

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

MEMBERS PRESENT: Koons, Kostura, Porter, Binder, Dishong, Carroll (arrived at 8:02PM)

OFFICIALS PRESENT: Fiscal Officer Romanowski, Fiscal Auditor Lechman, Police Chief Rizzo, Solicitor Ondrey

VISITORS: Dr. Long, Cleveland Clinic; Robert Demarco, Cleveland Clinic Family Health Center Administrator

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Dishong moved to approve the minutes of the May 12, 2014 Council meeting, seconded by Koons. Roll call – ayes, all. Motion carried.

VISITORS: Dr. Long attended the meeting to announce the Cleveland Clinic is closing the Urgent Care facility on East Washington Street; the Urgent Care facility on 306 and 422 will remain open. The East Washington Street Cleveland Clinic facility will be utilized for scheduled appointments only and they will be sending a letter to local residents to inform them of this change. Kostura asked if it will take longer for the urgent care facility to assist patients now that there will only be one in the area. Dr. Long responded that he doesn't foresee a change but it will take time for them to work out any issues that may arise. They will still be handling urgent matters at the East Washington location if they have the means possible to assist the patient. If they aren't able to assist the individual, they will be sent to the Urgent Care Center on 306 and 422.

MAYOR'S REPORT: Mayor reported there is a resident on Sugar Bush that was encountering quite a bit of flooding. The Street Commissioner was able to take some photos of the flooding and provided them to the Mayor. The water went up to the front door but the resident didn't have any water damage inside the home. The flooding was caused by a metal plate placed in front of the culvert pipe while the wall was curing as part of the Bell Road project. This caused water to go over Bell Road and flood the property significantly. ODOT acted quickly in rectifying the situation. They slowly removed the plate so the water wouldn't flow fast and create any other issues. The Mayor asked that ODOT restore the area and plant grass due to the concern of erosion. The restoration work is scheduled after the entire project is complete but the Mayor would like to see it done in sections as they work their way down the street. Kostura asked who is liable if there was damage due to flooding. The Mayor stated this is an ODOT project but he isn't sure if the village assumes any liability from it.

Mayor stated the Cemetery Committee will be meeting on Monday, June 2 at 7:00AM at Village Hall.

Mayor met with the Rolling Ridge Homeowners Association. The association was concerned about a dangerous curve on Daisy Lane where several vehicles have been involved in accidents. There was mention of several different options, one being a guard rail. Right now if someone slides over the hill a tow truck can easily pull out a vehicle with very little damage but if you

install a guard rail, it could cause significant damage to a vehicle. They have requested the road eventually be redesigned in this location. They also requested sidewalks and streetlights.

Mayor received feedback on partnering with the Jaycee's on the circus and the treatment of the animals. Mayor reassured them the animals will not be harmed.

The Mayor and Dishong will be meeting with the Cleveland State University representative to discuss topics for discussion at the Strategic Planning meeting to be held on June 8th.

Mayor brought up the dog leash concern at the park. Dishong asked to wait to address the issue when Carroll was present.

Mayor informed Council that the owners of Augie's Pizza have asked for approval of a liquor permit. They had a permit, which expired and was used by another business. The permit would be utilized for beer and wine, although the permit includes serving liquor as well. The Mayor asked for Council to support and approve the permit. Chief Rizzo added he didn't see any issue with approval of the permit. Dishong moved to approve the TREX transfer form for the Augie's Pizza liquor permit, seconded by Binder. Roll call – ayes, all. Motion carried.

Mayor referred to an email he sent to Council about setting guidelines to determine whether the dogs being unleashed at the park will continue after the 6-month trial period. Porter thought some of the numbers presented were low. The Mayor's suggested threshold for the issue failing for the month would be if there were more than 4 citations or warnings monthly, 10 verbal or written complaints monthly, or 5 cleanliness inspections monthly. There is currently one citation this month. The Chief stated he would like to add clarity to the current ordinance to make things easier for the Police Department when issuing a citation. Carroll feels it's only a matter of time before someone is bit again. Council agreed that 2 major incidences over a 6-month period would be a fail. This would include someone getting injured due to a dog bite. Mayor and Council agreed that a dog jumping on someone or a car is a major offense. Discussion followed about several different offenses listed in the ordinance and how they are classified.

Dishong made a motion to set parameters for measuring park rule compliance at 25 warnings or citations, 1 major incident in violation of C4, 40 complaints and 5 cleanliness inspections over 5-month test period would fail the 6-month period, seconded by Kostura. Roll call — ayes; Kostura, Porter, Dishong. Nay: Koons, Binder, Carroll. Being that the vote was a tie, the Mayor voted and was in favor of the motion. Motion passed.

FISCAL OFFICER: The Fiscal Officer said the State of Ohio's audit is complete and there were no findings or issues.

Fiscal Officer referred to a new report distributed to Mayor and Council reflecting income tax collection history.

As Tax Administrator, Fiscal Officer informed Mayor and Council that she requested the Central Collection Agency (CCA) conduct a business canvass this summer. CCA has scheduled to do that in July and estimates it will take approximately two days.

FISCAL AUDITOR: The Fiscal Auditor reviewed his report and said his books match the Fiscal Officer's on all funds.

The Fiscal Auditor reviewed the income reports and said everything is where it should be for this year. Council briefly discussed some investment options and asked Fiscal Auditor for more information to be presented at the next meeting.

ENGINEER'S REPORT: Not scheduled for this meeting

BUILDING COMMISSIONER'S REPORT: Not scheduled for this meeting

POLICE CHIEF'S REPORT: Police Chief asked Council to review section 618.19 of the park ordinance and said he and the Solicitor have been working on some changes to the language for stronger enforcement. Solicitor added that the existing language is sufficient but the Village needed to add that dogs are prohibited, if off leash in the designated areas on certain days. He stated it is best to be as literal as possible when enforcing the current rules. Dishong moved to add to the current park rules ordinance, "No dog is permitted by its owner or handler to be off leash in restricted areas or in designated areas of the park on such posted days." Kostura seconded the motion. Roll call – ayes, all. Motion carried.

Chief stated he issued a recent citation when an unleashed dog jumped on the new cruiser and scratched it while he was at the park. The total fine for this issue was \$132. Chief researched how the money is distributed and found that \$62 goes to the state, \$52 goes to the court and \$16 comes back to South Russell Village. The courts said the Village can increase the fine amount to obtain more money from the citations. Chief will be speaking with the Clerk of Courts about increasing South Russell Village's fines.

Dishong moved to amend section 618.19 B (1) of the park ordinance to better define what even and odd days mean, stating "those month days with the digit ending in either an even or odd number, indicating those monthly days with the even digit being a number ending in either 0, 2, 4, 6 or 8 and with the odd digit being a number ending in either 1, 3, 5, 7 or 9". Kostura seconded the motion. Roll call – ayes, all. Motion carried.

Chief presented a uniform allowance policy update. Binder moved to approve the Police Departments uniform allowance changes as presented, seconded by Kostura. Roll call – ayes, all. Motion carried.

Chief reviewed a few issues around the Village that were reported during the Blossom Time Festival. Although there were a few incidents, everything ran smooth.

The Village's noise ordinance was discussed due to an issue with a party, but the Chief didn't feel a need to make any revisions to it.

Chief displayed t-shirts donated by a local resident for the Cops and Fishing event the Police Department will hold on June 8th.

STREET COMMISSIONER'S REPORT: Not scheduled for this meeting

SOLICITOR'S REPORT: Solicitor stated he reviewed the changes to the Codified Ordinance book and said they look good.

COMMITTEE REPORTS: Porter, Binder and Carroll didn't have anything to report.

Koons shared the draft Park Pavilion Permit to Council. They didn't have any additions or changes.

Koons said he spoke to the Land Conservancy and they stated if the Village makes a formal request to use the park land for the circus and the sled hill and they have a good argument to present to the Western Reserve Land Conservancy they should permit the use of the land. When drafting the request to the conservancy the Mayor and Council would like to specify that they have already given the Jaycee's permission to use the park for the circus and the Jaycee's have paid to advertise the event.

Koons informed Mayor and Council that the dedication for the park pavilion will be held on Monday, June 9th at 6:30PM. They ran into a small problem when installing the electricity, but it should be working soon.

Kostura reported the Planning Commission Meeting is scheduled for June 12th at 7:30PM.

Dishong reviewed three quotes that the Fiscal Officer obtained for a new office copier. The unit was budgeted to be replaced this year and he suggested that Council approve the quote from ComDoc. Dishong moved to approve the quote from ComDoc for the replacement of the Village Hall copier for \$7,195.86 which includes locking in the price per copy rate, seconded by Koons. Roll call – ayes, all. Motion carried.

Dishong is working on an agenda for the Strategic Planning meeting on June 8 from 11AM to 4PM.

Dishong reported the cemetery engineering expenses to date are \$67,732, consultant fees \$17,132, sign cost of \$840 and driveway apron and culvert expenses of \$232. There was brief discussion regarding why the appropriation ordinance needed to be amended. Fiscal Officer explained that Council budgeted \$200,000 for the cemetery this year. Expenses so far this year total \$15,900 which leaves a balance of \$184,100 available. Therefore, in order to accept the \$212,385 bid for construction and the additional expenses for marking the graves, software and tree clearing, the total additional expenses known for 2014 are \$234,635, requiring an appropriation amendment of \$50,535, not \$35,000 as stated in the originally proposed ordinance. Dishong moved to change the ordinance to amend the appropriations for the cemetery originally introduced \$200,000 to \$235,000 and increase it to \$250,535, seconded by Koons. Roll call to approve the change to the previously introduced ordinance – ayes; Dishong, Koons, Porter, Binder. Nay; Kostura, Carroll. Motion carried.

Dishong moved to acknowledge receipt of the financial report for April 2014 and to approve same as submitted, seconded by Kostura. Roll call – ayes, all. Motion carried.

ORDINANCES/RESOLUTIONS:

Dishong gave second reading on an ordinance to amend the appropriations for the cemetery to increase the current budget from \$200,000 to \$250,535 and declaring an emergency. Dishong moved to waive further readings, seconded by Porter. Roll call – ayes; Dishong, Koons, Porter. Nay; Kostura, Binder, Carroll. Motion failed.

Dishong gave second reading a resolution declaring it necessary to levy a tax in excess of the 10 mill limitation for a five year period for the purpose of providing and maintaining operations of

the Police Department at a rate not exceeding 2.75 mills for each one dollar of valuation, which levy is a renewal levy, and declaring an emergency.

Dishong introduced an ordinance to approve current replacement pages to the South Russell Codified Ordinances 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 2014-21**

Dishong introduced a resolution to request advance of taxes from the County Auditor 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 2014-22**

BILLS LIST: Porter moved to approve the May 31, 2014 bills list in the amount of \$12,428.07, seconded by Dishong. Roll call – ayes, all. Motion carried.

Dishong moved to ratify the May 13, 2014 bills list in the amount of \$20,343.24, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Koons attended a recent NOPEC meeting. He was informed that only 6% of people involved with NOPEC know what it is so they tried to educate the elected officials in attendance so they can relay the information back to the public.

At 9:18 pm, Dishong moved to go into Executive Session to discuss personnel compensation and employment, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 10:25 pm.

Kostura moved to authorize the Mayor to enter into a contract with Inspection Solutions for up to \$3,000 per month and allow the Mayor at his discretion to sort out the final details, seconded by Koons. Roll call – ayes, all. Motion carried.

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

Meeting adjourned at 10:26 pm.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen