

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JANUARY 27, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

MEMBERS ABSENT: Koons

OFFICIALS PRESENT: Fiscal Officer Romanowski, Fiscal Auditor Lechman, Solicitor Ondrey

VISITORS: Kate Ignaut, Maple Hill; Ann Dunning, Morningside; Sylvia Debick, Maple Hill; Gary Dole, Maple Hill; Joe Constant, Maple Hill; Richard Haber, Fairfax; Chris Manchester, Paw Paw; Gary Mynchenberg, Louise Dr.; Greg Vickers, Sun Ridge; Frank Jacobson, Bell Rd.; Joey Lustig, Maple Hill; Andy Lustig, Maple Hill.

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Porter moved to approve the minutes of the public hearing of the January 13, 2014, seconded by Kostura. Roll call – ayes, all. Motion carried. Kostura moved to approve minutes of January 13, 2014 Council meeting, seconded by Porter. Roll call – ayes, all. Motion carried.

VISITORS:

Martin Ostragard stated he moved to South Russell over 25 years ago. He stated the only way he heard about the zoning change at the assisted living property was by reading it in the Chagrin Valley Times (CVT). He stated he was concerned about where the driveway was going to be routed, the buffer area around the property, and lighting issues. Mayor responded that Council changed the zoning for the front five acres, but stated that the developer will need to go through the Planning Commission with a series of meetings over a period of three months or more to get through the approval process with the details. Mayor informed Mr. Ostragard that Planning Commission meetings are typically held the second Thursday of the month however he can check the Village website calendar or he can contact the Fiscal Officer.

Mary Beth Wolfe informed Council that during the recent snowstorm, she witnessed three car accidents at Woodside and Daisy – close to 13 Daisy Lane. She stated she did not believe it was a reflection of the Service Department but rather the crown on the road that leads to a drop-off to a tree. People slide off the road at that intersection, and even in the rain they can drop off the road. She is requesting that the Village Engineer look at that area to see if something can be done.

Jaycees members Joe Constant and John Seewald informed Council they would like to bring the Kelly Miller Circus (www.kellymillercircus.com) to South Russell Village. They stated they are adding another revenue generating project to their lineup to give them the funds to provide financial support to community projects. They stated the Kelly Miller Circus performs in 220 cities per year and they plan to be coming through this area the last two weeks of July as they perform in both Middlefield and Chardon. If the Jaycees get approval from the Village to hold

this event, the circus company will schedule the actual dates. Mr. Constant reported the circus comes in, sets up, does two shows, and packs up and moves to the next city all in a 24-hour period. They will provide \$1,000,000 public liability insurance, provide their own electricity, tents, seats, concessions, clean up when they leave, and it's all self-contained. They can handle about 1,000 people per show and require an area of 350 x 350 feet. The Jaycees would need to provide a drinking water source for animals, but believe they have found a fire hydrant on the East Washington side of the park. He stated the Jaycees would need to hire off duty police officers for traffic control. They propose parking people in the field, but could reserve a shuttle to park somewhere else if the ground is going to be wet. The Kelly Miller Circus needs a decision by end of January in order to get on the 2014 schedule. Mr. Seewald said he is excited to do something outside of Chagrin Falls because they want to highlight the fact that they are the Chagrin Valley Jaycees. Binder asked the Jaycees to contact the other communities in the area where this circus has performed to find out their satisfaction with the company. Porter stated that the parking lots on both sides of the park are small. Mr. Constant said they would expect approximately 200-300 cars but felt that since there are 10 acres on East Washington Street they do not see a problem with parking cars. Kostura stated that part of the park is not mowed and if they need to park cars on it, there could be a problem with the Western Reserve Land Conservancy's (WRLC) restrictions and timing on clearing the land. Mayor stated the Bell Road construction project as well as the easement on the Bell Road side of the park may be issues and therefore felt the East Washington side is a better location. Mr. Constant stated they do not know if the show will take place on a weekday or weekend until they get scheduled. If it is a weekday, shows will take place at 4:30 and 7:30 pm and weekend shows are at 2:00 and 5:00 pm. Advance ticket sales are \$10 adult and \$6 children, day of performance tickets sales are \$15 and \$7. Porter said parking will probably be an issue and because of the easement – mowing is also an issue. Solicitor stated he felt the \$1,000,000 insurance was low, especially if it is in total and not per incident. He also stated that when he was the solicitor for Middlefield, they were happy when the circus came through. There was discussion that if the weather is bad and the fields get torn up, the Jaycees would be responsible for the repair. The Mayor stated the Police Chief needs to be satisfied from a safety perspective, WRLC needs to be okay with the circus as well as the lawn mowing. Kostura stated that the Village doesn't own East Washington Street, so Bainbridge Twp. would also need to be okay with it. The Mayor stated there needs to be an agreement to make sure the Village is covered from the insurance perspective, the police chiefs in South Russell and Bainbridge are okay with it, and the WRLC Conservancy is okay with it. Binder made a motion to allow a mutual agreement for the Jaycees to bring the Kelly Miller Circus to the Village of South Russell contingent on the chiefs' approvals, the fire department's approval, the WRLC approval, and must have appropriate insurance coverage for the park on East Washington Street, seconded by Kostura – roll call, ayes - all. Motion carried.

Porter informed Council that the Public Utilities Committee (PUC) met with the residents from Lake Louise, Paw Paw, Maple Hill and Sunridge that would like the Village to consider sewers in their neighborhoods. He stated they discussed requirement options in terms of the approval rate that would be sufficient to satisfy the Village. He said the PUC recommends that the approval requirement would be 2/3 majority rather than the 75% that was mentioned at the last Council meeting, that each community use the Lake Louise petition format to show approval, and that the area would be defined as Bellwood to Maple Hill, but not include Champion Lane at this time. They recommend the way to calculate the 2/3 figure would be the number of yes votes would be the numerator, and the denominator would be number of responses received by village; therefore, a non-response would count neither for nor against. Porter stated the committee felt that the Lake Louise petition that was already submitted to the village for the purposes of tallying the votes to go forward was sufficient for their vote. The committee would like to schedule an informational meeting with Geauga County in February so everyone could hear both sides of the

issue. Kostura stated he is supportive of this idea and is not supportive of the idea of making a non-vote count against the project. He stated in the case of a non-vote, the resident decided to disengage from the process and therefore it shouldn't count one way or the other. He likes the idea of positive votes vs. negative votes and those that have the largest group wins. Porter stated the committee felt that with the cost of about \$150 per month for sewers, those that might be faced with those costs would express their opinions. The tap-in fee comes out of the homeowner's pocket. Binder stated he is okay with lowering the percentage but not okay with the non-response votes not being counted. He believes a non-vote is a status quo and the burden of proof is on the people who want to change. There was a brief discussion about proof of delivery of the sewer issue proposal notification and what would be required to ensure everyone was served information and had access to the petition to sign. Ann Dunning stated the group wanted an informational meeting with the Geauga Department of Water Resources as well as the Geauga Health Department in attendance so that it will be a good informational program presented on a fair basis. Gary Mynchenberg stated that in any democratic process when a vote is taken if people choose not to vote they are not counted. Frank Jacobson questioned the rationale of 2/3 when Mayor and Council are elected by 50%. Porter said the fact that this potential project has a large cost to homeowners, having over 50% would show more support of the communities. Mayor stated he feels sewers are probably the best answer for residents on septic systems, but he doesn't feel it is something the Village should mandate or push. He went on to say that he believed the Lake Louise petition would work well for tallying the votes. He thinks trying to pull together an information session in mid to late February is aggressive from a timeline perspective. Mayor said communities interested in adding themselves to this initiative should have that option rather than defining an area and saying they have to participate - he feels that is wrong. He is supportive if residents want to go to sewers, but if a community doesn't want to go, he is not in favor of that. He felt the April 1st deadline to get information out to residents is too aggressive to properly distribute information and have the petitions circulated. Mayor did state he is okay with the 66% in favor rate - provided that they would need to be yes votes vs. parcels impacted. He explained that was important to him because if there were 300 parcels to be impacted and if 100 people vote yes and only 30 say no, there are 170 people that didn't weigh in that are going to be impacted - he doesn't support that. The Mayor reported he will not be at the next council meeting but there will be a full Council available to vote. Porter said if the Mayor is not in attendance for the vote and there is a tie, the motion would fail.

MAYOR'S REPORT: Mayor reported that the Village received salt late this afternoon. Unfortunately, while the Village was able to get good pricing being part of Ohio Department of Transportation's (ODOT) bid, ODOT gets first dibs at receiving salt.

Mayor reported that the Bell Road staging area is in the process of being moved. The area the Village is allowing Karvo Paving to use may not be big enough, but they are looking at other options.

Mayor reported that there will be an informational meeting regarding the Bell Road project prior to the February 24th Council meeting at 6:45 pm. The Engineer is taking the lead on putting together the informational updates for the meeting.

The Mayor made the following board appointments:
ABR – Gary Neola to finish Ann Dunning's term
ZBA – Re-appoint Laura LaChapelle

Park Committee – Greg Pike and Martha Bistriz

The Planning Commission appointment will be addressed at the next meeting and will require confirmation from Council. There is an open seat on the Park Committee from resigned member Lee Schiemann and this will also need to be addressed at the next meeting.

Binder made a motion to approve ABR and Planning Commission appointments, seconded by Koons. Roll call - ayes, all.

FISCAL OFFICER: As a follow up to the last meeting Fiscal Officer reported that she reviewed the fuel sharing agreement and found that it does say the Village is responsible if we do any damage to the property. Solicitor said he could draft a short agreement that when we are plowing the drive to make a path to the pumps during a storm as an act of good will, we are not responsible for any damage.

Fiscal Officer reported that the \$15,000 for the Engineer to oversee the Bell Road project was not budgeted for in the 2014 appropriations. Bell Road is being managed by ODOT, but the Village wanted its own Engineer to oversee the project. Binder made a motion to approve the Village's engineer to oversee the Bell Road project at a cost up to \$15,000, seconded by Dishong. Roll call – ayes, all. Motion carried.

Fiscal officer reported that she has been working with the insurance brokers to get premium quotes in a timely manner this year to allow for a thorough review of the property insurance. She will review the premium quotes with the Finance Committee once all quotes are received.

As Tax Administrator, Fiscal Officer reported the January gross distribution was \$99,701.80, after refunds and overhead, the net was \$93,913.34, which is in line with last January.

FISCAL AUDITOR: Fiscal Auditor reported that he balanced with the Fiscal Officer on all funds for 2013 year end. He stated that cash balances were actually \$230,000 higher at year end than the beginning of the year. He stated part of the reason balances were so high were inheritance taxes and income taxes that were unexpectedly higher than budgeted. Fiscal Auditor stated 2013 was a good year for the Village financially.

There was brief discussion about the Village investments and earning interest vs. losing liquidity. Fiscal Auditor said the Finance Committee will have a discussion about how much to reinvest when the investments come to maturity because funds will need to be available for the Bell Road and other upcoming projects.

ENGINEER'S REPORT: No report due to meeting schedule.

BUILDING COMMISSIONER'S REPORT: No report due to meeting schedule.

POLICE CHIEF'S REPORT: No report due to meeting schedule.

STREET COMMISSIONER'S REPORT: No report due to meeting schedule.

SOLICITOR'S REPORT: Solicitor reported that the Ohio Supreme Court decided on the Home Rule that municipalities could impose tow truck regulations that might vary from the state regulations.

COMMITTEE REPORTS: Binder had no report.

Carroll reported he went to the mitigation plan meeting for Geauga County. He stated Geauga County is updating their Emergency Operations Plan, and if there is a disaster, flooding, etc. what can be done in the communities to deal with those issues to prevent them from happening in the future. He will attend the next meeting to be held in February.

Dishong brought up an idea for the newsletter of doing a piece on the Village Council members with a background profile. Solicitor said he didn't see a problem because there is no election pending. It was also discussed that the website has this information and perhaps residents should just be directed to the website.

Kostura informed Council there will be a Planning Commission on February 13th.

Dishong made a motion to enter into an Agreement with Geauga Fresh Farmer's Market, seconded by Kostura. Roll call – ayes, all. Motion carried.

Dishong made a motion to approve a \$500 donation to Chagrin After-Prom, seconded by Kostura. Roll call - ayes all. Motion carried.

ORDINANCES/RESOLUTIONS: None.

BILLS LIST: Dishong made a motion to ratify the bills list dated 1/15/14 in the amount of \$54,497.64, seconded by Kostura. Roll call – ayes, all. Motion carried.

Dishong made a motion to ratify the bills list dated 1/31/14 in the amount of \$24,915.41, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Carroll stated he stands by the PUC's recommendation of 66% passing rate and non-votes do not count for the parameters of the sewer issue vote. Mayor said he thinks PUC really needs to think about their recommendation because it could force a lot of people who didn't hear about the process or didn't get a petition to spend a lot of money. Carroll stated he respected the Mayor's opinion that it would force a lot of people to spend the money if it passes, but he would think that if the residents are supplied with the information and choose not to vote or participate, then they would still have the appeals process available. Mayor said they have to account for how to handle making sure everyone gets the information and have evidence that the information went to the residents. Carroll said in fairness to the residents, he doesn't want to continue to drag this out forever. He stated that at an October or November Council meeting all Council members said they think sewers are the right thing to do and that it is a health and safety issue. He said in meeting with the resident group, they just want some direction. Porter stated he doesn't want a repeat of the last time this issue came up and Council needs to set clear guidelines and expectations so there is no question what is needed in order to move forward.

At 9:12 pm Dishong made a motion to go into executive session to discuss personnel matters, second by Kostura. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council at 9:49 pm, Porter made a motion to adjourn, seconded by Dishong. Roll call, ayes - all. Motion carried.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer