

The Village of Walton Hills
Committee of the Whole Meeting

Date: December 12, 2017

Time: 6:01 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Katie Iaconis, Fiscal Officer. Present: Councilpersons Paul Rich, Gloria Terlosky, Mary Brenner-Miller, Don Kolograf, Denny Linville, and Brian Spitznagel. Mayor Hurst also wants the record to reflect that our law solicitor William Mason and Katie Iaconis as our Fiscal Officer and Clerk of Council.

Item C – Persons Having Business Before Council. None at this time.

Item D – Approval of Committee of the Whole meeting minutes of October 3, 2017. Councilman Kolograf makes a motion to approve the Committee of the Whole meeting minutes of October 3, 2017. Seconded by Councilwoman Terlosky. No questions or comments. Six ayes approve.

Item E – Approval of Special Council meeting minutes of October 3, 2017. Councilman Kolograf makes a motion to approve the Special Council meeting minutes of October 3, 2017. Seconded by Councilwoman Terlosky. No questions or comments. Six ayes approve.

Item F – Approval of Committee of the Whole meeting minutes of October 10, 2017. Councilwoman Brenner-Miller makes a motion to approve the Committee of the Whole meeting minutes of October 10, 2017. Seconded by Councilman Linville. Six ayes approve.

Item G – Traffic cameras. Mayor Hurst says that we have Dean DePiero in the audience that will talk about traffic cameras. We were under the impression that he would be a little later in the meeting, so we put him at the end, but he has been able to clear his calendar and be here at the beginning of the meeting. He has our police chief and our clerk of courts here. Mayor Hurst asks for a motion to move this to under Item G. We can start this process first. Councilman Kolograf makes a motion to move Item N to after Item F for the Committee of the Whole meeting of December 12, 2017. Seconded by Councilman Linville. No questions or comments. Mayor Hurst addresses the audience and says that we are doing this to accommodate everyone's schedule. It should not make a difference in our meeting, and he thinks this is a good opportunity for this to be discussed. Six ayes approve.

Mr. DePiero stands and introduces himself. He has been an attorney for 23 years. He is with the law firm of McDonald-Hopkins. They have two offices in Ohio and six around the country. His specialty is mostly government municipal law. He currently serves in a couple of different capacities. He serves as the law director of the City of Aurora, the assistant law director and the assistant prosecutor for the City of Broadview Heights, and he serves as a magistrate currently for Newburgh Heights, Valley View, and Cuyahoga Heights Village. So, he wears a lot of different hats in many different municipal law, part-time engagements. The Mayor Hurst asked him to come and talk a little bit about his experience in dealing with automated traffic camera citations and traffic camera technology. He served as the Mayor's court magistrate in Newburgh Heights, Valley View, and in Cuyahoga Heights. Currently, Cuyahoga Heights and Newburgh Heights use this technology to augment our traffic enforcement for those villages. The traffic camera, as far as the technology and how it is used, he is not an expert in how they work. He generally would be able to tell us how this is done, but he certainly would like to talk about the process as how it happens in our villages. He welcomes any input, etc.

In Newburgh Heights and Cuyahoga Heights, they set the technology up about four years ago. In both communities, they have used a couple of different vendors. As the law director and the Mayor will tell us, there are a number of different vendors out there. Some are regional and some are around the country. They have used a couple of different vendors because the vendor they are using now they believe is far superior than the one they used right out of the box. That is for a number of reasons including more user friendly and the ability for the village to work closely with them. There are a couple of different technologies and they use both of them. One is where the cameras are at a fixed location and it is an automated system to detect speed by radar. The other are handhelds where an officer would actually have a handheld radar unit. It would be done in a very similar way, but there is an officer present. He says we have an excellent law director so he is not going to opine on the law, but he does state that there have been a lot of court cases over the last several years of state legislature that has had a habit of passing laws to strike these down or severely limit the application of them throughout communities around Ohio. The latest Supreme Court case has found them to be legal and a legal exercise of home rule by villages and cities around the state. They have continued to use them in their villages.

He handles the Mayor's court and these hearings are done separate from the Mayor's court in an appeal hearing. The ordinance is very well written. He reviewed it today. It cites the particular section of the revised code. There are some requirements that we have to do. He does not have all of them in front of him, but one of them is that a traffic study would need to be done in those locations that we would affix the cameras. There are a couple of other requirements including signage in the village where we would have to have signage indicating that the technology is being used. He also believes that in the villages where he works and handles these, on a daily basis, those radar units are tested to check the calibration, etc., just like a regular unit would be, by one of the chief officers. So, those are some of the prerequisites that are used. The other thing that is important is that the chief of police, in consultation with his folks and/or the Mayor or law director, would set the speed as to what a violation would be. These are not criminal citations. These are civil citations. They operate similarly to a parking ticket. It does not matter who is driving because the vehicle that is in violation is responsible. It is a civil citation. The law is such that how these systems work and how the ordinance is set up is that the radar unit acts the same as if an officer is in his vehicle and he is checking radar on Walton Road out here where he would detect the speed, he may make a traffic stop, and issue a citation. In this particular manner, the officer would, in a similar fashion, detect the speed, and they are trained to do that, or through the fixed camera, it would detect the speed. At some point thereafter, those images and records would be reviewed by an officer designated by the chief. A determination would be made as to whether or not a civil citation would be issued. That speed would be set by whatever policy we would set up in our ordinance or by policy we would set by the police department. Those vary. There are some communities that have them set low, maybe too low, and some have them set higher. He thinks that depends on the character of the community on whether it is a highway, whether it is a school zone, or whether it is a high-traveled area. These are policy decisions made for those folks.

After the citation is reviewed by an officer, then the company; in Newburgh Heights and in Cuyahoga Heights, we use a company called Gatso who has done a very good job for them; actually issues the citation. There is an agreement between the company and the village as to how that all works. In their community, Gatso will send out the citation and on the citation, the violator will get a citation in the mail with your name and a picture of the vehicle and this indicates the date and the time the violation took place. It is a civil citation and they have a right to either pay it and by paying it you admit to the violation. No points are assessed and the DMV is not notified as it is a civil citation. The second choice is that they can contest the citation and file an appeal. There is information that the owner of the vehicle will fill out and send back in to Gatso where they will set a hearing schedule. Then, the third option is that the violator can indicate, by affidavit, that it was not them operating the motor vehicle and give the name of who was operating the vehicle on that date; and by signing the affidavit and turning that back in, that gives Gatso the right to reissue the citation to the individual who was actually driving the car. He says that many times, depending on what the fine schedule is, the individual will decide not to contest the speed, send the money in to Gatso, and the case will be closed. Where they ask for an appeal, there is a different process that

starts. The matter is set, there is a good relationship with the individuals at Gatso and the clerk where they will set a hearing schedule. They even have it set where they can call the clerk's office directly and reset the schedule. They try to make it as user friendly as possible for the folks who come in and contest their citation. If they sign the affidavit that it was not them, then they similarly will have the hearing officer who will sign off on that and tell Gatso to send the new notice.

Moving ahead, once a hearing is scheduled, generally it is set on a particular day and time, and the chief of police and hearing officer sit and the folks will be asked to come to court. They are taken as they sign in and there is a lap top with a video of the vehicle that was driving and/or still pictures as well. They will sit with the individual and the hearing officer for the village will explain that they are here because they asked for an appeal hearing. He would ask the chief to give me the facts of the case. They would generally show still images or the video. In the ordinance, there are different ways or different bases for the appeal. He generally just tries to make the people comfortable and asks them what they would like to tell him on behalf of their appeal. Many times, he will be very candid, these are not legal reasons and there is a medical issue or they are unfamiliar with the area or the speed was low or they had some type of an emergency or sickness. They take all of this into consideration and give them an opportunity to talk and tell them about it. Many times, he will even say, even though he does not have their driving record in front of him, he will ask them how their driving record is and ask if they have had any other tickets in the last year or so and try and gauge it like this. He feels that his role as the hearing officer is to put the human face on the hearing and try to give people the benefit of the doubt when it is appropriate. Sometimes it is not appropriate, but he tries to be fair with folks. He does try to stress that on the occasions that I dismiss a case or reduce a fine is that this is not about revenue for the village, it is about safety. It is a legal and fair and good way to augment police departments and to control speed in high-accident areas, etc. There are a lot of arguments that they are money grabs. He personally believe that if a program is operated properly, the public is given notice, and they are treated fairly, that they should be and can be about safety. He states he is happy to answer any questions or take any comments. The police chief says he has a sample ticket from Newburgh Heights if anyone wants to see it. Mayor Hurst asks if we could see what it looks like what they print out on the computer and send to the residents.

Councilwoman Brenner-Miller speaks and says she has a couple questions. They are mostly about processing. She asks that if someone gets mailed a ticket and Mr. DePiero confirms that this is correct. Councilwoman Brenner-Miller then asks that if they pay the bill with a check or if they have the option of doing it online? Mr. DePiero says that they have it so they can pay online, by cash, by credit card, or by check. He explains that they actually have it set up that on the day of the hearing after the individual is done, they can pay as well. He generally gives them 15 days to pay that afterwards, but this could be extended under other circumstances. Councilwoman Brenner-Miller then asks if the company collects the fines and Mr. DePiero confirms that this is correct. Councilwoman Brenner-Miller then asks how it is set up to where we would be paid from them. She asks if we have a special account or what, and then what is the percentage that they keep for doing that. Mr. DePiero states that this is negotiable with the company. He states that he thinks his arrangement in both of his communities is that the company keeps 30% and the rest is remitted back to the village. He says he would defer to the village's finance director on how that is set up. He is not directly involved in that. His job is to thoroughly and fairly and officially adjudicate the appeal process. Councilwoman Brenner-Miller thanks him.

Mr. DePiero states he did leave out one portion of this and he adds that if someone is not happy with his decision, there is an appeal right to municipal court. He does state that he does not have a lot of appeals because generally we handle the hearings diplomatically and correctly, even if you find them liable, reduce their fine, or dismiss it. Katie speaks and states that we did have presentation from a company, and the company that presented to us would do all of the reconciling, but each department would have access to go online and see all statistics. Of course, we could view in different levels, but from Katie's part, she would be able to see how they were reconciling, the amount of tickets, their portion taken, and then they would be linked directly to our main bank account so we would receive disbursements regularly. Councilwoman

Brenner-Miller just wanted to clarify that in case she was not here when that was discussed. She says this makes perfect sense.

Councilman Rich has a couple of questions. He asks about ATS's equipment and where it is coming from. He sees that he is looking at cameras that are in the 16 megapixel range. He says he knows he stated he was not technical when he presented, but Councilman Rich is asking if there is a way we could get specifications on the camera equipment and the processing, etc. Mayor Hurst says that he did not mention this, but all of the technical specifications would be in these packages for them to review. Mayor Hurst says to Councilman Rich that we are here tonight to talk about the ordinance and the process of the tickets so we can pass the ordinance into our records of operations here. We still have to get with a company. Right now, we have four companies that gave us RFQs. He reminds the council when they gave him the resolution to go out for bids. These are the bids coming back and all the specifications. We will probably need to have a special meeting on this because there are a lot of details. He can make a recommendation from when he interviews each one of these companies or something to that process. There are a lot of details. As far as the megapixel and all the transformation and all the information, it is in these packages. This company, Gatso, was the first company to ever make speed cameras for a racecar driver. That is where it all came from. He says he does not think Dr. DePiero could answer that question.

Councilman Rich said that it will be nice when we have that information. He also asks that if residents do get picked up and they pay by credit card, are there convenience fees tacked on as well? Katie says yes, there are. It would be pushed up on the person who received the ticket. The village would not incur any sort of convenience fee. Councilman Rich asks if this company is responsible for tweaking the equipment if it is not working. Mayor Hurst says yes, all maintenance of the equipment. He says there is no cost to the Village of Walton Hills for any of this equipment. They will put as many cameras as viable with the quotation of the traffic violation or they will put the minimum. They also pay for all the signage and the locations. So, as the traffic goes through Cuyahoga Heights or Newburgh Heights, at the beginning of the town, they will see "We are a traffic enforcement community." And then they will see it further down through there. So, it does notify people.

Mayor Hurst also clarifies that in those communities, 97% of all of their violators are non-residents. The speed limit that we set is what the police officers set now, at 15 miles over. That means that before we write a ticket, someone is doing 51 miles an hour. All of the tickets that come through our court are DUSs (Driving Under Suspension), driving with traffic violations, and speeding at 50 miles or greater. We do not give anyone a ticket in this village for 46 miles an hour. We do not give anyone a ticket for 48 miles an hour. This is the same way we are going to set this process up. Councilman Rich asks if the 800 number for technical assistance this gentleman's company? Mayor Hurst says no. He has nothing to do with it. He is just a referee or magistrate. The reason he brought him here is to give the council the understanding of the law and the ordinance. He said that when our police officers write a ticket right now, they are tied up for a good hour or 45 minutes, because they have to process it. There is more one violation many times for speeding such as marijuana in the car or they may be driving under suspension or may not have their seat belt. There is paperwork involved. The 185 tickets we write a month and the revenue generated for our village, this will speed that process up and also make it more compliant for anyone traveling through our town to stay within the speed limit. He says he has heard so many complaints about people speeding down Alexander Road and Northfield Road, and this is what this whole process is; to bring people into compliance. We are not going to nail them for 6 miles over. We are not going to nail them for 5 miles over. There is also an education process. We are going to have town hall meetings and education everyone. Anyone who goes 40 miles an hour on Alexander Road with the cruise control on, they cross them on a double line going around you.

Mr. DePiero says that he is not here to endorse any particular company. He reiterates this. They all have changing technology that improves. We have had better success with one company than the other, but certainly he is not here to endorse any particular company. He thinks they all have their strong points.

That will be left to the council to make that decision. Councilman Spitznagel thanks Mr. DePiero for coming tonight and states that he mentioned a couple of times this would be a civil penalty. He had heard sometime that our previous law director years ago had spoken to him about that. He states that he believes that if an actual police officer gives a speeding ticket, it is a criminal penalty, not a civil penalty. He says he can correct him if he is wrong on that. He says that he thought there was a difference because the police officer is not actually there, there is some difference in the law. He asks Mr. DePiero to educate him on that. Mr. DePiero states that he has not studied his local ordinances as to whether our moving violations are minor misdemeanors or misdemeanors in the 4th degree. He says that technically, under the law, minor misdemeanors are criminal offenses, but it is actually like getting a parking ticket. There is no jail attached to it or anything like that. These are equal to getting a parking ticket. They are a civil infraction. You cannot be put in jail for them or anything like that. So, other than a fine, there is no jail, probation, or anything like that involved. In addition, there is no reporting requirements to the Bureau of Motor Vehicles, so there are no points involved. In addition to that, there is no requirement that the officer or the village checks off that they had insurance on that date, which is another requirement when you go to Mayor's court. So, with all of those requirements, all it is is a civil infraction, just like a parking ticket. Councilman Spitznagel states that he realizes that he mentioned this, but he wants to clarify that Mr. DePiero can, under certain circumstances, reduce the fine and use his judgment. He is asking if this is written in the ordinance. He perused the proposal of what was given to them, and he did not see anything in there that gave them leeway.

Mayor Hurst says it is discretionary and states that the ordinance that was provided to the council was a copy of Newburgh Heights. He says that if they want any information, they can go on the internet because they are going to do the same process where the ordinance is posted on how you can pay the ticket, etc. We are going to try our best to educate as many people as possible on every media we have available. Mr. DePiero speaks and states that it is implicit in the ordinance that the magistrate can use his or her discretion. He states that in his philosophy, because it is about safety, the people have taken the time to come in and plead their case and, we use our judgment to determine whether or not we believe they deserve to have the fine reduced or dismissed. His feeling is that the fact that they have come here and spent time, maybe taking time off work, there should be some consideration to that, in his view. Councilman Spitznagel asks if the municipalities that Mr. DePiero works for have considered, or is it even an option to, purchasing their own equipment. He knows that there would be employees and things like that, but he is simply wondering if anyone has ever looked into that. Mr. DePiero states not that he is aware of. He thinks that is because in the event we are unhappy with the technology because they are all a little different, then we would be stuck with it or when there is upgrading, we would have to pay for that. So, he thinks it is wise to work out an arrangement where they are given a portion of it, but the equipment is their responsibility and they have to upgrade it and make sure it is working properly. As well as the whole system of issuing the notices. Depending on how many citations are issued, there is a lot of back-office work that needs to be done. He knows that we do not want to hire additional people to do this.

Councilman Spitznagel comments and says that he mentioned safety, and we are all in agreement with this. We have two major roads that seem to be a big issue. Also, he is thinking about the safety of the police officers too, not only with the time constraints when we have maybe two officers on the road, and they cannot be all seen and all knowing. Whenever they pull someone over, we do not have to tell the chief that this could turn out to be a situation that they do not want to be in. We always or we should always have another car behind them as a backup and things like this. It is safety for the police officers too. He does not want to take anything away from them, but this is how he is looking at it also, that it is an extra eye. When the police are not there, they are in a different part of the municipality. Also, the less they have to pull over, the less chance of possibly something happening to that officer as well and some type of scuffle. He is simply speaking his thoughts. Councilwoman Terlosky has a few questions. She asks about a dirty plate. She says there are some times when you cannot even read the license plate. Is that going to be negated because you cannot read three of the numbers or something? Mr. DePiero states that he would venture to say that if the camera takes a picture of the plate, and the plate is unreadable, we would not be

able to determine who to send the citation to, so they probably would not get a citation in the first place. He says we do not run into that very much. He says that if there is any doubt, we throw them out. We give people the benefit of the doubt because the officer has to review and sign off on it that it is a good citation before it is requested that a civil penalty be issued.

Councilwoman Terlosky states that in the benefit of the doubt when someone is contesting this, she asks if we look up in the police computers to see that they are telling the truth about their situations and things. Mr. DePiero says that we have not done that in any of the communities he has worked in. He does not know whether or not we would be able to based on this. He says that the agreement that we have with the company for driving records, he does not know if this would be a valid use or not. He says that a lot of times, when talking with the individuals, we can kind of get a sense without having to do that. He says that his feeling is that if they have taken the time to come and have a legitimate reason and some documentation perhaps, then they should get the benefit of the doubt, but not all of them. Councilwoman Terlosky asks if there has to be a police officer there. Mayor Hurst says no. That is what the Supreme Court ruled on. Councilwoman Terlosky then asks how long the contract would be that we would have with them. Mayor Hurst states that he has been given a couple of different offers. Some are three years. Some are five years. He says he would go through them. He also addresses the issue of the license plate being unreadable and says that if the license plate is unreadable, then they do not issue a ticket. He says that people are now buying license plates with a certain kind of covers, and their cameras are so sensitive, it even still picks it up even in the dark. What they showed us is that it was very interesting how they have such great details. This is not to go and get every single person breaking the law. We are simply trying to get them in compliance. That is our goal because our manpower is down, and we have no money for operation. That is what this is all about. We do not want 1000 tickets a day. That is not our goal. Our goal is to bring down the speeding and to bring in the compliance and if it generates some kind of revenue to benefit the police department, then so be it. We have nothing funding our police department. That is why we went for the 5 mils. Our general fund covers everything in this village. We have no levies and nothing in our police department. Every single tax dollar that comes in here funds our police department. We have no trash fund. We have no fire fund. We have nothing. We have tried to educate everyone on that for five years now. This is something to help offset the cost of our police.

Councilwoman Terlosky has one more question. She says that Nancy is our clerk and she wants to know what responsibility she would have. Mr. DePiero says that she would be a key piece to the puzzle here. He says that he works with a couple of great clerks and they have developed a great rapport with the company. She would be responsible for working with them to create the schedule, to handle anyone who walks in to tell them how to pay the citation, and to take the fine money at the village, etc. including scheduling issues. Sometimes we will get an appeal from someone who is in the hospital or something like that and they need to reschedule. She would be coordinating this. She would be the liaison between the village and the company to make sure the process moves smoothly and that the people are treated fairly. Councilwoman Terlosky asks Katie if since they can pay here, with the comingling of funds, can we make this separate from regular citations from stopped by a police officer. Katie explains that we have a separate account, a main account, and then Mayor's court completely separate. So, everything that is from the traffic cameras would not comingling in the Mayor's court fund whatsoever. It depends on the company that ends up being chosen on the process on which Nancy would take payments when they walk in. We would either have to have a different credit card machine or only take cash or check. That is something we could discuss with them. The money would all go into our main account and not at all in the Mayor's court fund.

Councilwoman Terlosky confirms that we would always know what we bring in here from the traffic camera. Katie verifies this. She said this is one of the questions from them and Nancy as to whether it would mess up her reconciliation and the Mayor's court and for auditing purposes. There are no issues that we have found from speaking to other communities. Councilman Linville has a question and asks how long we can say this technology has been around. Mr. DePiero states that he has been doing it around four years. He says that when he was in Parma, they had them in school zones only and it is still being used in

school zones only. That dates back to about 2005. So, at least a dozen years. That program was school zones only, and it has remained that way. There are 17 schools in that city, so a similar type of not having enough officers to cover those schools. Councilman Linville says he knows a situation where it dates back to the 1970s as well. He is querying on the safety aspects of this device. He is asking if there are any statistics that we could be citing to support that contention. Mr. DePiero states that he has seen newspaper reports about different studies, but he does not have them with him. He is sure there are. He says that one of the things that we have to do before we set it up is we have to do a traffic study. This is set forth in the revised code to justify it. Based upon what he is hearing, he thinks it will be justified in certain areas of the village. Councilman Linville states he is assuming that it would have to depend on accident statistics, before and after, and maybe moving violations before and after. He asks if there is any of that data around. Mr. DePiero says he is not aware of that. Councilman Linville then states that he thinks saying that the safety issue is just blowing smoke. Mayor Hurst states that we have facts that the courts were \$123,000 in 2011 and the Rocksino came in 2014 and it shot up to \$300,000. That is a statistic right here. Councilman Linville states that he is talking about safety. Mayor Hurst states that we had a traffic study done and the volume and the accidents have occurred more since the Rocksino came in. He asks what more numbers Councilman Linville needs. Mayor Hurst says we do not have the cameras in place right now, but he says we can do a follow-up study after we get them installed. Councilman Linville says that there has to be other communities and there should be something. Mayor Hurst says that Newburgh Heights and Cuyahoga Heights has brought down their compliance. That is why he gave the councilmembers copies of all of the newspaper articles so they could see how this is not something new.

Councilman Kolograf makes a comment that speed limits are set according to safety. We have Alexander Road at 35 because that speed limit was set according to what is in the neighborhood, etc. The safety is based on that speed limit that is set because that is the safest speed limit that was determined for that area. If you exceed that, then you are unsafe. That is the bottom line. That is why school zones are set for 20 because they feel that if a child darts out, you could stop that car in a reasonable amount of time versus at 35 you could not do that. Councilman Linville says that this is conjecture. Councilman Kolograf says he does not know about that. The policemen measure skid marks and everything after an accident. That is how they determine the speed versus whether you were under the speed limit. Councilman Linville says that he is not questioning this at all. The thing he is asking is what can be cited statistically before and after to show that this is a safety issue. That is all he is asking. Councilman Kolograf is saying that if a ticket is given to someone at 50 miles an hour and the speed zone is 35, that has already been determined. Councilman Linville says that that is simply conjecturing safety and is not actually proving safety.

Councilman Spitznagel asks that in Mr. DePiero's experience in working with this system, whoever we go with, over the last several years and his standard operating procedures, if he had his wish, does he see any changes that he would like to make in the system or have it be done in a different manner that would either make it better for the municipality or better for the violator. Does he see any things that he would like to make better? Mr. DePiero states this is an excellent question. He thinks the technology continues to evolve and it gets better. He thinks that the one thing, in his opinion, is the administration of the program. He thinks that one of the key items is making sure that whatever speed it is set at that we are protecting the public and we are also being fair to the public as well. He would hesitate to have it set too low. He would defer to the chief as to what the number that we pull someone over at. What is that threshold? Then, we would set it somewhere in that neighborhood. That was we are consistent, whether it is a traffic camera stop or a Walton Hills officer. He thinks the good programs that he has seen take that into account, and they rely upon the chief and law enforcement to make that decision and that policy. The other thing he says about the studies and that Councilman Linville brings up an excellent point. He states he knows that there are studies. He says that whether the police office writes a ticket or a speed camera system or you see the flashing Slow Down signs that we can deploy. All of these measures contribute to lower speeds and less accidents. He thinks it is fair to say this even without a study in front of him. Councilwoman Brenner-Miller agrees with this. Councilwoman Terlosky states she knows we had a traffic study a couple of years ago and she asks if this one would be good enough or would we have to have another one. Mayor Hurst

states we would have to see. If a traffic study is done, it would be paid by the camera company. It would not be paid by the village. He says that we did bring that up that we had one in 2016 and Gatsos who came and talked to us states that should be sufficient, and it is the recommendation of the chief as well because the police chief and the officers know where the highest traffic areas are and where the most sensitive areas are. Mayor Hurst says that his goal is to educate everyone who comes through the town and everyone who lives here that we have cameras up. He says we do not need a camera to obey the law, but for some reason, they need that flashing light out there. He says that if we pull the database off those flashing lights, we would see how many times people are going over 46 miles an hour when that light starts flashing. We do not give them a ticket, but they still think they are getting a ticket. They do get in compliance. Councilwoman Brenner-Miller speaks and answers one of Councilwoman Terlosky's questions. She says that when you are doing magistrate work and looking up how many violations that people have, other than the police officer, where she works, they run MVRs. They do not do that in their office. They send those out and they come back to us. We cannot even tell the insured what is on those MVRs because of the privacy issues. The world has changed so much that you cannot say anything about anyone. You can see it, but she does not think it is readily available anymore. Like health insurance. Everyone's information has to be shredded. It is kind of on the same thought process. Councilwoman Terlosky states she understands that, but sometimes there are people out there who have a warrant out against them for something, and we simply brought them in for traffic. Mayor Hurst says that if they have a warrant, he guarantees they are not coming in to pay a ticket and will avoid our police department. Mayor Hurst states that if the council has their questions answered, he wants to ask the audience if they have any questions.

Mayor Hurst opens up the floor to the audience for questions. He states the police chief and the clerk of court are here as well to answer any questions. Mr. Hubert Renau from 7067 Kral Drive stands and says that his only question is concerning the proposed house bill 410, which puts restrictions on use of the cameras and the elimination of Mayor's court, etc. Mayor Hurst says they are very aware of house bill 410 that was proposed or started in committee about six weeks ago. They are talking about it. It is not into any kind of legislative form yet. According to our law director, he has reviewed it and we are moving forward until the law changes. That is what the Supreme Court was all about. The resident says thank you.

No further questions or concerns are brought forth by the residents.

Mayor Hurst and council thanks Mr. DePiero and the chief and Nancy for coming out tonight. Mr. DePiero states that if anyone has any questions, he would be happy to give them his thoughts.

Mayor Hurst asks to put this draft legislation on next week's regular council meeting. We are just talking about passing the ordinance to allow us to go into a contract and to allow us to go through the process. Like Mr. DePiero said, it takes quite a long time for this process to start. We will spend, after the process is in place, the first 30 days only sending warnings to people letting them know that we have traffic cameras and you were picked up speeding in our town. They will not be fined and they will not be penalized. We want everyone to know that we are going to do everything we can to stay above board and to broadcast it as much as possible. We will see how it goes from there. Everyone is comfortable with this going on next week's agenda. Mr. Mason does speak and says there is one comment regarding the proposed Parma ordinance, on the second page, 4G. He did not delete it and he just caught it earlier today. There will not be any police officer's name or number. He says it is not a big deal and he just thought he would let us know. He will delete the 4G as it does not apply to how they would be operating here.

Item H – Discussion of Cuyahoga County Sewer Maintenance Agreement. Mayor Hurst says that he knows everyone had a lot of questions and everyone seemed very satisfied with what we did last week at our COW meeting. He would like everyone to at least reference their director's reports, or staff reports. We just fixed the third page where it says "The broken sewer force main on Egbert Road has been repaired now for the fourth time." So, this is the fourth time in the last three years we have had to repair it. He wants the council to be aware that this is an ongoing issues and that new agreement would cover that kind

of maintenance. He says we are going to have to replace a pretty big section there. It is going to get into the creek or it is going to be an EPA issue or something. If there is no other discussion on the sewer maintenance agreement, he would like to put it on the agenda next week. It would be on for second reading. Everyone is comfortable with this. No other questions from the council. Mayor Hurst opens it up for questions or comments from the residents in the Village of Walton Hills. Raymond Weeden from 19346 Rashell Drive stands and speaks. He has a couple of questions. The first one is on page 3, section 3 Sanitary Sewers, item B. This is in reference to the collecting of the fees. He states that the first meeting he was in attendance at that this was discussed, there was a discussion regarding billing based on frontage of each home. And then last week, it was talked about address and parcel size. His question is what other means have been looked at in terms of determining the most fair and equitable means of applying a fee. He asks this question because he finds that in this village, there are a lot of different types of residents with 1/2-acre lots, 1-acre lots, 5-acre lots, etc. He goes back to the last year in the attempt for the tax levy, it was based on property value. He says that if we are not doing something based on property value, how are we sure it is fair and equitable. If a person lives in a house with a property value of \$150,000 and they sit on a 5-acre lot and another resident lives in a \$350,000 home on a 1-acre lot and the \$350,000 home has 9, 10, 12, fixtures and potentially adding more volume to the system, is it equitable to do it just based on lot size versus something more similar to a tax base, which is based on the home value. He wants to make sure we have exhausted all means of making sure this is equitable to all of the residents.

Mayor Hurst said we weighed it out in both directions. That is why he mentioned frontage. They were very adamant that it would be to each address because they felt that was the more equitable way. It is a \$12.50 per home in the Village of Walton Hills per month per year. That is the way it is. It is \$150. Raymond asks if it is \$12.50 per address? Mayor Hurst says yes, per address. Raymond says that he thinks the phrase that was used last week was based on lot size. That is what he thought he heard from the county lot size. Mayor Hurst says no, he was saying per address. It is \$150 per home, which comes out to \$12.50 per month. Raymond clarifies that it is more of a flat-rate fee. Mayor Hurst says yes, it is a flat rate fee and it is as fair as we could be.

Councilman Kolograf makes a point by saying that when it comes to any of these things, it is not fair. He says that if you live in the most expensive house in Walton Hills, you are paying the highest amount that is coming back to the village, but you still receive the same services as the neighbor who lives in a \$160,000 house. So, you are paying more for those services than that other person. It is the same scenario. Everyone in the village receives the same services. He says that Raymond makes a good point, and he sees what he is saying; that he may be using more of that sewer system in his house versus a single person versus a big house with six people with a lot of fixtures or a lot of showers, etc. He says that he understands that this would put more of a burden on the sewer system. He understands this, but as far as the services, this is the way it is. Mayor Hurst says it is almost the same as the garbage and rubbish use. He says that First Energy who occupies 100 acres is still going to give us \$110 a year because no one raised the taxes, when they would have given us \$250,000. He says that we used to get revenue and taxes from them, but they took all that away. They are going to continue to take advantage of our village because everyone did not want their taxes raised. That is \$250,000 lost. Katie clarifies that it was \$200,000 additional revenue. Mayor Hurst says that they tried their best to broadcast that with five public meetings. All our businesses are also keeping the same tax rate. They are taking full advantage.

Raymond has one more question. He says that on page 4, item E, "The Village agrees that the current hourly rate sheet applies only to the services performed by the employees of the Cuyahoga County of Public Works. All services performed by parties other than employees of the CCDPW will be billed for actual costs incurred." His question is that if CCDPW needs to subcontract out work, then they have the right to pass on the cost of it because of their lack of capacity. He is asking if we have any "no subcontracting provisions" in the contract at all or are we at their liberty to pass one. Mayor Hurst says that he questioned that and he did see that all of the other communities have the same language in their contracts. He questioned it because local 819, Operator's Union, will charge \$84 an hour where the

CCDPW is going to charge \$37 an hour. He did look into those costs. He states we are held hostage if they need to bring in a crane and run through local 18 and pay that larger bill. So, they want to pass that cost on to our assessment fund; not to our residents, but to our assessment fund. The village is not going to be responsible for any of this. It is to the assessment. That is what this is all about. That is what he was explaining; that we have money already in that account that will work toward this whole thing. So, we are going to continue to build that account. He gives an example. Nowhere could he find where we could put a limit on subcontractors; even with the sewer district you could not do that. Raymond says yes we could. Mayor Hurst responds and says that we looked at it and states that we had Chagrin Valley Engineering and they showed me the comparable to all the other communities who have the same language. Councilman Spitznagel states that he thinks they wanted that to go the other way too, towards us, in that for the sewer, it says we have to use them as a primary to do those core things. However, we could do things ourselves. They did not want us charging that fund their rate. We can only charge the rate we would pay our employees to do that job.

Raymond says he does see what he means and asks if we have any indication or any idea how much of the work they actually perform versus how much of the work Cuyahoga County actually performs – if they are spread out through multiple villages and other municipalities in Cuyahoga County – versus how much goes to plumbing company A, B, C, etc. Mayor Hurst says he does not have that number in front of him, but from the recommendation of our professionals, we discussed those things and looked at those levels because he did see that in the contract. Councilman Kolograf says these are good ideas that we need to monitor. Mayor Hurst says absolutely. Councilman Kolograf states that that is the one thing about this contract. We can exit the contract. It is not like we are turning something over for the life of it, but those are good ideas that we need to monitor and see if it could be managed in a better way. Councilman Spitznagel says yes, if we need a pump station and the county says we will get to you in eight months, then our contract is worthless.

No other questions or comments about this. Mayor Hurst is going to put this on next week's meeting for the regular meeting.

Item I – Discussion of the police contract. Mayor Hurst states that we have talked about this since August when we downsized our police force. He states that the one resident asked him to get a cost. He did not have a chance to ask Katie about the cost, and he will have this next week. He believes it is absolutely zero this year with no cost, and they are paying more of their health insurance. They are paying 15% now instead of 10%. They are getting a 0% raise. They rolled back their gun provision and longevity and everything is changed out. We have 0, 1-1/2, and 1-1/2 over a three-year period. He says he will get a final number. Councilman Kolograf says that it comes to 1% a year a three-year period. No questions or comments from the audience or council on this. He states he will put this on next week's meeting as well so we can pass that hopefully.

Item J – Discussion on the fire and dispatch contract with Oakwood Village. Mayor Hurst says that everyone knows the details. Once again, they did increase their dispatching by an additional \$35,000 in revenue to the village. Our fire contract stayed the same at 2% escalators, 5% max. We will be passing an ordinance that the income tax collected from the individuals located in the basement under our feet that are here 24 hours a day/7 days a week, which equals out to approximately \$9000 a year, will be rolled into a special fund so there is no impact to our budget. That \$9000 will go towards equipment like heart monitors and other equipment. Since 2014, Oakwood did spend a little over \$1.4 million in Oakwood on trucks, equipment, gurneys, etc. It was quite substantial. This is a way for us not to have a shared cost in trying to buy equipment like trucks and ambulances and stuff. Everyone on council is okay with this. No questions or comments from the audience or the council on this. Mayor Hurst will be putting this on next week's meeting as well.

Item K – Discussion on rubbish collection. Mayor Hurst explains that this would be on for second reading next week. We have agreed in our budget that we are passing a 2018 budget first quarter, and with our equations in that budget, it does reflect rubbish collection and it does reflect the sewer maintenance from the county. He says that it is the council's decision if they want to put this on next week's meeting for second reading or pass for approval. He states he has broadcasted in the journal. He has put it on our internet. He has talked about this publicly. We have talked about it here publicly. We have actually talked about it since April of last year. Everyone is aware of this. He says this will be \$15 for rubbish per home and \$12.50 for the sewer. So, it is \$27.50 per month as everyone's cost for the Village of Walton Hills. He knows it is not a major impact, but it is not really fair because if you have a family of seniors who has one trash bag per week, they are paying the same thing as someone who has four trashcans. Once again, we tried to educate everyone on that and no one wanted to listen.

Councilman Spitznagel states that unless it makes an impact as far as the budgetary process or the final numbers in the budget, which he does not think it will, suggests putting this on for second reading and then have a third reading. That way, residents have ample time to come in here and voice their opinion and get a hold of us. Residents then cannot say that we passed this very fast. Even though it was just explained that we have been talking about this for a long time, he would rather see it go three readings. He says he is ready to pass it next week if that is what the colleagues would rather do and he would vote yes to do it, but those are his thoughts. Councilwoman Brenner-Miller asks how everyone else feels about it. Councilwoman Terlosky says pass it next week. She says that he could say it again at Morning with the Mayor tomorrow. She says we could say it for 50 more years, and it is still not going to make a difference. She says just pass it. Councilman Linville states that it would give those residents one additional opportunity to vent if they wish to do so. He thinks the better the residents are informed, the better it will be for us. Councilwoman Brenner-Miller concurs with Councilwoman Terlosky because this has been out there for quite some time. She states she would pass it next week if everyone is in agreement. If not, we can do another reading, but it is not going to change anything.

Councilman Kolograf states that he thinks we could have a hundred more meetings, but the only thing that would change his opinion on this is if someone comes in here with money. This is strictly about finances. He cringes when we talk about it. He does not want to pay this \$27 any more than anyone else. He does know that if he voted for what is good for Don Kolograf, I am not going to vote for it. If he votes for what is good for the village and Don Kolograf to keep this a nice community to keep our services here. We simply cannot stop doing everything and maintain a nice community and still feel that the people keep it nice for us and enjoy the services that we have grown to like such as a good police department and nice, clean roads. He does not see anything changing. If it were to change and if someone were to come in here after we vote yes for it, then we can take those things off. It is that simple. He wants to keep what has been effective with this council, and he would like to get a 6-0 vote and he thinks that is important. He thinks we should be in agreement, because if we are not, to wait another month would not be a problem either. He thinks that what is important is, when we get into issues like this, that we agree on it along with the administration.

Councilman Linville speaks and notes that he has not had one complaint from a resident that the trash fee is going to be \$15 a month going forward. He has not had one complaint. None of the other councilmembers have had any complaints either. Councilman Kolograf says that they are not happy with it, but they understand. Councilman Linville said that that surprises him. Councilman Kolograf states that he thinks people realize that we have to do this and they want us to do this. One woman made a comment to him saying whatever you put out there, she is not going to vote for it. She says that if we pass it, she will pay it, but she is not going to be the one who passes it. Councilman Linville says that he has no problem with this whatsoever, and as a matter of fact, he is going to vote yes as well on this legislation. He just thinks one more reading putting it into effect in February. Mayor Hurst says that from past practices, he has been down this highway before and we have prolonged these things. He would support passing it because it

does affect our budget. He tells the council that if other things take place in 2018, they can always rescind it and it can always be removed. This has been talked about since 2014.

Ray Tinter from 18409 Jefferson Drive, Walton Hills speaks. He states he agrees with the Mayor. The people of the village are "stupid." They did not pass the 5 mil levy and if they could not see that it was going to cost more for garbage pickup and sewer and everything else that may come up yet, no matter how long it takes, no matter how many more discussions are made, he thinks they should pass it as an emergency. Councilman Spitznagel says that he is going to vote yes for this and he would suggest that this would be voted under an emergency because that takes the right of referendum away from the residents. His only thought to bring out was that we are giving residents every opportunity to speak with us. We are their representatives. We have been at this ad nauseam, but when someone comes up to me with a finger in my face, I would be able to say that we have talked about it for this long, we had three readings on it, and you did not show up once. That was his only thought process. He could pass this next week, and he thinks just by gauging that we are going to have a 6-0 vote on it. That was never the issue on whether someone was going to vote for it or not. He can vote for it next week and be done with it.

Raymond Weeden from 19346 Rashell Drive speaks and states that he had to leave early last week and maybe this was discussed, but he states that in the Codified Ordinance 1060.06, the ordinance talks about the penalty for not paying the bill that is assessed for each resident. He asks if someone could talk to the residents that are here about what that means where it says "whoever violates any provision of this section shall be guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree for second or subsequent violations occurring within 12 months of a prior conviction or plea of guilty or no contest for similar offenses." He is asking if this is saying that if residents do not pay their rubbish collection bill, they will be assessed with a minor misdemeanor? Mr. Mason states that this is a standard provision that is in most municipalities legislation. It does say that if you don't pay your bill, you could be. It is not saying it is going to go through some sort of process. It would be like any other proceeding. That may be something to discuss, but he says this is copied from other communities and used in the same way. Raymond says that this is pretty much just boiler plate language, not necessarily the intent of council to drag us in if we do not pay it. Mayor Hurst says that we have the same language in our zoning codes. If someone does not comply, then it is a misdemeanor crime and we take them to court. We have been through this process. He confirms that this language is boiler plate and we have that in effect. If we cannot get people to comply, then we have to go to the court of law. That is what that is for. We have had this same example. He says that we will say that if people cannot pay, we will listen to what they have to say and we will try and find a resolution, but we have to put that language in that ordinance or we are just passing paper in the wind, and we have no authority. That is why we use the boilerplate language on it. Raymond verifies that this just gives the village the authority to do that. Councilman Kolograf says that he see where we put it on for second reading. We still have another week. We can still pass it next Tuesday for suspension or we can pass it for a second reading. He states he thinks we also have to look at an advantage of maybe losing out on one month, but one month is a month. If we pass it, we get a full year of collections. He thinks there is some value there. He says we have to weight that out. If our vote is not going to change, waiting a month is doing what? Costing the village more money. Katie also adds that she has to negotiate a contract with the water department for them to do the billing, so pushing his out another month is then dependent on them putting the agreement into place, which is another piece of legislation that has to be passed. So, it is just extending the timeline. She just wants them to consider that when they make their decision. The overall consensus is that it could be voted on next week. Councilman Kolograf states that the good thing about the conversation that we are having here is that we are all concerned. We are concerned about our residents. It is not like we just passed it and nobody knew anything. We know it is not going to change. He says put it on for second reading and we can pass it under suspension. All council is in agreement with this.

Mrs. Deak from 17076 Egbert Road stands and states that she can understand this. She says that at one time, the council were saying that we were going to put this on our taxes. She asks if we are going to get a

bill every month or every three months, or will it be on our taxes? Mayor Hurst says we are looking at it every three months with the water department. Katie says it will be quarterly on the water bill, just for this year because we are too late to get it on the property taxes, but starting in 2019, if the assessment is still in place, then it will be on the property tax bill. Mrs. Deak asks if this is both the garbage and the other, and Mayor Hurst says yes. He also says that the sewer maintenance will not go on the tax until 2019. All of 2018, we are not going to be affected.

No further comments from the audience or council.

Mayor Hurst says that with council's approval, this will be on next week's meeting.

Item L – Discussion to amend 260 and 242. Mayor Hurst says that with the police contract and with all of the other employees, we have to amend it to say certain language about the 15% healthcare and the 242 is related to the police contract. Everyone is okay with this going on next week's agenda with specific language so we can pass this under suspension. He clarifies that 242 represents the law enforcement part of our statutory village and 260 is in place and was established many years ago and is the employment of each employee and what they pay and what their benefits are. Every year, we amend it according to how the healthcare is and how other things change with the federal guidelines. No questions or comments.

Discussion on Budget 2018. Mayor Hurst explains that we are going to put that on the agenda next week for the quarterly budget, which everyone was in agreement with at the Budget Meeting. It does not reflect the lake club or certain recreation programs. It does not reflect a lot of other things. It simply keeps us in operation for the first three months because the deadline is March 31 that we have to have a final budget for the full year. Everyone is in agreement and everyone understands what we are doing here. He says we had two special meetings for the budget. He knows there was only one person, Mr. Tinter, in the audience for those two meetings. We did go line by line on the whole budget. We also discussed this at our last week's COW and this week's COW. That is four public meetings where we have discussed our 2018 budget. Councilman Kolograf states that with the quarterly budget, there is not much to discuss because that is basically just an operating budget. We have taken out all capital expenses. We have taken out all contractual agreements. So, the budget that we are going to have to go back to and spend more time is going to be the next three quarters. Even though we spent a lot of time on that quarterly budget and coming to the agreement on that quarterly budget, we have to go back to the table when we pass our final agreement before the March 31 deadline. No more questions from the council or the audience. Mayor Hurst will put this on next week's agenda.

Item M – Discussion on the final appropriations for 2017. Mayor Hurst says that we do this every year at the end of the year. We move money around from our accounts to close out the end of the year so we have every bill paid. Everyone will have that by next week, by Friday probably, so they can review it. If there are questions, they can call and ask. He does not think there is anything unforeseen that they do not already know from report 52, but he just wanted them to be aware of this because this could be our last meeting for this year. Katie says that if we were able to have a special meeting closer to the end of the year, she would prefer to wait until then to pass final appropriations because the budget is so tight. She just wants to make sure that we have everything right. She is confident that we could be good by next week. She said she will get them a draft by Friday. Barring any unforeseen purchases that come up between now and the end of the year, if there ends up being a special meeting, she may ask if we could push the vote to that date. Mayor Hurst says that one of our plow trucks went down today and they are working on it as we speak. It is one of the wheel bearings. We are doing all the work in house on the lift and are doing the best we can. It is a 1994 truck, one of the big ones, that pushes the snow. If it is foreseen to allocate \$60,000 for a new front end or something... He says we have not replaced them for a long time. He says that our mechanic is working on it.

The schedules are discussed to try and find a date to have a special meeting. Councilman Kolograf says that we will want to have a meeting on the 30th then. Mayor Hurst says that he does want to have some kind of conversation with them about the cameras and things in front of them. He says that he will have these appropriations on the council meeting next week. Hopefully, it will be where we need to be.

Other Business: Mayor Hurst has a few things to mention. He states that the tree lighting program served 150 people. We had 65 children who sat on Santa's lap. There were many children there that did not get to sit on Santa's lap because they cried. He states we had our Santa delivery on Saturday from 11:00 to 6:00. He thanks Councilman Kolograf for everything. He says we had 54 stops, and we serviced approximately 300 people. This is probably our best program in our village that services the most people. The reason he says that is that we have at least a minimum of 4 people per stop. There were very large parties. We gave out 190 gifts that the residents paid for for their grandchildren. The Oakwood Fire Department was very good. He says that the Santa Delivery in Twinsburg, the Santa rides on the back of the fire truck. It has been 12 years that we have been doing this.

Mayor Hurst states that tomorrow is his Morning with the Mayor. He says that starting in January, the second Monday of the month, he is going to do Evening with the Mayor and try that from 7 p.m. until 8 p.m. and see how many people come out. He says he will try it in the evening and see who is involved or who wants to come.

Mayor Hurst says we have our senior lunch next Sunday. We are going to have Sandy, the lady who does the booking, do some singing with a live band. There is no cost to the village.

Mayor Hurst says that he put a letter out to the new councilperson and he has been asked by Councilwoman Terlosky, Councilman Linville, and Councilman Spitznagel to do the swearing in on January 1, 2018, at 12:00 in the community building like we have done in the past. Then, we will have our COW meeting the following day on January 2. He knows that Councilman Spitznagel will not be available, but he wants to make sure that everyone is aware of the facts.

Mayor Hurst asks Councilman Kolograf if he wants him to go over the agenda one more time and he thinks that is a good idea. Next week's council agenda is as follows. We are going to have the traffic camera ordinances in place to consider. We are going to have our final appropriations for 2017 for them to consider. Our 2018 budget for next year will be on the agenda. Ordinance 260 and 242 will be on next week's agenda. Discussion of the rubbish collection ordinance will be on the agenda. The fire contract and the dispatch contract with the village of Oakwood will be on the agenda as emergency to get it done this year. The police contract will also be done as an emergency on this agenda. Discussion of the Cuyahoga Sewer Maintenance Agreement on next week's agenda. It is confirmed that all of this would be for suspension if possible.

No further questions or comments.

Item K – Adjournment. Mayor Hurst asks for a motion for adjournment. Councilwoman Brenner-Miller makes a motion to adjourn the COW meeting of December 12, 2017, seconded by Councilman Linville. Six ayes approved.