, they are allowed to run their dogs in. Binder stated the Safety Committee is looking at it from their perspective that South Russell Village has one park to serve all residents, and they need to figure out how to utilize it for all residents and make it safe. Binder informed Council health and safety from the standpoint of the Safety Committee has to be a zero-tolerance issue, they don't get to make a lot of mistakes and they have to get it right. He stated that research found most dog parks tend to be ½ to 1 acre in size and the off-leash type parks, which are fenced, tend to be between 2-5 acres in size. Binder reported they discussed issues of liability with input from the Solicitor including drivers on the street, abutting properties to the park that may have kids or dogs in their yard. He clarified the objective of the committee is to have a safe park. Binder stated the standard of victory is not winning a lawsuit, but creating a situation where lawsuits don't happen. Binder informed Council the Solicitor is looking into issues pertaining to the Land Conservancy, Clean Ohio and the status with the Village insurance carrier. He will speak with the Engineer regarding costs for fencing. Binder said whatever rules are put into place need to be enforceable and there are many issues with that such as limited staff, half of the park is not in South Russell, and part of the park is not visible from the street on Bell Rd. He reported it is necessary to be aware of what resources are available to enforce rules. He also pointed out the possible pavilion construction and Bell Rd. construction will be additional issues that need to be considered. Binder reported there is an existing ordinance dating back to 1973 that does not allow a dog to be off-leash. He said he doesn't know that the Safety Committee felt that putting signs up was meeting the test of taking the corrective action that is required. Binder reported it doesn't do anything to mitigate encroachment on private property or public highways; and he is not certain what it does to facilitate a sense of safety and security for other park users, or addressing issues of health and environmental issues from a safety standpoint. He stated the Safety Committee will do more research and address the dog park issue from an objective standpoint not an emotional one. He explained they are trying to address how they can service the needs of all of the Village residents to the best of their ability in a safe, responsible, economic manner and really get the best utilization out of the park. Binder finished by adding they do not have a recommendation yet, and they have more background and research to do. Mayor asked

the Safety Committee to layout a timeline and try to reach a recommendation by the end of March.

**ORDINANCES/RESOLUTIONS:**

Kostura introduced an ordinance to renew the 2 mil safety levy and declaring an emergency. Kostura moved to waive further readings, seconded by Binder. Roll call, ayes - all. Motion carried. Kostura moved to adopt, seconded by Binder. Roll call, ayes - all. Motion carried.  
**Ordinance 2013-03.**

Kostura introduced an ordinance to replace the 2 mil safety levy and declaring an emergency. Kostura moved to waive further readings, seconded by Binder. Roll call, ayes - all. Motion carried. Kostura moved to adopt, seconded by Binder. Roll call, ayes - all. Motion carried.  
**Ordinance 2013-4.**

**BILLS LIST:**

Porter made a motion to approve the 1/31/13 bills list #2 in the amount of \$383.78, seconded by Wolfe. Roll call – ayes – Kostura, Porter, Wolfe, and Binder. Koons abstained. Motion carried.

Koons made a motion to approve the 2/15/2013 bill list in the amount of \$35,633.84, seconded by Kostura. Roll call – ayes, all. Motion carried.

**NEW/OTHER BUSINESS:**

Porter gave his compliments to Chief Rizzo for the new report format.

Fiscal Auditor said that we receive about \$26,000 annually from vehicle registration fees but a resident said he experienced great difficulty using South Russell as his residency location.

**ADJOURNMENT:** Being that there was no further business before Council, at 9:15 p.m., Porter made a motion to adjourn the meeting, seconded by Binder. Roll call – ayes, all. Motion carried.

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Matthew E. Brett, Mayor

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Danielle Romanowski, Fiscal Officer