

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 23, 2015 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Koons, Kostura, Porter, Binder, Carroll and Dishong (arrived approximately 8:25PM).

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey

VISITORS: Barbara Stiebeling, East Bel Meadow Lane; Faith Pescatore, Novelty; Linda Alexander, Montville; Gary Dole, Maple Hill Drive; Gayle Klero, Moreland Hills; Mary Rivin, Countryside Drive; Joe Constant, Aurora; Daniel Beavers; Virginia Horvath; Lakeview Drive; Joan Demirjian, Chagrin Valley Times; David & Sandra Cobb, Moreland Hills; Betsy Somerstried, South Russell; Sandie Sajner, Painesville; Jonathan Seewald, Bainbridge; Brenan Rucker, Chagrin Falls; Laurie Loveman, Bainbridge; Alexandra Keizmore, Bainbridge; Larry Staley, Deerfield Drive; Jerry Plant, Chagrin Falls;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Binder moved to approve the minutes of the February 9, 2015 Council meeting, seconded by Koons. Motion carried.

VISITORS: Faith Pescatore spoke for State Representative Sarah LaTourette, who is a supporter of Goddard Law, but wasn't able to attend the Council meeting. Pescatore read a letter from the State Representative in opposition to the circus.

Barb Stiebeling said she has been attending meetings for 6 months and addressed Council at every meeting concerning her disinterest in the circus and animal cruelty. As of two weeks ago when she addressed Council, she said there were fewer than 10 people that she was aware of that are in support of the circus.

Larry Staley spoke at a previous meeting concerning the circus and how it has evolved to what it is today. He feels there is potential liability issues and wants to ensure there is a backup safety plan if needed. He added that on average there are about 2 to 3 animal escapes per year from circuses.

There being no further comments from the visitors, Mayor asked for Council comments and said there won't be any discourse back and forth after statements are made by Council members.

Kostura read from a letter which stated that he is a member of the Chagrin Valley Jaycees but has checked with the Village Solicitor and received an opinion from the Ohio Ethics Commission to ensure that he is not in any violation of a conflict of interest in voting on the circus returning to the Village of South Russell. He reviewed several points that would make the issue a conflict of interest, but they don't apply to him. He added that he has taken time to research both sides of this topic and doesn't understand why horse and dog shows aren't an issue as well. Kostura doesn't support animal cruelty but doesn't feel that the village should have an ordinance in place to ban circuses from the Village. He feels the current animal abuse ordinances should be enforced if the Kelly Miller Circus returns.

Binder said he is a huge supporter of the Chagrin Valley Jaycees and the fact that they do wonderful things for our community. He doesn't feel there is a significant benefit with having the circus return to the Village. Although he doesn't feel compelled to support the circus returning, he doesn't think the Village needs to have legislation in place prohibiting circuses.

Koons said he thinks the residents will vote with their feet whether or not they want the circus in the Village. He received 4 responses in favor of the circus from residents. The Park Committee researched the circus last year by attending the Kelly Miller Circus in Aurora, Macedonia and Middlefield before it came to South Russell Village. He said he still feels that society needs to have these animals in the public's view and educate people about their possible extinction issues.

Carroll thanked everyone for attending and said he didn't see any safety concerns with the last circus. The event was inspected by the Police and Fire Departments. Carroll is also a current member of Chagrin Valley Jaycees but he is strictly a volunteer and doesn't have any personal interest in a circus being held. Carroll had some concern with the bull hooks used and didn't understand why no one brings attention to rodeos or other similar events that include animals. Carroll also said the residents will vote with their feet as Koons stated.

Porter agreed that the bull hook picture found on the internet is disturbing. From the positioning of the individuals hands and lack of information on the photo, Porter believes it may have been staged. The USDA cited the Kelly Miller Circus some time ago for a camel being tied to a short tether, which they corrected. Porter said he doesn't support animal cruelty but he too is not in favor of banning circus through village legislation. He also feels the Chagrin Valley Jaycees provide exceptional service to the community and would like to see the residents vote with their feet.

Binder added the Chagrin Valley Jaycees request is to hold the circus no later than August 1st and the land conservancy does not allow mowing of the land before August 1st. The Village can mow our 10 acres of property anytime so the circus may be limited to this part of the property.

Mayor said he sees the passion on both sides of this topic but he wanted to stress there is no member of Council that supports any form of animal cruelty. Research was conducted by the Mayor and Council before the Kelley Miller Circus came to the Village. He does understand that there are some cases of animal cruelty at circuses but the Village didn't see this with the Kelley Miller Circus and it wouldn't support any such acts within the Village.

There may be some logistical challenges with the circus returning since the Village can't mow outside the 10-acre property. The Mayor asked Council to hold off on any decisions concerning the topics of a ban of circuses within the Village of South Russell and whether to allow the Chagrin Valley Jaycees to hold another circus at the South Russell Village Park until Dishong arrived.

MAYOR'S REPORT: The Mayor addressed the leash topic at the South Russell Village Park. A stipulation Council added to the ordinance last year was a test period from April to October of 2014 with certain criteria to determine whether or not the test period passed or failed. The Mayor stated the results indicate the test clearly didn't pass and he recommends removing the language of odd/even days to make the park leashed daily unless there is a compelling consensus from Council for another plan.

A couple ideas were presented to Council in the past which involved the installation of a fence on the conservancy property for an unleashed area. The conservancy informed Koons the easement doesn't allow for a fence on the property. Mayor would like Council to move forward tonight when all members of Council are present since Koons can't attend the next Council meeting. Any legislation would go through three readings which would require a decision to be made at the March 23rd Council meeting.

Koons would like to have an area that dogs could run free but at this point the only option would be to install a fence around the 10 acres on the East Washington side of the park. Binder replied that the people requesting their dogs to be off leash were offered a 17-acre section, which they felt was unacceptable.

Kostura said he was in favor of the odd/even unleashed test period so everyone was given an opportunity to use the park. Unfortunately the experiment failed, which he felt was disappointing. Due to some people violating the rules, he thinks the Village should move forward with requiring a leash at all times.

Larry Staley said he is at the park 5 days a week and has been jumped on several times by dogs. He feels a leash requirement should be enforced.

Carroll believes the park should be a leashed area but would keep an open mind in the future for other options.

Porter added the Village has to be able to enforce whatever decision is made. Porter suggested allowing the East Washington Street side of the park to be utilized as an unleashed area with the Bell Road side being leashed only. He thinks the reforestation area could act as the buffer zone.

Mayor said he is open to other ideas down the road, but the Village needs to stipulate new rules now. He feels Council contributed a tremendous amount of work and efforts to accommodate allowing dogs off leash in the park but it hasn't worked. The park should be enjoyed by everyone and some people have created an environment where that is not the case. Even with the large, recognizable signs, park users still say they aren't aware of the rules. Further discussion will be held when Dishong arrives.

FISCAL OFFICER'S REPORT: The Fiscal Officer had nothing to report.

FISCAL AUDITOR'S REPORT: Not scheduled for this meeting

ENGINEER'S REPORT: Not scheduled for this meeting

BUILDING INSPECTOR'S REPORT: Not scheduled for this meeting

POLICE CHIEF'S REPORT: Not scheduled for this meeting

STREET COMMISSIONER'S REPORT: Mayor said the Village workers and equipment are performing well with the snow removal.

SOLICITOR'S REPORT: The Solicitor recapped Kostura's comments and verified all statements concerning conflict of interests are accurate. He added that he doesn't believe any Council Member would be precluded from the vote on the circus topic due to their Chagrin Valley Jaycees membership.

COMMITTEE REPORTS: Binder, Carroll and Dishong had no report.

Koons said the Farmers' Market would like to hang a banner across State Route 306. Ondrey replied that the Farmers' Market would have to apply for approval through the state.

Koons said the Park Committee met and decided to go with the wooden restrooms. They will be meeting again soon to discuss regular maintenance issues.

Koons reported that the Boy Scouts are having an astronomer meet with them at the park one evening in the next couple months. They might ask for permission to camp on the park property.

Koons also stated the Geauga Park District will hold their bird walk on June 20th from 8-10AM.

Dishong arrived about 8:25PM.

Mayor asked to address the circus topic since all Council members were present. He recapped that Council didn't have much interest in passing a circus ban but there was some disinterest to allow the Chagrin Valley Jaycees to hold another circus event on the park property. Dishong said he also isn't in favor of banning the circus. Although he feels that the Chagrin Valley Jaycees should be able to hold another circus event, he doesn't think the South Russell Village Park is the best location.

Mayor asked Council if there was any interest in introducing an ordinance to establish a circus ban in the Village of South Russell. There was no interest from Council.

Mayor asked for a motion from Council concerning the request from the Chagrin Valley Jaycees to hold the Kelly Miller Circus event at the South Russell Village Park. Koons moved to allow

the Chagrin Valley Jaycees to hold another circus event in the summer of 2015, seconded by Porter. The Solicitor recommended that Council make some amendments to the proposed motion. Koons amended his motion to authorize the Village to enter into negotiation with the Chagrin Valley Jaycees in reference to holding another circus event in the summer of 2015, seconded by Porter. Roll call—ayes; Koons, Kostura, Porter, Carroll. Nay; Binder, Dishong. Motion carried.

The Mayor briefly discussed the leash topic at the park. He told Dishong that the consensus was establishing an ordinance that requires animals to be leashed at all times and the only area that could be fenced would be the Village's 10 acres. Dishong said he would still like to see if there is an alternative to the unleash option.

Porter proposed having animals leashed on the Bell Road side of the park and having animals unleashed on the East Washington Street side of the park. Ondrey suggested this would require fencing due to the feedback and number of issues the Village received with dogs being off leash.

Kostura said that the Village tried to accommodate the off leash request which he fully supported but it didn't work. He added that the Village can always amend the ordinance if Council wants in the future and possibly request approval for a fence from the Western Reserve Land Conservancy. He would rather see the requirement of leashes enforced in the meantime since the current requirements didn't pass during the test period.

Kostura said the Finance Committee will meet March 19th at 7:30 AM and the Building Department Committee will meet March 6th at 7:30 AM.

Kostura reported the Village's property/casualty insurance rates increased slightly this year, but he recommends remaining with our current provider, Pease-Kerr-Canfield Insurance Partners. It was suggested that the Village review the insurance every other year to keep the insurance provider honest. The Mayor added this was also Gary Brockett's recommendation.

Porter said the Street Committee met last Friday. The Street Commissioner is waiting on bids for the new loader and there are some potential staffing issues that Council may need to address in the future.

ORDINANCES/RESOLUTIONS:

Koons introduced an ordinance to amend the dog leash ordinance at the South Russell Village Park and to eliminate the even and odd day leash requirements to require a leash at all times and to make any other necessary changes to the ordinance.

Kostura introduced an ordinance employing Pease-Kerr-Canfield Insurance Partners as insurance agent for the Village of South Russell and declaring an emergency. Kostura moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. **Ordinance 2015-06**

Kostura introduced an ordinance authorizing the 2015 Property and Casualty Insurance with HCC Public Risk Ohio Insurance Company and declaring an emergency. Kostura moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Koons. Roll call – ayes, all. Motion carried. **Ordinance 2015-07**

BILLS LIST: Koons moved to ratify the February 13, 2015 bills list #2 in the amount of \$2,922.27, seconded by Kostura. Roll call – ayes, all. Motion carried.

Kostura moved to ratify the February 23, 2015 bills list in the amount of \$22,403.00, seconded by Koons. Roll call – ayes, all. Motion carried.

Kostura moved to approve the February 27, 2015 bills list in the amount of \$36,467.67, seconded by Koons. Roll call – ayes, all. Motion carried.

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

Koons attended the Efficiencies in Government meeting with Carroll and the Fiscal Officer on February 19.

Kostura asked when the pumps at the school will be fixed. The Fiscal Officer stated they are now working properly and the departments have been informed they can return to getting fuel at the school.

Porter reported there would be a Street Committee meeting on March 20th at 7:30 AM.

Carroll attended the Regional Commission on Oil and Gas Well Drilling meeting on February 17th in Gates Mills. There were 44 members present.

Carroll wants to make sure that if the Kelly Miller Circus returns that they have the proper sign approval. The Solicitor thinks they may be excluded from these requirements but will look into it.

Dishong is concerned about the cracks on Bell Road. Discussion followed.

Mayor stated that Flesher has temporarily withdrawn his subdivision variance request from the Planning Commission.

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

Meeting adjourned at 8:58 PM.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen