

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JANUARY 13, 2014 – 7:50 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Kate Ignaut, Maple Hill; Ann Dunning, Morningside; Sylvia Debick, Maple Hill; Jean Makesh, developer; Tim Muelle, architect; Blake and Mindy Qua, Sheerbrook; John Redinger, Sheerbrook Drive; Jill Carroll, Lakeview Lane; Gary Dole, Maple Hill; Deborah Stephen, Hazelwood Drive

The meeting started at 7:50 pm due to the length of the zoning public hearing.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Koons moved to approve the minutes of the December 9, 2013 Council meeting, seconded by Kostura. Roll call – ayes, Binder, Koons, Kostura and Porter. Motion carried.

Mayor swore in new and returning council members: Mike Carroll, John Dishong, Bill Koons, and Mark Porter.

Committee appointments –

Building Committee:	Bill Koons - Chair Bryan Kostura
Finance Committee:	John Dishong - Chair Bryan Kostura
Human Resource Committee:	John Dishong - Chair Mike Carroll
Planning Commission:	Bryan Kostura
Property Committee:	Bill Koons - Chair Jack Binder
Public Utilities Committee:	Mark Porter - Chair Mike Carroll
Safety Committee:	Jack Binder - Chair Mike Carroll
Streets Committee:	Jack Binder - Chair Mark Porter

Ad Hoc Committees –

Emergency Operations
Planning Committee:

Mike Carroll - Chair
Mark Porter
John Dishong
Bill Koons

Park Committee:

Porter made a motion to affirm the committee assignments, seconded by Dishong. Roll call – ayes, all. Motion carried.

Mayor deferred board appointments until the next Council meeting as there are several changes to the boards.

Koons made a motion to adopt the Council Rules and Procedures, seconded by Kostura. Roll call – ayes, all. Motion carried.

Binder made a motion to elect Bill Koons as President Pro Tem, seconded by Porter. There were no other nominations. Roll call – ayes, all. Motion carried.

Mayor discussed the State of the Village for 2013 stating it was an awfully busy but good year. The village dealt with a variety of topics such as personnel, continued building projects, dog issues, and storm damage. From a project perspective the village refurbished the rental house on Route 306 and performed enhancements to the Police Department. He explained that during the Police Department project significant drainage issues were found that had to be repaired as well. A new side walk was installed in front of the Police Department which was then enhanced by an Eagle Scout landscaping project. Other village projects during the year included adding a pavilion in the park, installing multiple flagpoles throughout village, continued work on the upcoming Bell Road project, significant evaluation for dispatch and fire/EMS services as well as involvement in the restructuring of the Chagrin Valley Dispatch service. From a personnel perspective, a long-term Service Department employee retired, the Village added a full-time employee, promoted new Chief of Police, a new Lieutenant, hired two new full-time patrolmen and added part-time personnel as well. Events held this year included; Fish-with a-Cop, Police Department Open House, Safety Sessions with Seniors, Shop-with-a-Cop, Fall Festival and the Village celebrated its Village's 90th anniversary. The Village continued to work on reestablishing a cemetery, took steps to control dogs in the park, received an Ohio Historical marker, passed the safety levy renewal and continued with the day-in and day-out activities of the Village including trash day and paper shredding. From the financial perspective, the Village started the year with \$2.5 million and ended with \$2.7 million, so the Village is in a very solid financial position with no debt.

Moving into 2014, the Mayor indicated the village needs to keep an eye on the impact of HB5 which deals with income tax changes. The village also needs to enhance its emergency preparedness, continue to address the dog issues at the park, explore the potential for a water line extension, stay tuned in to the fracking topic, and stay on top of the water quality and water quantity topic in the Village. The Mayor explained the Bell Road west enhancement project is in excess of \$3 million that will cost the Village less than \$500,000 to complete due to grant funding. The village also needs to stay focused on core deliverables to the residents and enhance village communication. Mayor stated the Village is well positioned in terms of employees and village elected officials – the village has a great team and he looks forward to a great year ahead.

MAYOR'S REPORT: Regarding the Bell Road west project, Mayor reported the contractor got the staging area ready to go but unfortunately the contractor didn't get permission to use the CEI property. CEI has expressed displeasure and asked the contractor to move the staging area immediately. The Mayor said it is in the Village's best interest to help facilitate what they are going to do for a staging area. Mayor stated the best alternative is for the contractor to use property the village owns at the western edge of the village. Mayor will contact the contractor to let them know they have approval to use that property.

Mayor said another zoning issue that has come to the Village is in regards to Hazelwood Drive. He stated he is looking for potential zoning code changes to go to Planning Commission (PC) for consideration. This issue should be on the agenda for the next PC meeting. Mayor said he believes that PC and Council understand it is a logical thing to do but they need to work through the process.

Mayor announced that Building Commissioner Hocevar was recognized as Building Official of the Year for the Building Officials Conference of North East Ohio (BOCONEO).

VISITORS:

Sylvia Debick asked if the Public Utilities committee was going to have a recommendation at this meeting regarding the sewer requirement parameters. Porter stated that the Public Utilities recommendation was that the folks affected by sewer installation in the eastern end of the Village would have to show support for that effort in the amount 75% of all homeowners that are going to be affected by the sewers. In that way, one development would not have a veto over the whole project. There would have to be substantial public support in order to shove it down the throat of the other people. Porter explained that people who do not vote would be counted as a "no" vote. He said the potential project would include Bellwood down to Snyder Road and include Champion Lane. Homeowners further east would not be affected. Porter said 75% is a high number but the Village is being asked to force people to spend a lot of money. Porter said that is the recommendation and he is asking Council if 75% is too high, too low or just right. Mayor stated that in the committee's previous recommendation, they stated that the Lake Louise format for the petition should be the model and to have this submitted to the Village by April 1st. Porter stated the Utilities committee is willing to meet with the homeowners associations and the residents to discuss this issue further. Ann Dunning said she believes it is very important that the residents talk with the Public Utilities committee to get guidance so they know they are doing this the right way and they can share the specifics in more detail. Carroll replied that he is concerned because he doesn't believe 75% is a realistic number. He stated he did some research in Roberts Rules of Order and some case law and it seems like 2/3 is a more common benchmark with 64-67% being more common. Carroll said he contacted the Department of Water Resources and the Health Department to get up to speed on the issue. He said he hasn't seen the Lake Louise paperwork but would like to discuss the specifics. Mayor said he agrees that the 75% might be high and the timeline is quick. Mayor said everyone needs to know what a realistic timeline is and what the requirements are. Kostura stated that this group of residents has been working diligently on this issue for months or even years. But the fact of the matter is they have done the petitions, but they are in the dark as to what Council is looking for – it has been a guessing game. He stated Council is trying to clarify this and it is not going to be a guessing game. When they do the petitions, at the end of the day, they will know if they have what is required to move forward or they don't and that is a step in the right direction. Kostura said he personally believes 75% is awfully high and that is something that will need to be discussed because the Village could pass a large levy and it won't take 75% - but that is for a later discussion.

Gary Dole asked if once these parameters are set, would Council help disseminate information or is it going to be left to the group that has been doing it for the past several years. The Mayor said the Village could look to do an informational session as it had in the past. Ann Dunning asked that something go out by e-blast. Binder asked if they knew how many residents were on the e-blast list. He said the group could get the neighbors to subscribe to the e-mail list.

FISCAL OFFICER: Fiscal Officer reminded elected officials that during each term they are required to have to have public records training. There will be training in Westlake on February 7th as well as Mayfield Village in May with the date yet to be determined. In the past, Mayor and Council have selected the Fiscal Officer as the designee to get the training on their behalf and if they would like to continue that, they would need to make a motion. Kostura made a motion to elect Fiscal Officer as the designee for public records training, seconded by Dishong. Roll call – ayes, all. Motion carried. Fiscal Officer will forward the details for the public records training to Mayor and Council if they choose to take the training as well as it is very beneficial.

Fiscal Officer called attention to the Village Hall artwork hanging in Council chambers. She explained the practice in the Village is to present outgoing Council members a framed print as a show of appreciation for their service. The Village currently has only three prints remaining which are all reserved so if the Village wants to continue this practice, it will have to either get more produced or find a new artist to get a new print made.

Fiscal Officer stated there are some Council meeting date conflicts for March and May and those need to be addressed. After discussion it was decided the March 24th meeting would be moved to March 31st and the May 26th meeting would be moved to May 27th.

Fiscal Officer requested that committees notify her once they set their 2014 schedules so she can make the appropriate Sunshine Notices.

As Tax Administrator, Fiscal Officer reported she is waiting on a reply from Central Collection Agency regarding an HB5 update. She will share that information once it is received.

FISCAL AUDITOR: Due to the early Council meeting date, Fiscal Auditor had no report. He will have his report at the next meeting.

ENGINEER'S REPORT: Engineer informed Council that the contractor has not started any substantial work on the Bell Road west project. Some trees were marked for removal and they will be removed soon. He reported that utility relocation will begin later in the week and last a couple of weeks.

There was a brief discussion regarding the survey markers on the street and what they are marking. Engineer explained they are survey offsets and mark different things, but they do not indicate road width. Mayor said the Village should look to do an informational session prior to a February Council meeting, possibly at 6:45 pm.

The Mayor reported that the Village received a letter from Laurelbrook residents asking the Village to put them on the list for being paved in 2014. Engineer said when the weather breaks, he is gearing up to start the yearly evaluation so the Village can be on track for the road program.

Carroll asked the Engineer about the residents' landscaping on Bell Road and how that will be impacted by the project. Engineer replied that there was information in the newsletter and on the website to the residents regarding that. The Village has reached out to the residents in general, and he has spoken to some specific ones that may or may not have issues.

Regarding Anglers Drive pond, Engineer said he met with a group of homeowners that share the Anglers Drive pond as it abuts to the Teaberry area circle in Emerald Lakes. A few months ago they met and talked about the pond contributing to drainage issues to the folks on Teaberry. Engineer met with them on Friday as a follow up to that meeting. Between the two meetings, the folks had taken to heart that their pond storm water drains properly. A small group of residents went through and picked up every stick and debris and cleared the channel and fully exposed the overflow pipe. The pipe is clear and open and the water passes through much more effectively. Engineer said the work they did created great improvement to the way the area drains. Water from the pond was not spilling over onto the Teaberry side, yet there was still water standing over in the Teaberry backyards. Engineer said he will have a further conversation with the Emerald Lakes Association and the Teaberry folks to explain the measures the Angler pond homeowners have taken to improve their drainage and to make sure it doesn't affect Teaberry directly. There are things the Teaberry people can do to improve their own situation and he will discuss that with them. Mayor said there is an issue with water in the backyards of the residents on Teaberry that they would have even if there was no pond that existed on Anglers Drive. Engineer said that whole area was a wetland/marsh area when it was developed.

BUILDING COMMISSIONER'S REPORT: Building Commissioner said the roof will be put on the pavilion this week.

Building Commissioner said two new houses are being built in the Village, one on Snyder Road and one on Bell Road.

POLICE CHIEF'S REPORT: Police Chief reported the Village set aside funding to address the Police Department roof and siding. However, over the past several months the duty room floor has been separating from the sub-floor and there are now a couple holes in the floor. Building Commissioner explained the floor sees a lot of wear and tear. Building Commissioner stated they discussed with the Mayor about possibly taking out a wall in the Police Department as well and the Building Commissioner is getting prices on all pieces of the potential project. Chief reported they are looking at the project of the floor but the cabinets and the countertops have to come out, so they are looking at getting prices on that as well. He wanted to plant the seed with Council to know that may be an upcoming project. He said they could leave that money set aside for the exterior of the building or asked if perhaps they may want to dip into that for the interior. Mayor said before the Village goes down that path, they need to really understand what are the total costs. Mayor said the Village could choose not do the siding and instead do the inside or they can look to allocate more funds to Police Department improvements.

The Chief stated in an effort to improve the security of the Police Department, they have been researching cameras for the buildings. A few months ago after an incident occurred at the Service Department causing structural damage to the building, the Mayor asked Chief to research cameras for the entire village campus. As he has progressed through the planning stages, it was determined that the Village will need some additional camera coverage, specifically in the Service Department and some increased security at Village Hall with an individual camera system and buzzer system. The one quote the Village has received to date is approaching \$25,000. Chief said he will get other quotes, but what was approved in the Police Department

for new equipment was \$20,000. He is looking for feedback whether this should be done in stages with the Police Department first and then the other departments next year. Mayor stated the Village needs to do something, it is important for safety and security, but asked Chief to see what other options are available.

Chief said the old Crown Victoria is starting to have some electrical issues. He would like to go out to bid for a new SUV Interceptor. Binder made a motion to authorize the Chief and Fiscal Officer to go out to bid for a new SUV Interceptor, seconded by Kostura. Roll call – ayes, all. Motion carried. Binder clarified that the village will run the Interceptors an additional year over what the current Crown Victoria replacement cycle is.

Chief reported that the Chagrin Valley Dispatch is up and running. He also reported on a new phone app called Pulse Point.

STREET COMMISSIONER’S REPORT: Street Commissioner stated his department has been dealing with the weather as indicated.

Street Commissioner said the Village has ordered salt and is awaiting delivery.

Street Commissioner reported Trash Day is scheduled for the west end of the Village on April 30th, the east end on May 1st and the drop off at Village Hall on May 3rd. It is one week earlier than usual because the Farmers Market wants to start a week earlier.

As Webmaster, Street Commissioner said he made some updates to the website.

SOLICITOR’S REPORT: Solicitor stated that the Zoning Board of Approval (ZBA) did approve their minutes to the appeal for the Hazelwood Drive variance that was granted. He stated they adopted some Findings of Fact. The Solicitor said everything is in place to defend the decision that the board made. Solicitor said anyone has 30 days from the date the minutes were passed to file an appeal, in the meantime, the builder can proceed. Solicitor stated if the case is appealed, the Fiscal Officer will be “served” the papers from the courts.

COMMITTEE REPORTS: Carroll had no report.

Binder reported that the Streets Committee met and reviewed the water lines on Bell Road. Engineer said while they are old water lines they are effective, but they are brittle. He said the contractor for the Bell Road project has been warned. There was brief discussion about the liability of a broken water line during the construction. Engineer stated if the contractor breaks the main, it is their responsibility. Engineer clarified that while the road is being widened, the waterline is outside the paving area – it is not being covered up.

Binder informed Council that there have been multiple occasions that the Service Department has had to plow the driveway to the fuel sharing station so they could get access to the pumps during a storm when the school was closed. Binder said if the school is not going to plow it and the Village has to plow it to have access, the Village should be indemnified in some way. Mayor stated the school is on the hook for having that driveway plowed. It is in everyone’s best interest to have it plowed, but the Village needs to make sure if something were to happen, the Village isn’t liable for it. Solicitor said the Village should ask for a release that the school wouldn’t sue us if some sort of damage was done. Solicitor said he would put something together. Street Commissioner said the Village may want to hold off until the next agreement term with them.

Engineer informed Mayor and Council that the project manager for the Bell Road project is the full responsibility of ODOT per the funding agreement. The Village had expressed interest in the Village Engineer to keep track of things and dealing with the issues. Engineer stated he has been doing that, but he has been holding his time on that because he doesn't have a formal authorization to do that. He was looking for approximately \$15,000, which is for about a half a day a week for the duration of the project. Mayor said the Village would need to authorize the Engineer to engage in the project. Binder stated that the Engineer's involvement is a very important aspect of the project. Engineer and Fiscal Officer will review the budget and get back to Council on the topic.

Binder made a motion to authorize the Engineer to initiate the 2014 road program study, seconded by Dishong. Roll call – ayes, all. Motion carried.

Dishong reported that the newsletter was sent out and included information about getting on the Village's email list for up-to-date information. The next newsletter will go out in early April to get information out about Trash Day, etc.

Koons said the Parks Committee will meet Wednesday to discuss rules if someone wants to reserve the pavilion. There was a brief discussion about using the system the Bellwood neighborhood uses. Fiscal Auditor explained a process where they can pull a permit, pay a fee, and part of that fee would be refundable if the park was cleaned up after they were done with their event. Further discussion occurred with the idea of having reservations online using a credit card system and ensuring that those making reservations are South Russell residents. Koons said this will be a process the committee will have to continue to explore.

Koons said the committee continues to do research and shopping for the pavilion fireplace, contractors, lighting, etc.

Koons also informed Council that the Chagrin Valley Jaycees have approached the committee about bringing in a circus to the park one day in the month of July.

Kostura reported that the Planning Commission meeting this month was cancelled and the next one is scheduled for February.

Porter stated that the Public Utilities committee will meet in the next 7-10 days to meet with the residents regarding possible sewer project parameters.

ORDINANCES/RESOLUTIONS:

Dishong gave third reading on an ordinance to rezone a portion of parcel 29-066100 currently zoned for R-1-A, (residential one family), to R-3, (elderly assisted living), and to delete section 4.06(e)3 of the zoning code of the Village of South Russell. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2014-1**

Dishong introduced a resolution requesting direct deposit of taxes. 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 2014-2.**

Dishong introduced an ordinance to amend the pay range for the position of full-time maintenance 3 in the Village's service department and 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 2014-3.**

Dishong introduced a resolution requesting advance of taxes from the taxes collected. Dishong moved to waive further readings, seconded by Kostura. Dishong moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Resolution 2014-4.**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Thrasher, Dinsmore & Dolan to act as the Village's Solicitor for the time period of January 1, 2014 through December 31, 2015 and declaring an emergency. Porter moved to waive further readings, seconded by Binder. Roll all – ayes, all. Motion carried. Porter moved to adopt, seconded by Binder. Roll call – ayes, all. Motion carried. **Ordinance 2014-5.**

BILLS LIST: Kostura made a motion to ratify the bills list dated 12/30/13 in the amount of 24,324.71, seconded by Dishong. Roll call – ayes, all. Motion carried.

Binder made a motion to ratify the bills list dated 12/31/13 in the amount of \$7,219.79, seconded by Koons. Roll call – ayes, all. Motion carried.

NEW/OTHER: Binder, Carroll, Dishong, Kostura and Porter had no report.

Koons informed Mayor and Council that he will be absent from the meeting on January 27, 2014 and will not be in town this year for Trash Day.

ADJOURNMENT: Being that there was no further business before Council at 9:40 pm, Binder made a motion to adjourn, seconded by Porter. Roll call, ayes - all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer