

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MARCH 10, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

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

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

VISITORS: Ann Dunning, Morningside Drive; Sylvia Debick, Maple Hill; Jack Sutcliffe, Maple Hill; Gary Dole, Maple Hill; Kate Ignaut, Maple Hill; Joe and Kathleen Constant, Maple Hill; John Seewald & Joe Constant, Chagrin Valley Jaycees; Greg Vickers, Sun Ridge

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Regarding the February 24th Council meeting minutes, Porter referred to page 4, the second full paragraph, the sentence reading, “Porter explained that 212 parcels are involved in possibly being effected by a sewer extension; therefore, 127 households would need to vote in favor of sewers in order to move the initiative forward” and asked that Fiscal Officer add, “if all 212 parcels are voted for” so that the fraction is proper. Solicitor stated that if the recording indicates that is how it was stated, then it should be corrected. He said if that wasn’t how it was stated, Porter just clarified what he meant by that statement. Porter agreed. Dishong moved to approve the minutes of the February 24, 2014 Council meeting, seconded by Kostura. Roll call – ayes, all. Motion carried.

VISITORS: Joe Constant from the Chagrin Valley Jaycees requested Mayor and Council approve adding a second day for the circus. He stated the Jaycees will duplicate everything they are providing for the first day on the second day; such as police coverage, etc. Binder asked if the circus was going to do more shows or if they were just going to take longer to get in and out. Mr. Constant said they would be adding two additional shows – for a total of four shows. The circus is scheduled for Sunday, July 27th where there will be shows at 2 pm and 5 pm, and then Monday, July 28th where there will be a 4:30 pm and a 7:30 pm show. Mr. Constant said the Jaycees plan to begin selling tickets for the circus at Blossomtime and will sell tickets electronically on their website as well. Dishong made a motion to approve adding a second day for the circus, seconded by Kostura. Roll call – ayes, all. Motion carried. Solicitor said he will wrap up preparing the agreement between the Village and the Jaycees in the next week or so. Jaycees will meet with the Police Chief to identify the proper security that will be required.

Gary Dole from Maple Hill Drive said he and his wife walked through the South Russell Village Park for the first time over the weekend. He said every person that was there on an even day had their dogs off leash. Mr. Dole said he likes dogs but his wife is terrified of them. He said a very large “monster dog” ran up to them where Mr. Dole had to get in the way to keep it from his wife. He said he explained to the dog owner that his wife didn’t like dogs and it was an even day and the dog should have been on a leash. He said the person ignored the whole issue. Mr. Dole said the person told him that they were the only people in eight months that they ever saw at the “dog park” without a dog and asked why they didn’t have one. Mr. Dole said he replied, “we don’t have a dog, but we thought this was a park that anybody should be able to go.” Mr. Dole said he wanted to bring the issue to the Village’s attention because he knows people that won’t

go to the park because of the dog issue – even on an even day. Mayor thanked Mr. Dole for his comment and asked where he was in the park when this occurred. Mr. Dole replied that they were walking from the Bell Street side through the woods to go to the East Washington side and the people they had the incident with were coming the other direction. Mayor said he appreciated the feedback. Mr. Dole said they went hiking in the Metroparks the next day following the incident and as they walked through the Metroparks, they must have passed at least two dozen dogs and every single one was on a leash.

On behalf of the Public Utilities Committee (PUC), Porter reported that the Village will be having an educational meeting on Thursday, April 3rd at 7 pm at Gurney School to discuss the proposed sewer expansion project. Senator John Eklund will be in attendance to talk about current legislation regarding septic and sewer. He said Gerry Morgan and Mike Tusik will be present from the Health Department and the Department of Water Resources to talk about both septic and sewers and the pros and cons of both. Porter reported that Dr. Koons will be the Master of Ceremonies for the event and Council members will be present as well. The proposed timeline will be presented and there will be a time for questions and answers as well. The ballots will be sent out to the households other than the residents of Lake Louis. The ballots will be due back to the Village by May 2nd and the committee will have a recommendation for Council based on the vote. Porter said he spoke to Mr. Haber who is on the board of Paw Paw Lake and initially the PUC thought Paw Paw could use a petition similar to Lake Louise, however Mr. Haber indicated that the board's preference is that each individual homeowner be individually balloted rather than have the homeowner's association doing a petition itself. Porter made a motion for the Fiscal Officer to place an ad in the Chagrin Valley Times for \$250 to advertise the April 3rd informational meeting at Gurney School at 7 pm, seconded by Carroll. Roll call – ayes, all. Motion carried. The ad will also be placed on the website, be put in the newsletter, and sent out by e-blast.

Mayor questioned if Council has decided on the final criteria for a successful vote. Council members replied that they had passed a motion that they must get 60% of ballots received in favor in order to move forward. Mayor stated that his request of Public Utilities Committee was to come up with the criteria and he appreciates that they have done that. Mayor said, "I am absolutely against this. I think it is a very, very bad model as I have stated a number of times. I think it sets the Village up for a position of very few respondents dictating a huge percentage of the Village to a huge expense. So I think that is a huge mistake, but that is Council's call and I just wanted you to know my opinion on it." Binder said it was not a unanimous vote. Porter said the vote was 4 to 2 and stated that the Village already has 54 responses so far just from Lake Louise. Mayor said he thinks that is an issue. He said, "Council is mixing a previous petition that had been circulated now with a Village initiated petition that is going out to different residents then followed by a ballot. I think the Village is making a number of different mistakes."

MAYOR'S REPORT: Mayor said he did hear feedback in regards to the Bell Road West project regarding congestion around Gurney School in the afternoon hours when buses are coming out.

Mayor said the Village had the annual storm water meeting. Chris LeGross from CT Consultants said the Village is in good shape to file the annual report by the deadline.

Mayor reported that he spoke to Chief Zupan of the Chagrin Falls Fire Department in regard to the Bell Road West project. They discussed the construction crews assisting emergency crews

and there have been no issues to date. They also discussed the road closure plan scheduled for March 24th.

FISCAL OFFICER: Fiscal Officer reported she attended the State Auditor's conference in Columbus where again there are procedural changes in multiple state agencies and she will update Mayor and Council with those details in her next monthly report.

Fiscal Officer informed Council that the Public Records Retention Committee met just prior to the Council meeting. She explained that the Village's public record policy is that the Village charges 5 cents per copy for all public records requests. The Public Record Committee's recommendation was to change that to not charge for record requests under 25 copies, but then change the charge to 10 cents per copy for requests over 25 copies. She explained that most record requests are 2-3 pages and she has to charge 15 cents and there is the paperwork, etc. that goes along with that. She said many communities charge for 25 copies or more, so that is the theory behind the request for a change. Kostura made a motion to change the public records policy to not charge for records requests under 25 copies, and charge 10 cents per copy for requests over 25 copies, seconded by Binder. Roll call – ayes, all. Motion carried.

As Tax Administrator, Fiscal Officer reported that during the conference she also learned of new legislation that was introduced regarding local income taxes. It appears that legislation was introduced that would only tax residents of municipalities, and not employees. This proposed legislation was a surprise to everyone and not a lot of details were known as this was introduced while the conference was taking place. Fiscal Officer stated this is something outside of H.B. 5 which is the other income tax legislation that has been discussed for a while. Fiscal Officer will attend the quarterly meeting with Central Collection Agency (CCA) on Wednesday and will update Mayor and Council with details.

Koons questioned income tax collection increases and asked if part of that was that residents are better informed that South Russell residents pay into Central Collection Agency rather than Regional Income Tax Agency, which is Chagrin Falls' income tax collection agency. Fiscal Officer replied that better communication as well as the taxing agencies having access to IRS information where they can cross-check taxpayer's federal returns to their municipalities to ensure they are paying their taxes has been very helpful in having a decrease in delinquent taxpayers.

FISCAL AUDITOR: Fiscal Auditor distributed a Summary of Revenue report for the years of 2001 through 2013. He reviewed the multiple line items such as ambulance fees and cable franchise fees and explained how and why they trended as they did. Also reviewed were donations, grants, and inheritance tax revenues which are non-budgeted items. Fiscal Auditor explained declining revenue balances such as property taxes and local government taxes as well. Fiscal Auditor continued to review the report stating that he took out the extraordinary items such as grants, inheritance tax, etc. He explained without those items the trend was generally upward, however in 2009 there was a 10% drop in revenues and another drop in 2010 but things have picked up since then. Binder commented that without the extraordinary income, revenue is relatively flat. Fiscal Auditor replied that is to be expected and it was a very good thing that the Village increased the income tax in 2012.

ENGINEER'S REPORT: Engineer reported that the Bell Road project is in full swing. He said there are two crews out doing their best to keep traffic backups and congestion to a minimum. Regarding the Bell Road West project budgeting, the Engineer reported that the Village is responsible for 20% of all of the construction costs less the \$450,000 Ohio Public Works

Commission (OPWC) grant it received. The Village is also on the hook for 20% of all additional expenses that gets lumped into the project. Engineer estimates that the Village currently has about \$20,000 to \$25,000 extra due to adding a handful of inlet basins for drainage problems, shifting storm sewers around to avoid conflict at other residences. He explained the Village's share of that cost at 20% is approximately \$5,000. Engineer said some of the project line items have a decent amount of fat and he thinks that will cover a lot of these items that were added in. Mayor asked how the bills get paid. Engineer explained that as the project proceeds, the contractor will submit bills to Ohio Department of Transportation (ODOT) and they draw from the Village's grant and the \$200,000 - 0% interest loan (drawing from the grant first). At end of project, the OPWC, (where the loan is from), will come to the village with a bill for its share of the cost. At that point the village can pay off the loan. The Engineer explained there will be no physical outlay from the Village until September or October. There was a brief discussion on the overages and the Northeast Ohio Areawide Coordinating Agency (NOACA) contingency limit.

Kostura asked about the idea of rumble strips that was talked about at the last meeting. Engineer said he discussed this with ODOT who replied that rumble strips are generally put on state routes with high traffic flows and high speed limits and is not commonly installed on a lower traffic and lower speed limit road. ODOT said if it goes against ODOT rules, then the Village would be 100% liable for that cost. Engineer said he likes the rumble strip idea and is going to see what can be done.

Engineer said it is his understanding the Village's amount in permissive tax funds held by the county is approximately \$150,000 to \$175,000. Engineer said he spoke to Joe Cattell at the County who is working with the County Commissioners about using that money for the Bell Road West project. The Mayor asked if the Village could use that money for Bell Road West to which the Engineer answered the short answer was no and the long answer was maybe. He explained the funds could be used for are Snyder, Daisy, and a portion of Hemlock. Engineer said if the Village can't use that money for the Bell Road project, there are other potential projects that it could be used for. Engineer suggested using the money while it is available.

Regarding the cemetery, the Engineer reported that it wasn't part of the design directive to confine the cemetery to one parcel. Engineer did explain that in order not to infringe on the other property, the Village could "chop off" six gravesites that spilled over to the other parcel. He said this is not a big issue now because the village owns both parcels, however if they sold the lot there is a 25 ft setback requirement from the creek. He said if the village was ever to split off that property, it would be wise to get a drainage easement. Mayor said the options are to lop off six graves, have CT Consultants move everything north and that would require re-drawing the cemetery, or the Village could re-draw the lot line. The Engineer said chopping off six graves is the easiest and cheapest answer. Carroll asked if the Properties Committee is charged with overseeing the cemetery or is there another council person in charge of working on the cemetery project - the Mayor replied there was not. Carroll said there is a council person assigned to the Parks Committee so it seemed to him that the cemetery is a significant project and he felt there should be consideration put forth to have a council person or someone responsible for it to try to streamline everything. Dishong said the cemetery committee was originally a research group to decide if the Village should have a cemetery, but now since the Village is going to have one, it probably should graduate to some level of responsibility for somebody. Dishong made a motion to reconfigure the cemetery to lop off the six lots and more optimally configure the cemetery, seconded by Porter. Roll call – ayes, all. Motion carried.

Engineer said he was questioned on the invoice from CT Consultants regarding the cemetery. He clarified the project cost amount on the invoice was incorrect and said it didn't reflect the bill.

He said since the cemetery was moved three times over the years, in the interest of fairness, CT Consultants has only billed for the time they worked and the Village should disregard the project cost amount on invoice. He said they estimate the cemetery cost to be approximately \$185,000 with a gravel road and \$200,000 with an asphalt road.

Engineer informed Council he could advertise for bids when the Village is ready and will advertise an alternate for asphalt paving. Mayor said he would like to have the Cemetery Committee present and make sure everyone is in alignment and ready to go when the Village agrees to go out to bid. Engineer said he will bring an exhibit with a revised grave layout. Mayor said the Street Commissioner and Building Commissioner were looking for the revised drawing and the area to be pinned so they could get a quote for clearing the land, so that still needed to be done. Engineer said his survey crew is queued up for that. Mayor would like that done and ready prior to the next Council meeting.

Carroll asked if Council will appoint or find someone to have the responsibility of the cemetery at the next meeting. Dishong said the Cemetery Committee was put in place by ordinance so that would need to be looked at. Mayor said he is thinking through Carroll's question and request to have someone from Council be appointed to be more active with the cemetery, and Mayor said he felt the Village already has that with the Properties Committee. Carroll said he doesn't want to get the cart so far down the road that the Village is trying to play catch up.

BUILDING COMMISSIONER'S REPORT: Building Commissioner reported that the Planning Commission meeting has been cancelled. On the agenda was a commercial piece of property with a residential home on it that wanted to open a pizza place. He stated the owner has some obstacles to overcome prior to coming before the Planning Commission so that is off for now. Mayor said he has a little bit of a concern regarding the assisted living center. He said when he last he talked to the CEO of that facility he was concerned about the timing of the opening because of all the requirements that needed to be addressed. Mayor said the fact that they are not on the agenda for the Planning Commission, it is a little bit of a red flag for him. If they were in a hurry before, they will have to be in a huge hurry now to accomplish what they wanted. Building Commissioner said one issue they had was hiring a geologist and it took time to find one.

Building Commissioner informed Mayor and Council there are some variances coming before the Zoning Board of Appeals. Two of the variances are for a property on Bell Road and one is for the assisted living center.

POLICE CHIEF'S REPORT: Police Chief reported his department received an Ohio Department of Natural Resources "Step Out Grant" for \$500 which will be used towards the Cops and Kids fishing program.

Chief said his department has been giving verbal warnings for people the officers are observing with dogs off leash at the park. They have given 12 warnings, 8 of which were on the Bell Road side and 4 on the East Washington side. He doesn't have anyone out there at a specific time, they monitor while passing during their regular patrol. Chief asked if they are supposed to be identifying and addressing non-compliance differently. Mayor and Council agreed the officers should give citations for repeat offenders as well as those that are arguing with the park requirements or blatantly ignoring the officers. Dishong asked the Chief how hard it would be to patrol if the Village enacted a leash law. The Chief said they would increase patrol in the SUV on the trails. Chief told Mayor and Council he will increase patrols at the park.

Chief reported that the Prosecutor is taking a large theft case from the Village to the grand jury.

STREET COMMISSIONER'S REPORT: Street Commissioner said the salt building is getting filled up and he has one more purchase order outstanding for an additional 400 tons to add to the supply.

As Webmaster, Street Commissioner has done updates to the website including the upcoming road detour.

SOLICITOR'S REPORT: Solicitor informed Council that he attended a seminar where the discussion topic was many of the different ways municipalities can get into liability problems with police conduct. Solicitor will share the information he received with the Chief for his review.

Solicitor said the Street Commissioner questioned him on truck drivers and the limitations on the hours they can work before they must have a certain amount of rest and questioned whether those rules apply to the Village's snowplow drivers. Solicitor said they are not finding any quick and easy answer to this question as Ohio hasn't made a decision on it. Solicitor said though no official decision has been made, that doesn't mean that the Village couldn't put some limitations on its workers. Solicitor said he, the Street Commissioner and the Fiscal Officer will continue to research this issue.

COMMITTEE REPORTS: Kostura, Porter, and Carroll had no report.

Binder reported that the Streets Committee met on March 7th and discussed salt.

Dishong said the newsletter should go to the printer within the next day or so.

Dishong reported that the Human Resource committee will request to go into Executive Session to discuss employee compensation.

Koons distributed the Park Committee agenda and minutes and reviewed them with Mayor and Council. He stated the committee's goal for having the fireplace built is Memorial Day.

Koons said the Parks Committee believes the easiest way to reserve the pavilion is having those who want to reserve the pavilion come to the Village during normal hours, get a form, and then give the Village a non-refundable check for \$25. The Committee also believes the park will need some sort of trash container. If the pavilion isn't reserved, then the pavilion usage will be on a first-come, first-serve basis.

The Park Committee is also working on the changes to the park rules sign and they would like to have that posted by April 1st.

Koons reported there will be a soccer camp using the park in June. After discussion it was determined that the East Washington side of the park would be the best location for the camp to take place. Carroll said he is concerned about the soccer camp and kids running around at the park with a ball on odd days with dogs off leash chasing the ball. Koons said he is concerned if the park will be clean from dog messes in June. He will mention the dogs to the lady running the soccer camp. Carroll said he is really concerned with anybody wanting to use the park for any type of activity because the Village is already having issues with the dogs and having camps there could lead to more problems.

Koons said the Parks Committee would also like to set a standard date for the Fall Festival rather than waiting for the Brown's football schedule to be released. The committee is running into issues scheduling events because organizations need dates ahead of time.

Koons reported that the Building Committee met and came up with a very tentative project timeline which he reviewed with Council. He said the committee is also talking to some local artists to get ideas for a campus color scheme. They would like to make a decision quickly as the back of the Service Department shed needs to be painted to protect the newly replaced wood.

Koons asked Council to look at the service building area where cones have been placed to show where 12 and 16 feet mark the potential building addition sizes. He said they have received one bid which includes everything for \$35,000-\$40,000.

The committee is looking into the salt dome roof and the police department siding and roofing. They will hold off on the police department interior until the fall when the weather gets cool again.

ORDINANCES/RESOLUTIONS: None.

BILLS LIST: Dishong made a motion to approve the 3/14/14 bills list in the amount of \$60,789.54, seconded by Kostura. Roll call – ayes, all. Motion carried.

Dishong made a motion to ratify the 2/28/14 bills list #2 in the amount of \$26,570.28, seconded by Kostura. Roll call – ayes, all. Motion carried.

NEW/OTHER: Koons, Kostura, Porter, Binder, Dishong had no new business.

With building a new cemetery, Carroll asked if the Village has ever considered going out for a levy in the future to support ongoing cemetery costs. Dishong said the Village is sitting on 2.7 million dollars and he doesn't believe there is a need for a levy. The Mayor questioned if Carroll was asking about the ongoing costs, which he replied he was. Mayor said the belief is that the revenue generated from the sales and the grave openings in essence will offset the operating costs. He said it may not be a perfect wash, but if there isn't much activity, then there isn't much cost. If there is a lot of activity, there is more revenue to pay for it. He said the model the Village was presented with was that given the amount of sales projected, it would cover the operating expenditures and contribute back to the cost of construction. Carroll said since he is new on Council he tried to get his head wrapped around this issue and researched some of the historical surveys and reports the village did. He said from what he saw, in a lot of the communities cemeteries aren't self-sufficient. Porter replied that eventually they fill up like the one on Bell Road and then it is an ongoing expense from that point forward. He went on to say the sales of the graves will offset some of the costs and some day the Village may have to do a levy for its maintenance and repair but at least we didn't envision that so far. Mayor said there are many cemeteries, if not most, that have a deficit and don't sustain themselves whether they are new or they are full. Binder says he believes a lot of that depends on what is done with the initial proceeds. If it is invested into a trust account, it will buy some time. Dishong said the Village is not putting in a large cemetery with a high volume of traffic. He said the Village is putting in the construction costs, but the sales in the short term should help defray those costs. Carroll said it didn't look like there was a ton of costs involved for maintenance, but he wanted to make sure he understood the background.

At 9:16 pm Dishong made a motion to go into Executive Session to discuss employee compensation, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 9:44 pm.

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

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer