

The Village of Walton Hills

Committee of the Whole Meeting

Date: January 9, 2018

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 Gloria Terlosky, Mary Brenner-Miller, Jennifer Allen, Don Kolograf, Denny Linville, and Brian Spitznagel. Six ayes approve. Mayor Hurst also wants the record to reflect that Katie Iaconis as our Fiscal Officer and Clerk to Council is present. Mr. Mason is not present at tonight's meeting. We have Mr. Montello sitting in in his place.

Item C – Persons Having Business Before Council. No questions or comments are seen.

Council Comments. No questions or comments are seen.

Council Committees. Mayor Hurst explains that we do this at the second COW meeting of each year. This is to go over committees. Councilman Kolograf goes down the list and goes through the committees.

Committee of the Whole – We have no choice on this – we are all here for that.

Economic Development – Paul Rich was the chair, so there is an empty spot there. Councilwoman Brenner-Miller was on that committee along with Councilman Linville. Councilwoman Allen states she would feel comfortable chairing that committee. Both Councilwoman Brenner-Miller and Councilman Linville would like to stay on the committee.

Finance – All of council is on this. Councilman Kolograf would stay as chair as Council President. All is good with this.

Information Committee – Councilwoman Terlosky is the chair right now. Councilman Linville is on that committee and Paul Rich used to be on that committee. There is an empty chair there. Councilwoman Terlosky would like to stay as chair. Councilwoman Allen states she would be comfortable taking the open position. Councilman Linville would like to stay on that committee.

Infrastructure – Councilman Spitznagel is chair of this committee. Paul Rich was on this committee, which opens up an empty spot there. Councilman Kolograf is also on this committee. Councilman Spitznagel states he would be fine with staying chair of this committee. Councilman Linville states he would like to be on this committee if no one else wants it. He would give up another assignment if need be. Councilman Kolograf states we will put him on there and if someone wanted to switch, he has no problem staying with the committee or moving to another committee. Councilwoman Allen states that if anyone is wanting to switch to another committee, she was comfortable with taking that open position also or any of the other two that are still left. It ends up that Councilwoman Allen will take the open spot here in this committee and Councilman Linville will not take the position on this committee.

Recreation and Community Life – Councilwoman Brenner-Miller is the chair of this committee. Councilman Spitznagel and Councilwoman Terlosky are on this committee. Councilwoman Brenner-Miller would like to remain the chair on this committee. This is fine by Councilman Spitznagel and Councilwoman Terlosky.

Safety and Insurance – Councilman Linville is the chair of this along with Councilman Kolograf and Councilman Spitznagel. Councilman Linville states he would give up the spot on the Infrastructure Committee to Councilwoman Allen if she wants it because he does have a list of his assignments. Councilman Linville wants to stay as chair on this committee, and Councilman Kolograf wants to stay on that committee as well.

Planning Commission – There needs to be a council representative on. This is the first Thursday of the month, if needed. It could be more and it could be less. Paul Rich was the council representative, so that is vacant right now, and then Councilman Linville was the alternate. Councilwoman Brenner-Miller was asked to be on it and was given an invitation to take Paul Rich's place. She had responded. She had not heard back from anyone. She would very much like to be on the Planning Commission if the invitation is still open. Billy Workman is the one who asked her to be on that committee to take Mr. Rich's place. Mayor Hurst says that the Planning Commission will probably meet very aggressively this year because of the overlay zoning and everything. It still goes through council to be finalized. Councilman Kolograf thinks that we should see how Councilman Linville feels since he was the alternate. Councilwoman Brenner-Miller said she was not aware that we had an alternate. Councilman Kolograf thinks that it would be fair to offer it to the alternate if that person wants it. Councilman Linville says he would give it to Councilwoman Brenner-Miller. Councilman Linville would still remain as the alternate at this time.

American Disability Coordinator – Councilman Kolograf states that they had him down for that, but he has not done much with that. He has not been called upon with this.

Cuyahoga Regional Councils of Government – Councilman Terlosky is on that with Councilman Linville as the alternate. Councilman Linville asks if there has been any activity for this committee. Councilwoman Terlosky states that they went to one meeting for this. Councilman Kolograf says that he has not received anything from them. Councilman Linville says he is surprised because they used to be very active. Councilman Linville and Councilwoman Terlosky will stay on this committee.

Storm Water Management Committee – That is Councilman Linville and Councilman Spitznagel as the alternate. Councilman Linville and Spitznagel would like to stay on this.

Sundry Claims Board – Councilman Kolograf says we have not had a claim on that. He says he can stay on that.

He goes through them once again to make sure we are all on the same page:

1. Committee of the Whole – everyone.
2. Economic Development – Councilwoman Allen is going to chair that with Councilwoman Brenner-Miller and Councilman Linville.
3. Finance – everyone. Councilman Kolograf will chair that.
4. Information – Councilwoman Terlosky as chair, along with Councilman Linville and Councilwoman Allen.
5. Infrastructure – Councilman Spitznagel is going to chair that with Councilwoman Allen and Councilman Kolograf.
6. Recreation and Community Life – Councilwoman Brenner-Miller as the chair with Councilman Spitznagel and Councilwoman Terlosky.
7. Safety and Insurance – Councilman Linville will be chairing this along with Councilman Kolograf and Councilman Spitznagel.
8. Planning Commission – Councilwoman Brenner-Miller will chair this.

The other committees will be the same.

Councilman Kolograf does explain overall how this works. Over the years, there has been a little confusion on when we changed the structure. We used to have only one COW meeting and one council meeting. Then, the Mayor proposed that we could have another COW meeting but we will put the committees inside the COW meeting. We agreed that this is a good idea. This is not saying we cannot have extra meetings, which we have, outside that, but what it has done is that everyone is present for all committees then; even though that chair will run that committee in that COW meeting, it puts everyone there, which he thinks helps the committee. Otherwise, that chair has to communicate what went on in that committee whether it is by phone or email, where here, they get it firsthand. That is where that other COW meeting came from. Instead of having one COW meeting and one council meeting, we have two COW meetings. There can also be separate committee meetings as well, which has happened.

Everyone is in agreeance.

Mayor Hurst says that we will present this next week with a resolution, like we always do, to pass it into record of the committees and things. He says we have not done it since 2014 because no one changed.

No comments or questions from the audience at this time.

Discussion of Street Commissioner's Contract. Mayor Hurst says that the legislation that we presented last week, and the legislation that we presented this week, the only two differences are that we changed the name from Dan Stucky to Rob Kalman, and then Section 5 has to be changed to Section 4. We omitted Section 4 when Dan Stuckey was with no healthcare. There is healthcare included in this Street Commissioner's contract. So Section 5 changes to Section 4, and Section 6 changes to Section 5. There is a grammatical error there, but everything stays the same with the language and everything that we had with Dan Stucky's contract. No questions or comments from the council. No questions or comments from the audience. Mayor Hurst says that he will put this on next week's regular council meeting for approval hopefully.

Item G – Discussion of Recreation Director's contract. Mayor Hurst says this is the same as it was last week and also as last year. We just changed the date. In this contract, there are no increases. This is the same contract that we passed last year. Mayor Hurst is recommending Carol. Councilwoman Allen asks if Ms. Stanoszek is considered the head of the department for the Recreation Department. Mayor Hurst says yes, she is the Director. Councilwoman Allen asks then if she is the only person that is a part-time head of the department. Mayor Hurst says that she has an assistant. Councilwoman Allen says that she is part time. Mayor Hurst verifies this and says that we have no full time in Recreation. No comments or questions from the audience. Mayor Hurst will put this on next week's agenda for approval.

Item H – Discussion of Law Director's contract. Mayor Hurst says this is the same contract that we had from two years ago. This is a two-year contract with Mr. Mason. No increases. The same money he started out with, with the same language. No comments or questions from the council on this. No comments or questions from the audience.

Item I – Discussion of the Village Engineer contract renewal. Mayor Hurst says this is the same thing as last year's contract that the council approved. No increases. There was something in there that said it could be renewed automatically, but the Mayor felt we should bring it to council like we do anything else. We are a statutory village so we allow the council to have their input on these things. No questions or comments from the council. No questions or comments from audience.

Item J – Resolution for annual internet sales. This is the same thing that we presented last week, and we do this every year in the month of January, to give us permission to sell equipment and to sell things from the police department through internet sales. Councilman Linville clarifies that this covers all equipment and

Mayor Hurst verifies this, but states that mostly it is the police department. It does, however, cover all equipment. Councilman Kolograf states that he and Councilman Spitznagel were talking earlier and there are a couple of things that need changed to 2018. Section 1 and Section 5 from 2017 to 2018. No further comments or questions from the council. No comments or questions from the audience. Mayor Hurst states this will also be on next week's agenda for council's approval.

Item K – House Bill 49 changes. Mayor Hurst states that as everyone knows, House Bill 49 is an income tax thing that was changed downstate. Mr. Vic Nogalo highlighted those items on the last page that need to be changed. The language has to reflect this in our ordinance. Katie speaks and explains. The highlighted portion is what it currently reads, and then the italicized portion is what it would be changed to. Basically, on the first section, it will go from saying “On or before the 15th day of the 12th month of the taxable year “ to “On or before the 15th day of the first month of the following taxable year.” Then, as far as the penalties below, before it said “equal to 50%” and now it is to read “not exceeding 50%” so it gives some flexibility to the tax administrator. There are still some other points of the House Bill that are under contention from various tax administrators. Further changes are not going forward just yet besides these two portions. This will on next week for the agenda for council's consideration. Councilman Linville asks if any of the councilmembers read House Bill 49. It is 3382 pages. No further questions or comments from the council. No questions or comments from the audience. Mayor says that this will be on the agenda next week for council's consideration.

Item L – Traffic camera contract from Gatso. Mayor Hurst says this is what we are having the special council meeting for tonight, to hopefully get everyone's approval to pass this with consensus of council so we can move forward on getting traffic cameras established throughout the Village of Walton Hills. First, there will be a car parked with equipment in it that will monitor the flow of traffic. Even though we do have a traffic study that is adequate, they said, they would like to give it at least a one-week trial in certain areas to test and see what the volume is and then make a recommendation of locations. As soon as we get the contract, we will see a strange Crown Victoria with equipment on it parked. We will start with Egbert and Walton Road. Then, we will move around the village within the next week-and-a-half to two weeks. There is a time period to order cameras.

Councilman Linville asks that given the consideration that we are going to have a difficult time moving cameras, how many cameras are we going to have. Mayor Hurst says we were not given a concrete number, but we did estimate 4 and a handheld for our police department. Councilwoman Brenner-Miller asks about the collection of unpaid fines. She says it mentions a third-party collection agency or attorney. She asks if we hire out or use our legal people. Katie says that they have a company that they suggest and they provide. Then, basically, the collection fee is not taken out of our portion or Gatso's portion. The collection company then charges a higher fee on top of what that person owes. That is how they are paid. Councilwoman Brenner-Miller says it makes it worth their while to pay the ticket. Mayor Hurst says there is actual consideration at the state level because it is considered like a parking ticket because it is a civil matter. With parking tickets, you cannot renew your license, so they are considering putting that legislation into place to where you have to pay it or you cannot renew your license tags on your vehicle. This is the way it is right now for parking tickets. He does not know if it will go any further, but that is being talked about with the legislators right now.

Katie explains again for Councilman Linville and says that sometimes a collection agency has to be involved if a person ignores their warning. So, if it goes to that point where the village tells them to pursue collections, the collection agency, if they are able to collect from this person, will charge them a higher fee for their services, and then we would still receive our full portion and Gatso would receive their whole portion. Councilman Linville verifies that Gatso is going to be the collector. This is confirmed by Mayor Hurst. Councilman Linville asks then if we will still be paid on the same basis that is in our contract and they will not be able to increase the fees. Councilwoman Allen says that in the contract under Section 4.5 “Collection of Unpaid Fines,” it says that the village shall refer such matters to a third-party collection

agency. So, we, according to this contract, are the ones responsible to get a hold of a collection agency. Katie clarifies this by saying that we do have that option, but they do have an agency that they recommend that they would put us in contact with. Councilwoman Allen says that this would still be the village's responsibility. Katie says that this is only to alert them that we want to go ahead with the collection process. If we want to interview and choose our own third party, we can, or we can go with their recommendation. Some people choose not to even pursue collections, and that will be up to council to decide if they want to pursue those, depending on the payment rate that we set.

Councilman Spitznagel states that the referee has to be paid and he is asking how they are going to be paid. Mayor Hurst states that it will be under the same magistrate language that we have at \$325. Councilman Spitznagel states that the current magistrate is \$400 a session. Mayor Hurst clarifies and says that it is \$325 for outside magistration and \$400 for the Mayor's position. Councilman Spitznagel is asking if we are planning on having a session a week? Mayor Hurst says we were just going to see what the volume was and play it by ear. He says that if the volume of this picks up and the Mayor's court drops off, the Mayor's court could obviously drop off. Councilman Spitznagel states that in Section 3, this is a copy and paste, in the third line down, a sentence needs to be removed. It was probably in another resolution. It declares this an emergency and states, "for the further reason to allow repairs to begin immediately." This is in the resolution itself. Mayor Hurst says that we plan on trying to pass this tonight.

Councilwoman Terlosky asks about Amber Alerts. Mayor Hurst says that yes, they explained to us that our dispatch will have live feeds, and if we had an Amber Alert, they have access up to 90 days. Katie says that if there is an active Amber Alert, they can log into the Gatso's online system and put in that license plate number so while it is still taking pictures for ticket purposes, it will also be scanning those license plates to find a matching plate number for an Amber Alert and then will notify if that plate goes by. After so long, it will automatically drop off. That is a nice feature. Councilman Kolograf speaks and says he heard this from another person whose community has this. They said they also share this with anyone who is using Gatso. In other words, if that plate is picked up in another community, it also is the same. It notifies everyone.

Councilwoman Allen comments and said that all of the violations would be reviewed within 48 hours, but the contract reads within 4 business days. Then, after the 4 business days, which it could be sooner than that, it is going to be at least 10 days before the violation is mailed out. So, potentially, people are not going to know for two weeks that they are getting a citation, possibly not even remembering if they were the ones in the vehicle or not. That makes her uncomfortable that finding out two weeks later to find out that she did something wrong without knowing it. Councilman Spitznagel states that this is a major complaint of the system and one of the reasons why people are trying to get rid of these systems. Their take on it is that they really do not solve that problem because, like Councilwoman Allen said, it is two or three weeks' later. He still thinks the pluses outweigh the detriments of the system. Councilman Kolograf and he were speaking today and Councilman Kolograf came up with a good thing. These 35-mile-an-hour signs have been posted for 40 to 50 years. So, if you are doing 50 miles an hour down the road, then we are giving adequate leeway. He would be very uncomfortable with it if it were 37 or 40 miles an hour because speedometers are off and things like that. Councilwoman Terlosky speaks and states that they do receive their statement in the mail. It says up to 12, but it does not mean it will take that long. It could be less. They give a timeframe. The violator is going to see a picture of your car with your license plate and the date and time, so you may have forgotten and have a lapse in memory, but it is kind of hard to say "this was not me."

Councilwoman Allen says that she understands this, but she is only saying that it does not offer a deterrent for people not to speed if they are receiving a ticket two weeks later or maybe even longer than that. She thinks that the signs that we have on Alexander Road would be more of a deterrent that tell people immediately what speed they are going, and by the Mayor's admission last week, those had become a deterrent and it has slowed down traffic drastically. She thinks that something that people see immediately

and not two weeks later. Councilman Spitznagel says that when he got his, he got his in the school zone in Parma. He did not see the sign, but he did go back and there is a sign that is supposed to be posted within 300 feet of that camera that states that the camera is up ahead. Also, within the main state road thoroughfares through the area. So, there are going to be signs along with this. It is not going to be "hidden." He said he swears he did not see that sign, but he went back and it was posted and was a big sign also. Councilwoman Allen asks how big the signs are going to be for people to see. Councilman Spitznagel said it was a big sign, probably bigger than a stop sign. It was large. Councilman Linville says that when he ran into his difficulty with the state highway patrol in Pennsylvania, it took them a minimum of a month to get something to him, but he has to say that it did not make an impact on me. He agrees with it.

Councilman Kolograf speaks and states that we bring up what the impact is, this has been a problem with parking tickets for how long. He says that the people used to just throw out the parking tickets because there is no way to do anything with it, until the state started saying that you will not be able to renew your license. That changes things. Money is one thing, but then you worry that if you get pulled over and it might show up. So, hopefully maybe the state will help out with this as well and put it the same way as parking tickets. He said, as he and Councilwoman Spitznagel were talking, it is hard to defend someone who is going 50 miles an hour on Alexander or Route 8 or any of our other roads. We are worried about signs, but if you are going 50 miles an hour and you know it is a 35, you should not be doing it. Mayor Hurst says that they will provide signage. We were going to do just like Cuyahoga Heights and Newburgh Heights and put them at the gateway entrances, at all of our entrances, and then we would also put them underneath our 35 mile-an-hour speed limit signs to let them know that our traffic enforcement agency is in Walton Hills. He does not know the exact size of the signs, but the ones he has seen in Newburgh Heights were approximately 18 inches by about 2 foot. They were directly underneath the speed limit signs. If you look for them, you can see it. They are at all of the gateway entrances. That is what our objective is at this time, to make sure we inform. He does think that we will be putting out a map of the locations on the webpage to let everyone know where they are. We have no secrets. We are not trying to hide anything. That is why we are broadcasting it and making everything public. We hope in the month of February that we could have a town hall meeting to explain to the residents the details as well. It would be some time in February. We have to see if this gentleman from Gatso can come in and put on a Power Point presentation and answer our questions, and be able to educate our residents on the locations and how the speed cameras work. The month of February will be warnings.

Councilman Kolograf says that having that handheld one also is another tool with the police department because with that, they will take a picture and it will do the same thing, but they will not necessarily have to pull that person over. So, it gives them a little more flexibility. It is probably going to be used more on the secondary roads where we get people flying in the industrial areas, which we all know has been a big problem, especially Dunham, Egbert, and some of the cut-throughs of Walton Hills. Hopefully it will make our community safer. Councilwoman Allen agrees with Councilman Kolograf about the handheld ones because someone sees an officer standing there. They realize it immediately. She says it makes her uncomfortable that we want to have a town hall meeting after we already passed legislation to inform the village. She would think we would want to engage the village prior to and give the village input also to see how the residents feel about this. Councilman Kolograf addresses this and says that the town hall meeting is up to the Mayor. As far as he is concerned, the people voted him to make these kind of decisions. He has no problem passing this. He states that most of the tickets that are going to be given out are not going to be to our residents. He thinks that most of our residents go the speed limit. He has asked the Mayor about that and the majority of the people who get tickets are not residents.

Councilwoman Allen says that the majority of our residents drive under the speed limit. Councilman Kolograf agrees with her on that. He thinks the residents see this as a plus. To him, he has no problem passing it tonight. That is up to the Mayor to inform them. Councilman Kolograf is saying that the town hall meeting two weeks after is not to ask the residents whether or not they want them, it is simply to let

them know they are here. He says that if we were going to take it to the residents, then he may feel different. He thinks these decisions are decisions that people elected us to make. He thinks the town hall meeting was to inform the people where the cameras are, to let our residents know. That is why we have COW meetings. The last meeting and this meeting are not the only two meetings we have on this. We had another meeting. We invited Dean DePiero here, the law solicitor for the communities who have these traffic cameras. He talked about it, and we have been talking about it quite a bit. It has been in the journal. He knows everyone feels different, and he thinks that is great. Mayor Hurst said that the reason he mentioned the town hall meeting is to inform everyone where the locations are and to understand the process and to clarify 15 miles over, because we still have people with false information that says 5 miles, 10 miles, etc. We want to clarify that. We have talked about this since August 2017 when the Supreme Court came through. This was a proposal we have all kicked around and talked about privately and publicly. We have had five public meetings on this, and I have talked about it at my Mayor's meetings in the mornings with several of the residents who are here in the audience who can agree to this. This is nothing new. We have had this in the journal in November and December. This is not trying to get everyone's permission. This is trying to make everyone aware of it, because we do have this great talent of people in the village that give just a little bit of information and does not follow through and they are false statements. Such as the Mayor is driving a brand-new car; such as he is making all this money; etc. These are false statements. We are trying to clarify and stay factual. That is why we want to invite this outside group to do a Power Point because that is how they educated Newburgh Heights, because a lot of those residents were in confusion. We thought this may be a good opportunity for this. That is the whole goal; not to ask everyone for permission, because this governing body made a decision on what is best for the community.

Councilwoman Allen said that she is not trying to get everyone's permission, but she would have hoped that there could have been a town hall meeting specifically addressing it with a Power Point if this has been going on since August. That is her point, and that is her opinion. To her, that is what opens it up most to people so people would know ahead of time. She has done research on this. She knows it has only 0.5 mile to 2/10 of a mile discrepancy in between calibrations. She has read up to see how well it is. She is not very comfortable with the village turning around again with what appears to align us with Newburgh Heights, Cuyahoga Heights, and Lindale who have all been infamous for being money grabbers with small villages on cameras. That is what she is trying to avoid us looking like. That is what her point is on this with people knowing about this ahead of time. Councilman Kolograf is saying this is great and we are not debating; we are all just talking. He understands her point with that, but there are also a lot of other communities who have them or are looking at them. He asks Mayor Hurst for that list, and verifies that Strongsville is looking at them. Youngstown has them. Akron has them. Cleveland has them. East Cleveland has them. Aurora is looking at them right now. There are several communities such as open roadways are looking at them. When the Supreme Court came down with the information, that is what has made it attractive to everyone now. It is home rule and it is allowed now.

Councilwoman Allen said that she understands that and she has read up on them and it seems that some of them keep going back to court on the validity of them. She asks about the section in the contract, under General Provisions, 5.1, line C, "The Village shall indemnify, defend, and hold harmless Gatso... from and against all third-party claims arising out of or related to the validity of the results." She is asking that if she is reading this correctly, is this leaving the village and takes the company completely out of it if there are any lawsuits about the validity of any tickets, citations, or violations? John speaks on this and says that we would have insurance to cover this matter anyway, if someone were to challenge it, so it would not affect them. Councilwoman Spitznagel also says that it says, "...except to the extent caused by Gatso's failure to comply with the terms of the agreement," which the terms of the agreement are that they have to provide proper systems, facilities, etc., and it does have to be valid. Another provision of the contract is that if, at any time, Ohio changes its law or the Supreme Court rules against it, they will cease immediately and they will remove everything. Councilman Linville states that in terms of educating the people, he thinks a town hall meeting is great, but it is limited because you never get more than 100 people there, maybe. We have a

lot more residents than that. He would feel as much more comfortable with the fact that we had covered the whole village directly to the people with a letter or something like that as well. Mayor Hurst says okay. Councilman Linville says he would rather see a letter than a town hall meeting with a list of every head of household or whatever getting that letter, stating this is what we have, this is where they are going to be, etc. Councilwoman Terlosky speaks and states that in her experience, we have the annual meeting where we discuss this in the village, but the other times we have had the meeting, it has been about the levy or taxes or something that affects the residents monetarily. This does not affect the residents at all. This does not cost the village a dime to do this. If Mr. Linville wants a letter, the journal goes to every house. If there should be an alert inside the journal to tell them this is going on... The sign says 35 miles an hour. That is their information. That is out there. Everyone knows what speed limits are. If they do not want to read the journal with this information in there, then that is their problem, but we give this information out. If they read it or they do not, we cannot make them read it. To spend additional monies mailing a letter – it costs about \$1000 – she does not think we need to spend \$1000.

Councilman Linville says that we would have postal receipts and proof that we sent this out. Councilwoman Terlosky said she was at the Mornings with the Mayor meeting the last time and a lot of people here who were there. They all heard this. She asks the audience to nod their heads if they have heard this before, and a bunch of them did. To spoon-feed for \$1000, she thinks that money can go someplace else. It will be in the journal. They are going to have the signs under the 35 miles an hour. We even have the information line where they can call and it tells them what is going on. There are various ways of getting that information out there. She is not in favor of a town hall meeting. To be a town hall meeting is when it actually affects the residents. This is just some other situation like when we vote for other things that go on in the village as council people. Councilman Spitznagel speaks and states that we all know and have been up here long enough, and Councilwoman Allen will find out, that we can make 5000 announcements and someone is going to come up here and say they never heard about it. It just happens. So, we can do our best, and I hope we do do our best, with educating the residents. He agrees with Councilwoman Terlosky to put it in the journal, maybe put a separate page in there with big, bold letters. Initially, when this first came out, he was against this because he thought it was almost entrapment or something of that effect. He had the mindset that no, police officers should be giving the ticket. If this were red light traffic cameras, he would be against it, because he has had experience with ones in Chicago. He has never gotten a ticket, but what they do is, you pull up to the white line and stop, but you cannot see around the corner to make your right turn. So, you pull up, and the camera grabs you and gives you a ticket. That is entrapment in his opinion. There have been many times that he has come down the road both day and night, Alexander Road or Northfield Road (usually Alexander Road – a two-lane road as we all know). There is an officer who has a car pulled over. The officer is behind the stopped car and the officer is walking out into traffic to talk to the driver. There have been many times over the years when I have said, “There has to be a better way for the safety of that officer.” Anything can happen. Not necessarily that the person they pulled over is bad, but any accident. Someone swerves, or they are texting, and that officer is out in the road. Years ago, we had 15 full-time officers plus other officers. Now we do not have those. We do not have the coverage like we used to have. We have very minimal coverage. When someone is off doing something, that means the street is left unmonitored. Those two things made him change his opinion on this type of camera. Word will get out, with all the people coming from Strongsville or Parma to go to the track, Walton Hills has a camera up there, and he guarantees that people will get the word out. He is going to vote for it. He thinks it is a safety issue for the village. He thinks it helps our police department. He thinks it is a safety issue for the police officers.

Councilwoman Allen states that she did not initially bring up having a town hall meeting about this. The other council members say no, they know that. She was only saying that this would be have been more proactive ahead of time. This is trying to be pushed through as declaring an emergency, and this is only the second meeting that she has any information on, which also makes her uncomfortable. She also has another question about who would be the village project manager, and when they were given the PowerPoint presentation on this, was there any projection as to how many citations per day, per month, per

week, the village would potentially be looking at. Mayor Hurst states that with our traffic study that we did with 18,000 cars a day that we paid for in 2016, with those numbers, one of the two camera companies that we interviewed, they projected easily 150 tickets a day. We did say that we want to put a limit and we do not want 1000 tickets a week. We want to put limitations and not overwhelm people. That was the practice at other communities where they had overwhelmed and it turned into a real issue. We want to keep a practice of what we can do to inform people and keep the citations to a limit of not more than 300 a week if that. Councilwoman Allen says that that would mean they could wait until the end of the week when that 300 has already been potentially fulfilled. Councilman Spitznagel states that with limits of a high speed limit of 15 miles an hour over... if we went to 16 miles an hour, that would limit the tickets even more. It is an experiment in progress also to see what is going on. Councilwoman Allen asks who the village project manager will be? Mayor Hurst says that it would probably be the safety director, the Mayor, in coordination with the police chief. Councilwoman Allen says that the Mayor said that these cameras are going to have to be reviewed by the police chief or a police officer. She asks if that is going to entail hiring another officer then, if we are looking at potentially 300 citations a week that are going to have to be reviewed. Mayor Hurst says that we will see what we can do internally with our police officers. If we have to hire another part-time police officer to review them, we can do this. We have no intention of hiring any more full-time to do it. It is clarified that it does have to be a commissioned police officer. It would probably be our police chief because that is who does it in Newburgh Heights.

Councilman Linville also states that we should keep in mind and understand that when a policeman in a vehicle makes a stop, he should be followed shortly thereafter by another policeman pulling up behind him, because he is in a threatening situation, at least that is the policy that has been encouraged. There are always those people in the world that have some kind of animosity toward the police. We should keep that in mind as well. Councilwoman Terlosky states she is going to vote for this for safety reasons. Safety for the police officers and safety for our residents. We have the perfect person sitting in the audience who can verify what Councilman Spitznagel said. She states that Mary Alice, when she was working with insurance, once told her how many police officers are killed when making a stop. They are standing there and they aim for them. To her, it is a win-win situation. That is why she is going to vote yes for this. Councilman Kolograf speaks and states that the thing that bothers him about this and that bothers him about the state is that we are just enforcing the law. Years ago, the thing with Lindale, they were saying their equipment was not adequate. They were looking at someone going 37 or 38. We are at 15 miles an hour. That is plenty. The other thing is if you break the law, you break the law. No matter who you are. If you have to pay for that, well, that is how it is. His thing is that the 15 miles an hour helps, but also he knows that if we ever decide to go to 10 or 12 miles an hour, then that will have to come to the council and talk about it. At 15 miles an hour, he does not feel like I am violating anyone or a money grab or anything. He likes the idea of Walton Hills being a small, rural village in Cuyahoga County that is commercial. He didn't like it when we put up the flashing signs, but he does not know how; besides having more police and having them out there; to get people to slow down on Northfield Road and Alexander Road. It is like a vicious circle. Maybe an automated camera will deter it because it is on 24 hours and there is no way around it. The thing is that it is a contract. It does expire. If it does not work out, then we do not renew it.

Councilwoman Allen agrees with Councilman Kolograf. She lives on Alexander Road. Her dogs are in the back yard. Her son grew up playing in the back yard. Thank God one day a woman who was taking cold medicine and coming home from a funeral did not kill my grandfather who was cutting his grass in his front yard when she plowed through his mailbox. She agrees with that. Her issue right now is that this is her second hour on the information with the rest of council about this. Anything else has been what I have looked up on my own and what I have been reading through with the contracts. She is not comfortable with a first piece of legislation, the first time she is a council member, feeling as if she is being pushed to push it through on an emergency basis. That is what is making her uncomfortable. She agrees and she understands everything about the way the traffic tickets work and the way our police officers are and how it takes a second officer out of commission. She drives an ambulance. People drive like loons out there. She does see the value in this. She is just not comfortable on an emergency basis as the first piece of legislation

that I am being asked to consider research and vote on. Councilman Kolograf says that with that said, she can abstain or vote no. Our intention of the body here is not to put her in that position; it is something we have worked on. It has just moved through this progression and Councilwoman Allen has become a new council person and we have only had two meetings. He just feels he would like to get it in place. He does not see another meeting or another month, unless the majority of council feels different. He certainly does not want to put it to a vote and not get a positive outcome. As Council President, he would like to see everyone vote for an issue. He does not see that unless she has something that she feels that she is missing or there is something in there that she has a question on that is very specific, that would be different, but if it is just more information, we passed this out and we have talked about it, and we have had a person on the legal end here. He says that she could have come to those meetings as those meetings were open. Some of those meetings were even after the election. This is just a progression and this is where we are at, and we moved on. What if the council did not change. He says that if there were three council people here, maybe it would be different, but we have a body and sometimes you have to rely on us as well, all of us. We have put a lot of time into this too. He says her vote is her vote. He says he is just one vote, and unless the body wants to wait on this... He says that if we move it forward tonight, he hopes that Councilwoman Allen does not take it that we are ignoring her. That would be far from the truth. We could have actually voted on this, but we all wanted more information too. We could have put it on before the end of the year, but that is not our intent. Our intent is not that way at all. Just like with the budget. That whole budget was because we were not comfortable with it this year. We wanted to give it a little more time to see how some of these things take place, to see some of the economic development moving forward. He thinks this worked out good for her because it will give her more time to make a good decision. We are here to work together. That is where he is. He has no problem voting on it in the special meeting following this. He will respect Councilwoman Allen no matter how she votes. We all voted on different things. We have all had differences in opinion, and we still have to respect the person in the next meeting, etc. Everyone knows that. Everyone here and everyone in the audience who comes to these meetings loves this village. If none of us did, we would not be here. We are all here for the same thing and want the best for it.

Councilwoman Terlosky speaks and says that if you take a look at all of the other resolutions that we talked about tonight, Mr. Sheehy, the recreation, etc., the last thing it says is “declaring an emergency.” That is just a term. It does not mean we are pushing something very fast. That is just a term. Councilwoman Allen says it takes away to some degree the transparency with residents to hear further discussion on things by not having three readings. So, to an extent, it is not just a term. They are using that so it is passed immediately. If it were on something like Carol Stanoszek, that is just a renewal, that is completely different than a brand-new position or a brand-new thing that is going into the village to her. Councilwoman Terlosky says that we discussed it as council for a long time. Councilwoman Allen says that she understands that she has, but that is why she has questions and she is asking. Councilwoman Terlosky says that is fine and is what she is here for. The next meeting she comes to, there may be something put in front of her and she will say, “I have not seen that before;” but we have all seen that before for months. She is new so there will be some things that are put in front of her that she has not seen before, but the rest of the council has seen them before. Then, Councilwoman Allen will have to play catch up to ask her questions and see to satisfy her with the situation that is being talked about. Councilwoman Allen says that this is what she feels she is doing at this time. Councilwoman Terlosky says yes, but as far as postponing it, as Councilman Kolograf, has said, she is going to vote yes, Councilman Spitznagel is going to vote yes, the other ones want to do a straw vote and say one way, do we want to go ahead with this.

Councilwoman Brenner-Miller says she would like to say that she is going to vote yes. At first, she was a little apprehensive when this came out at the end of the summer herself because she remembers what Broadway was like for a while. She has been tailgated for way too long in this community, and she thinks it is a safety issue. You keep getting tickets for going 50 miles an hour down Alexander or Dunham, maybe they will smarten up. It is not the residents. Most of the people who live here, including her husband, drive under the speed limit. She is tired of not being able to drive without someone right on her

bumper. It is time we take this matter into our hands. That is why she is going to vote yes. It has been presented to her sufficiently over the past four or five months that she feels she comprehends it, and she is in a good place with this. She is going to vote yes and does not think we should prolong it any longer. It has been vetted during COW, residents have a right to come here and they can find out what is going on. That is the only thing. We cannot send out letters. We put it in the journal. It is out there at the morning meetings, which she can never make. It is out there. If people want to know what is going on, we always say come to the meetings. We are not hiding anything. This is a safety issue in her perspective, so she is going to vote yes. Councilman Linville agrees with Councilwoman Brenner-Miller and is going to vote yes as well. Councilwoman Allen comments and says that she had asked about any projections that the company had provided as potential number of citations because of page 8, Section 5.3.3, ...warranties..., so this is going to be a village requirement. Terms A and B. Those were some other things that made me uncomfortable and is why she was asking about possible projections that the village was given in consideration of having these cameras. Councilman Spitznagel states that he thinks they are saying that they are not guaranteeing any results. They are not guaranteeing that we are going to bring in \$10,000 a month. Mayor Hurst says that they did not give us anything in writing. They simply took our numbers and gave us verbal conversation as the other camera companies did as well. They did take a copy of our traffic study, because it was done by our engineers, and they said there is a lot of traffic coming through there compared to other communities, especially since it was 4000 in 2013 and now it is 18,000 per day. They did not give us anything in writing, but I think this is their disclaimer to saying that they are not guaranteeing certain amounts of monies. No further questions or comments from the council members.

Mayor Hurst opens it up to comments or questions from the audience. Josephine Wardle from 17850 Egbert Road stands and approaches the microphone. She has trouble hearing and she verifies that it was said that anything over 50 miles per hour they will get a ticket and Mayor Hurst states that that is what was said. She personally feels it should be lower than that. The braking distance each mile that you go is 4 times the distance of a slower speed. She thinks that every mile you go, the braking distance is further. That is what they learned in driver's education. Also, she wants to know if they are going to go through the village and see where the problem areas are. They have a real problem area where she lives on Egbert Road. As they come around the curve and go past the yellow arrows going up toward Egbert Road, once they hit Kral Drive, it is like the pedal hits the metal. They have a hard time getting out of their driveway. She believes that the village would make a lot of money with a camera there, and also for the safety of the villagers. Her next-door neighbor is elderly and we have a drive up there that says "Private Drive" but no one pays attention to it. Thank heavens she does not go out very often, but she does have visitors. She is hoping that they will go through the village and maybe check with the residents and see where there are problems. That is one area that they have both had problems getting out of their driveways. Sometimes Josephine even goes across her lawn sometimes to get out of the driveways. Another situation is there on Alexander Road and Walton. She knows we have a left turning lane, but we do not have a left turning arrow. She thinks there are two traffic lights hanging out there. Without great expense, could there be a left turning arrow. When there is a tremendous amount of traffic going west on Alexander Road, she has seen people cross the double yellow line out of probably frustration. She is wondering if someday we could have an arrow there.

Councilman Kolograf comments and states that the advantage with this contract with the mobile camera is it gives the police that option to go to places that say they note or the chief or department notes. Instead of them going with their regular camera, they go with this camera, and it takes the picture and does the same thing and gives them more flexibility. This is something that can be done with the mobile camera as well. Councilwoman Allen speaks and verifies that there is not a cost to us per the contract unless we break the contract. At that point, it can become very costly for us. There is no initial startup cost. There is no cost for them setting up the cameras in less than two hours. We bear no initial cost with any of this going in.

Mary Alice Moran from 7500 Linda Lane stands and approaches the microphone. She states that she totally agrees that this is an important safety factor for our village for the police officers, as Councilwoman

Terlosky and Councilman Spitznagel said, but she sees so many of these terrible incidents with the police and injuries to the public and police and start with a traffic stop. It is a confrontation. That is what it is. If we reduce the number of confrontations, we will most definitely reduce the risk and hopefully reduce any opportunity for any of our police to be injured in any way. She wanted to tell them that she has been a victim of the traffic camera. It was in Parma also. This was a couple of years ago. She is a very good driver and her estimation is that she drives slow, she follows the laws, and she does not drink and drive. This incident apparently occurred during the daytime because the picture showed her. She suddenly received a letter in the mail saying that she owed \$200 because she was going 30 in a school zone that was 20. This would be, to her, almost unheard of that she would be going 30 in a 20. They have the address and the picture, it is my car, and it is there in black and white. She went back to the place in Parma. She was kind of remembering that she was doing a check for a home for a dog. She remembered being there. It was a place where there was a Catholic church that had closed and their school had closed. It was infuriating because there was a sign that said 20, but we all knew the school was closed. It is like a ghost town over there. So, she got this ticket and she is someone who likes to stand up for what she thinks is right. She would be all for filing a lawsuit if she thought she was going to win. She talked to her brother about it, and he is very knowledgeable. He said do not pay it. He said you do not have to pay those. No one is paying them. That goes against my brain so she wrote a check for \$200. Later that particular situation did go to the Supreme Court. She thought she did what she thought was right. She said we do not have those types of situations here, and she respects with Councilwoman Allen is saying about that we do not want to look like we are money grabbing like some of the other communities that we know about. She says that the council had said that this company that we are hiring is a step above. It is not those companies that were sneaking the money away from people unfairly, maybe the one in Parma who gave her the ticket that she paid. She clarifies that it was said that this would be \$30 for the handheld and \$32 for the camera that we pay?

Mayor Hurst comments. He says this company has never been sued in a lawsuit like the other companies that we interviewed. He says that the fee is \$33 for them to take a picture for every \$100 we charge. Our fee is \$100. Most of the communities are \$150. We chose \$100 when we passed the legislation because this is not a 2-point violation. This is a civil matter, so that is where the \$100 came from. The 15 miles an hour came from our police chief and the police department's recommendation. The handheld is \$30 if our police officers hold it and take a ticket. If it is a fixed camera it is \$33 of every \$100 the company takes. He says they do all the processing and they do all the costs, and all we do is handle the paperwork and the referee on our side. Mary Alice says that the amount of the ticket is the same no matter how much over the speed limit. Mayor Hurst says it is \$100. If it is 15 miles an hour over, it is \$100. If we need to adjust it, we can. A suggestion was made to put some variations in there, and we felt that we want to see where this works. This is a trial and error as we go now. Mary Alice says that in retrospect, she gave a lot of thought to this after she heard what was going on last week and what they were talking about. She was thinking that we do not have industry, we do not have manufacturing, and we do not have high tech, but we do have traffic. Councilman Spitznagel states that Ms. Moran brought up a point that to differentiate our system with what we are doing as opposed to others. With some other communities, whether the residents agree with it or not or you are going to appeal, you have to send your money in first. He considers a complete violation of our rights because you are guilty before you are proven guilty. Some communities, in order to get the hearing, you have to give them the \$200 first. Then, like in Parma, because he had the hearing, he had to send them the money first. They ended up giving him some money back, but it was like six weeks later. He had to give them the money right away, but for some reason, it takes them six weeks. That is another story. Our system does not do that. If you want to appeal it, you would come in. You do not have to pay first. That was another deciding factor for him here. If it was the other way around, he would have a complete difference of opinion also with how we are doing it.

Councilwoman Brenner-Miller says that one last thing that Councilwoman Allen brought up – the clause about the suit. She does have a concern that if they start to file the lawsuits and there is a hold-harmless agreement or something like that, what usually ends up, with all due respect, is the lawyers make a lot of

money defending the village or the entity that is being sued. She does not know how that is covered because she never saw the contract. They can indemnify you for the damages, but sometimes the legal fees are very high for the village. That is a very serious concern. She does not know how it is handled, but she just thought she would say that. Councilwoman Allen asks about the ordinance 2017-22, about the violations and the traffic cameras, from December. It was listed that the fine is \$100 for 15 to 19 miles and then it said \$200 for 20 miles or over. She is asking if this has changed. Mayor Hurst says no, that is the language, but we do not anticipate anyone doing that kind of speed. Councilwoman Allen just wanted to clarify that. Councilwoman Terlosky states that when it was mentioned that it was \$200 in a school zone, this was because the fees are increased because it is a school zone. Secondly, if you are driving and you see those speed signs, there is a statement that says "fines are doubled." People are not paying attention. Helga Renau living on 7067 Kral Drive stands and speaks. She is so glad that we are on the point of cameras. This has been discussed and anyone could attend the Mayor meetings. We have heard this for months. She was also a new board member for two companies, and she had to learn that the previous meetings took a long time and things were discussed. She had to educate herself and say, okay, they discussed this for months. She would not have the right of stopping or questioning or maybe even stopping something. She is very glad that this is at the point of passage.

Chuck Victor from 18750 Egbert Road stands and speaks. He asks about the calibration of these machines, he wants to know who certifies the calibration on the cameras. Mayor Hurst says that would be the camera company. Chuck asks how many times a year they are calibrated. Katie says they are calibrated daily and then she believes they are removed every six months and taken back and swapped out where a more thorough calibration is done. The computer does a calibration daily. Chuck verifies that it is all done electronically and there is no service tech out there calibrating it. Katie says they do take them out yearly and swap them out for calibration. Mayor Hurst says they are open-wire, internet-based. Katie says yes, they are cloud based. Chuck asks if the speed cameras will be similar to the speed trailers we had sitting out on the road? Katie says no, they will be mounted to a fixed pole. There will not be a trailer. Chuck asks how long they will be at one location or will they be permanent. Katie said they can be swapped out. We could have empty boxes sitting in as many locations as we want, and we could pull the cameras and move them around without anyone knowing. Chuck clarifies that that cost is all done by the camera company, and Katie says yes, by the camera company. No further questions or comments from the audience. Mayor Hurst says that we are going to have a special council meeting after this meeting to move this forward if everyone supports that.

Other Business: Councilman Linville has no other business. Councilwoman Brenner-Miller speaks and brings up looking into changing the zip code. She is not done with her proposal yet. She will have that next month for the council people. There are some steps that can be taken to see if this could actually happen. We will see. She will have more next month. Councilwoman Allen did have a question and she missed the opportunity on the small discussion on the street commissioner contract. She asks if that position was a posted position. Mayor Hurst says that no, it is usually the recommendation of the Mayor and confirmation from the council. He said that if we had a position available and we wanted to post it, we would do so, but we have a gentleman who serves as a service director assistant and the director is leaving us, so we have decided. Mayor Hurst said that he supported to move him into that position. Councilwoman Terlosky has no questions or comments at this time. Councilman Kolograf has no comment or question at this time. Councilman Spitznagel has no comment or question at this time.

Mayor Hurst has a few things. He states that everyone has a memo of all the director's reports. He explains to Councilwoman Allen that every second week of the month, he always gives a report from each one of the directors that tells the activities going on. This way the directors do not have to come to the meetings and explain or ask questions. If there are any concerns, we will relay it back to the directors and get a response back in writing. So, if there is a question, he does not want her to hesitate to ask. He says that he passed out a memo about receiving a \$9,582 NOPEC grant for the Village of Walton Hills. We have two different opportunities. We can spend this money on some lighting programs or we can defer and

put it into escrow and use it later on. He would rather put it into escrow at this time and wait until later on in the year when we have a project for it. This is free money to the Village of Walton Hills. He was even thinking that maybe if we use the money when we got the intersection of Route 8 and Alexander completed that we could use some of this money for the lighting up there like we did at the battery place. Also, on the same memo, there is an attachment from the Metro Parks System. The council received a letter last month and this month, we just got this the other day, about the deer calling. They will be starting on the 16th and it will go until March 15. This will be in the National Park and the Metro Park systems in the evenings so all the dates are here. It is also posted on the website for council. He also mentions that he has a memo that he passed out to everyone about a recycling grant in which there is a meeting tomorrow. He does not think it will need any kind of resolution to be attached from the council. This is for the recycling of our shredding program that we have done in the past. He went over this with Ms. Terlosky and he has her support. She is the information chair. She is supporting this. Tomorrow, we will have a meeting downtown and get all the details and information. A copy of the application is on here and all the details from the internet so the council will know the process and everything that they are going through. The last thing he has is there is a grant that we are pursuing for a new bus. He forgot to pass it out and this is passed around at this time. He says we are pursuing a new bus through the county and the recreation director and mechanic and everyone is gathering information with the chairman of recreation, Councilwoman Brenner-Miller. That meeting was today. We will need a resolution from the council next week on the agenda giving him permission to apply for this. The reason this is coming up today is because February 1 is the deadline for the application. That is why he is bring it up now. It is not unusual for us to pass resolutions to give permission. We do this all the time. Councilwoman Allen says that if she has any questions or comments, we would be more than happy to give her some samples of the resolutions we have passed in the past. This happens quite frequently where grants come available and if we want council's support... This is no cost to the village. This is hopefully for a bus, and right now, we are trying to pick out a bus with wheelchair access. We are hoping for a 22-passenger. Our buses are old. So, there is a process and we are in that process. Mayor Hurst has no further questions or comments.

Item K – Adjournment. Mayor Hurst asks for a motion for adjournment. Councilman Linville makes a motion to adjourn the COW meeting of January 9, 2018 at 7:33 p.m., seconded by Councilwoman Brenner-Miller. Six ayes approved.

Katie Iaconis, Fiscal Officer