

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 8, 2014 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Carroll, Koons, Kostura, Porter, Binder.

MEMBERS ABSENT: Dishong

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Street Commissioner Johnson, Building Inspector Heilman, Solicitor Ondrey, Engineer Haibach

VISITORS: Russ Zajaczkowski, Maple Springs; Joe Mulloy, Maple Springs; Faith Pescatore, Novelty; Barbara Stiebeling, East Bel Meadow Lane; Nina Lalish, Royal Oak; Mike & Melissa Kleinknecht, Chardon; Patty Mills, Cemetery Committee; Ed Pyle, Cemetery Committee; Cindy Nairn, Cemetery Committee; Rob Arnold, Chagrin Falls Cemetery Sexton; Brian Rotenbor, Stroud & Lawrence; Michael Lawrence, Stroud & Lawrence; Rae Carlton, Maple Hill Drive; Gary Dole, Maple Hill Drive; Elsie Tarczy, Sheerbrook Drive; Sujata Lakhe, Sheerbrook Drive; Bill Barnard, Sheerbrook Drive; Dave Dillon, First Energy; Blake Rear, Geauga County Commissioner; Janice DeMichele, Sugar Bush Lane; Mary Beth Wolfe, Daisy Lane; Todd Pocek, part-time patrolman; Lynn Music, Chagrin Falls;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll, Dishong absent. Koons moved to approve the regular meeting minutes of the August 11, 2014 Council meeting, seconded by Porter. Roll call – ayes, Carroll, Koons, Porter, Binder. Kostura abstained. Motion carried.

VISITORS: Chief Rizzo recommended to Mayor and Council to re-hire Todd Pocek as a part-time patrolman for the Police Department. The Mayor said he supports the re-hire and stated that Pocek was dependable when employed for the village previously. Binder made a motion to appoint Pocek as a part-time patrolman, seconded by Carroll. Roll call – ayes, all. Motion carried.

Mayor swore in Pocek as a part-time patrolman.

Mayor said both Janice DiMichele and Mary Beth Wolfe delivered outstanding service to the Village in their important roles. They both were team players, were clear on their opinion and researched the topic at hand. Their passion for the community shined through their accomplishments as they always wanted the best for South Russell. Mayor presented DiMichele and Wolfe with resolutions of appreciation and keys to the Village. Wolfe received her framed watercolor of Village Hall, which is a gift only given to former Council members.

Dave Dillion, Area Manager of First Energy, introduced himself to Council and stated he is in the process of reviewing some items with the Mayor. Dillion hopes to keep the Village satisfied with services provided by First Energy. South Russell Council is invited to tour the dispatch

center if they wish. Chief asked if the Illuminating Company still provides first responder training to train the Police Officers. Dillion responded that they do provide this training and they have recently trained a couple local communities.

Koons informed Council that the Parks Committee walked the park with several representatives of the Geauga Park District. Since July 17th there have not been three consecutive days without rain and this caused a delay in the mowing of the park, which started today.

Koons walked the park with two Eagle Scouts and discussed some project ideas.

Russ Zajaczkowski, a resident of Maple Hill of Chagrin Lakes, expressed his concerns about the contaminated lakes due to The Lantern of South Russell project. The owner of the project property, Mr. Makesh, sent a letter to the residents in Chagrin Lakes and Zajaczkowski feels the letter is stating he is not going to do anything about the contamination. He would like the Village's support in resolving this issue. Mayor gave Council the background of the matter and said there were silting issues, which caused dirty water to flow into Chagrin Lakes. The Village has looked to the project owners to be a good neighbor and help get things cleared up but at this point, nothing has occurred. Mayor said the Village is looking to see what it can do to assist in getting this issue resolved and will stand behind their residents.

Bill Barnard of Sheerbrook asked if the Village can pull the Lantern of South Russell's permits. Mayor said he does not believe the Village has that right based on what has occurred with the water going into Chagrin Lakes. The project went before the Planning Commission a couple weeks ago and the Village did not have the ability to deny the application based on the issue that has occurred. Mayor stated the Village is in a partnership with Chagrin River Watershed Partners LLC (CRWP) and Geauga Soil & Water to make sure they are fulfilling the requirements. We have tried to pull all the groups together to be in alignment with the recommendations in a unified manner.

Elsie Tarczy of Sheerbrook stated the contractors haven't been in compliance with EPA. Engineer said at this point the project is in compliance with all EPA requirements. EPA has measures in place they enforce for storm water runoff but does not have a mandate on the clarity of the water that comes off a construction site. The CRWP, Geauga Soil & Water and EPA are trying to come up with additional strategies to clean the water. All requirements were not in place when the project started, but it had been enforced that this problem be corrected in a required amount of time. The Engineer said he is on the construction site 3-4 times per week and after every rain. Even with everything in place, there is still a silt issue downstream. The Engineer has enforced stricter mandates to add flocculating agents to clear up the water and The Lantern of South Russell has a \$30,000 bond on the project for compliance.

Nina Lalich of Royal Oak Drive said she looked on the Geauga Soil & Water website, which states they do not have a contract with the Village to inspect construction sites. She added that other communities require construction sites to provide a plan on how they manage storm water runoff and asked why the Village doesn't require contractors to do the same. The Engineer stated those that partner with the county don't have a Building Department or internal Engineer.

Russ Zajaczkowski stated that stopping the construction is not in Chagrin Lakes favor. He also wanted to acknowledge the Engineer's work and said he has been extremely helpful.

Lynn Music asked if Council has the ability to act as an arbitrator between Chagrin Lakes and The Lantern group. The Mayor said he has tried but it hasn't been very effective. The Mayor understands the frustration and is also discouraged by the condition of the lakes.

Geauga County Commissioner Blake Rear was present and stated he is going around to different municipalities to observe the meetings and had nothing to bring before Council.

Faith Pescatore of Russell Township addressed Council. She would like to follow up with concerns about the circus at South Russell Village Park and update Council so they can make an informed decision. The group has collected over 100 signatures and looks to get many more. Pescatore asked if the Jaycees made a profit. The Mayor isn't sure if they did but stated the Village did not profit at all from the event.

Barb Stiebeling is also concerned that the circus was held in South Russell Village. She asked if the approval process for allowing the circus will be different next time and if their petition be considered. The Mayor said Council has always kept an open mind on topics and he believes they will do so in the future. Stiebeling said Council packets would be helpful to have prior to the meeting and she would like the agenda online. Fiscal Officer stated the agenda is available at the office if they would like a copy.

Ed Pyle of the Cemetery Committee addressed Council. He introduced Rob Arnold, Cemetery Sexton from Chagrin Falls, as well as Mike Lawrence and Brian Rotenbor from Stroud Lawrence Funeral Home. He said the size of lots had originally been planned for 40" wide but the Committee was advised by Arnold that 48" is standard for the width because it is important to have a couple of inches on either side of the grave when burying a vault. Due to this change, the Village has to reduce the lots available by 20%. Pyle wanted to advise Council why this was necessary and ask for approval of the new plans with the wider lots.

Mayor added that originally several years ago the Village had planned for 48" wide lots but when it hired the consultant, David Shanteau, he said it was possible to decrease the width from 48" to 40" to add more lots for sales revenue. It is estimated that approximately 80 graves could fit in Section 2, which could offset the amount of lots the Village is losing. The Engineer stated that it wouldn't be a lot of work to survey and pin Section 2. The Solicitor said as long as Council is informed about the change they don't need to take any further action. Although it isn't required, it would be nice to have a formal vote of Council to know their preference.

Mike Lawrence and Brian Rotenbor from Stroud Lawrence stated that about 10 to 20 families are waiting for the cemetery to open to purchase graves for cremation burials and he believes there is a possibility that within two years all of the current planned graves will be sold. Rotenbor asked why the Village is opening to non-village residents. He stated that most public cemeteries do not extend sales to non-village residents and the ones that open to non-residents are private. He suggested that the Village start with sales to residents only, revisit the issue and possibly open the opportunity of sales to non-village residents if needed in the future.

Pyle said Council may want to consider pinning Section 2 for sales as well. He presented numbers for revenue. Resident prices for full sized lots are \$825 and the committee doubled that price for non-village residents. Pyle also thinks the Village is going to sell out quickly.

Mayor said originally Council was going to sell to residents only, but the Cemetery Committee decided to open to non-village residents in an effort to offset expenses. Binder suggested managing demand with price. Binder then asked what drives the change in the lot size. Arnold

said while setting the vault down, it can shift a little. This could become an issue because the lots are too tight and currently leave 1” between. The 40” comes from an era when vaults weren’t required and the 48” allows for larger/plus sized vaults. Mayor thinks it is a good thing this was caught prior to the cemetery opening.

Binder said he appreciates all the committee’s hard work but is concerned with all of the recent changes that have come before Council. Pyle feels the committee has a solid plan and said that Section 2 can be pinned when needed in the future. He believes the cemetery will sell more lots initially and that it should move forward with the original plan then revisit the plan in a year to see if it needs any revisions.

Porter added the 48” allows for more room to dig with a backhoe and that he disagrees the cemetery lots will sell out within a few years. He said the Village may get most of its money back initially but a cemetery needs maintenance forever so it will be a money loss in the future. He added this is a commitment that the Village has made to the residents and he feels it should keep moving forward and would like to see it open in November.

Carroll said he agrees with Binder and Porter and asked Arnold how many burials Chagrin Falls holds yearly. Arnold replied about 40 to 50 but they have a columbarium which is available to non-village residents. The columbarium has been in place for five years and has paid for itself already. The majority of cremains in the columbarium are non-village residents with 40% of the burials in Chagrin Falls being cremations.

Koons feels the Village needs to push on finalizing the cemetery details so it can open by our deadline of November 1, which is only 7 weeks away. He would like Council to reconsider installing a columbarium and opening the center section. He also feels that the Village needs to limit the amount of lots a family can purchase and shouldn’t open sales to non-village residents.

Mayor asked Council to consider if they want to extend sales to non-village residents. Lena asked if Council will be including the village residents in their decisions and sending out a survey. She wasn’t aware that non-village residents would be able to purchase a lot in the village cemetery where there are limited graves available.

Kostura asked what the market price is for cemetery lots. Lawrence said it depends on the cemetery location and whether it’s a private or public cemetery. It averages about \$1,600 for a non-village resident to purchase a lot. The Mayor asked Council to review the proposed rules and prices before the September 22nd meeting.

Porter stated he would like to go with the 48” and stick with the original plans. Pyle feels the Cemetery Committee has a good plan and he would like to see Council approve it. Council can then revisit the cemetery progress in 90 days or more and amend the plans as needed. He would also like to see advertising for the cemetery in the Fall Festivals brochure. The Fiscal Officer, Street Commissioner and Dahlhausen were thanked for their diligent work trying to finalize details with the cemetery.

MAYOR’S REPORT: The Mayor said it is disappointing that the problem with Chagrin Lakes has been ongoing but the Village will use any leverage they can with The Lantern of South Russell.

The Mayor and Council held an information session for Bell Road West residents before the regular Council meeting and about 6 or 7 people attended. The feedback was favorable and ODOT should meet their deadline.

FISCAL OFFICER: The Fiscal Officer reviewed her monthly report distributed to Council and went over the Municipal Income Tax collections.

The locks at Village Hall were changed so the Fiscal Officer will be handing out new keys to Council and Department Heads after the meeting.

The Fiscal Officer met with Workers Compensation to go over possible safety equipment. The Village can apply for a grant to receive 75% of the cost. She will meet with Street Commissioner and the Mayor to discuss the options.

FISCAL AUDITOR: The Fiscal Auditor presented his report to Council and reported that he and the Fiscal Officer balance to the penny on all funds.

The Fiscal Auditor rolled the Star Account into a Star Plus Account, which is four times higher interest and will be posted monthly.

The balances will change soon with project expenses. Permissive Use tax money will offset the Snyder Road section of the 2014 Road Program but Council will notice a lot of money for other projects coming out of the funds later in the year.

ENGINEER'S REPORT: Engineer stated that the Cemetery is under construction and SiteTech has the road cut in, shaped and rough-graded. The road base will be going in this week.

The 2014 Road Program is in progress and the Village made significant changes to Snyder Road, which will make it longer-lasting. After all of the final details are completed on Snyder, the cost will be about \$1,600 less than the bid amount. The Engineer has been in contact with the Geauga County Engineer's Office to update them on the cost for Snyder Road and requested \$169,732.82 for Permissive Use Tax, which the Village has been awarded. Even though the cost of repair is less than expected, the cost for Snyder Road will end up being more than the Village has been awarded by the County. All roads on this year's Road Program have been paved and are awaiting striping and tarring of the joints. The berm material on Snyder Road is the Village's responsibility and the Service Department will use asphalt grindings.

BUILDING INSPECTOR'S REPORT: The service garage addition is in progress. The project changes include going from an 11 foot door to a standard 12 foot door and removal of a column that was proposed on the southwest corner.

The Planning Commission has an application before them for a proposed 10-home development.

ZBA will meet on September 17th for a pizza takeout next to Panini's on East Washington Street.

The previously approved generator contract for \$319 was for the Service Building only. The Police Department generator contract from Portman Electric is \$169.

POLICE CHIEF'S REPORT: Chief reported that there were a number of burglaries at the end of June and July, which resulted in 7 juvenile arrests. A joint operation with Bainbridge, Chagrin Falls and Russell Township Police Departments contributed to the arrests.

There was also another burglary from some individuals out of the Portage/Summit County area. These individuals stole purse off Sheerbrook and video footage of them using the credit cards

was posted on the new Police Department Facebook page. Within a few days of the posting, a local agency identified them and one of the individuals is in custody. The charges for the use of the credit cards will be going through the Twinsburg and Macedonia Police Departments.

The Facebook page is an informational outlet to residents. The Police Department can post updates and receive messages privately, but users that are following the page aren't able to comment on the updates for the other users to see. Creating the Facebook page helped solve this particular case and the Police Department is hoping to have the same luck with future cases.

Chief said the Police Department has been approved for the Bullet Proof Vest Grant and will be receiving \$2,600.

A rescue squad was sent to the South Russell Village Park on September 7th. An unleashed dog jumped on the victim and knocked her over. As a result she broke her ankle.

Chief would like Council to accept a donation for new cabinets at the Police Department. Binder moved to accept the donation in the amount of \$1,560.36 for the Police Department cabinets, seconded by Kostura. Roll call – ayes, all. Motion carried.

Kostura moved to approve the Portman Electric contract for \$169 for the Police Department, seconded by Binder. Roll call – ayes, all. Motion carried.

STREET COMMISSIONER'S REPORT: Street Commissioner reported the Service Department started crack sealing and Snyder Road will be included in the striping with the other village roads. The Service Department will begin the in-house road repairs on September 15th.

The Street Commissioner is working on details for the upcoming Fall Festival.

SOLICITOR'S REPORT: Solicitor stated he should have an ordinance drafted by the next meeting on solicitation to village residents. He thinks the Village can be more aggressive than discussed at the last meeting.

COMMITTEE REPORTS: Carroll and Porter had no report.

Koons reported that details for the Fall Festival are being finalized. There will be a bouncy house, pony rides and many other fun things to do. The Committee is concerned about the weather and will meet before the event to make sure everything is fine to move forward.

Kostura reported the Planning Commission will meet on Thursday, September 11, 2014.

Binder met with the Safety Committee last month. Some issues discussed concerned speeding and parking issues on Manorbrook. The Police Department will increase enforcement in this road.

The next Safety meeting will be held September 12 at 7:30am. Streets will meet September 19 at 7:30am.

Kostura moved to approve the July Financial Statements as submitted, seconded by Koons. Roll call – ayes, all. Motion carried.

ORDINANCES/RESOLUTIONS:

Koons gave second reading on a resolution of appreciation for Ann Dunning.

Koons gave second reading on a resolution of appreciation for Dave Hocevar.

Koons gave second reading on a resolution of appreciation for Walter Sutliff.

Kostura gave second reading on an ordinance accepting the amounts and rates as determined by the County Budget Commission.

Kostura gave third reading to an ordinance transferring \$7,000 to the Special Land and Building fund from the Income Tax fund. Porter moved to adopt, seconded by Koons. Roll call—ayes; Carroll, Koons, Porter. Nay; Kostura, Binder. Motion passed. **ORDINANCE 2014-39**

Kostura introduced an ordinance increasing Special Land and Building fund expenses by \$7,000 and increasing the Income Tax transfers by \$7,000. Kostura moved to waive further readings, seconded by Porter. Roll call—ayes; Carroll, Koons, Kostura, Porter. Nay; Binder. Motion failed.

BILLS LIST: Koons moved to ratify the August 29, 2014 in the amount of \$33,401.29, seconded by Carroll. Roll call – ayes, all. Motion carried.

Koons moved to approve the September 15, 2014 bills list in the amount of \$28,609.85, seconded by Kostura. Roll call – ayes, all. Motion carried.

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

Carroll stated that he is drafting a pig ordinance and will have it ready at the next meeting.

Carroll stated a speeder was seen going down Lakeview and was thought to be going 60 MPH. Chief said the Police Department can't issue a citation unless they actually catch the individual speeding but will keep an eye out.

Carroll stated that the Fire Prevention Officer would like to update to the current fire code and any other subsequent codes. Carroll will be in contact with the Solicitor.

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

Meeting adjourned at 9:40 PM.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen