

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, MARCH 28, 2016 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Carroll, Dishong, Nairn, Porter and Canton

**MEMBERS ABSENT:** Kostura

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Building Inspector Heilman, Solicitor Ondrey

**VISITORS:** None

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll.

Carroll stated that he would like his stance, that he is against the hunting ban, added to page 4 of the March 14, 2016 minutes. Carroll moved to approve the amended minutes of the March 14, 2016 Council meeting, seconded by Dishong. Voice vote – all in favor. Motion carried.

**BUILDING INSPECTOR’S REPORT:** The Building Inspector gave a presentation to Council explaining the functions of the Building Department. The Village mission statement is:

- Providing a high level of essential services
- Planning for future needs while preserving the character of the village
- Promoting an attitude of professionalism and impartiality among village officials and employees in a fiscally responsible manner

The Building Inspector explained that the Building Department supports the village mission statement and provides safety for the village. The Village receives income through permits and inspections. She added the Building Department has been operating since 1981.

The Building Inspector explained that all construction starts with a zoning permit, which asks for the proposed setbacks, height limitations and districts. If the request doesn’t comply with the current zoning rules, the Building Department informs the applicant that they can either modify their request or request a variance to the zoning rules.

The Zoning Board of Appeals (ZBA) consists of five (5) members appointed by the Mayor and approved by Council. ZBA meets to review applications for variance requests and to approve minutes of the prior meeting. If a variance isn’t approved, the applicant has a short period of time after the minutes are approved to appeal the decision. There is certain criteria the Board reviews

when determining whether or not to approve a variance request. When an application is received, the Building Department schedules a meeting by verifying that a board quorum is available to meet, then notifying the newspapers and surrounding neighbors of the meeting date and time. If a resident doesn't agree with a ZBA decision, it can be appealed through the Geauga County Courts; not village Council.

The Solicitor added that ZBA has the power to grant variances as well as interpret zoning code if they don't agree with the Building Inspector's interpretation. Council has the right to appeal ZBA's decisions by appealing to the Geauga County Court as well.

The Planning Commission has five (5) members which consists of the Mayor, a Council Representative and three (3) other residents appointed by the Mayor and approved by Council. The Planning Commission regulates new development in the village such as a new street or office buildings. They would review the request, impose any conditions on it, limit density, etc. As an example, the Planning Commission requested mounding around the Lantern for privacy of neighbors. The Commission can also recommend revisions to current zoning code for Council to consider.

The Architectural Board of Review (ABR) consists of three (3) members, of which two (2) are architects and one (1) is a builder. The ABR reviews aesthetics such as roof lines, window alignment, overall fit to the neighborhood, etc.

The Building Department has two divisions; residential and non-residential. According to the Board of Building Standards, each Building Department must have certain personnel such as a Building Official, Plans Examiner, Building Inspector, Licensed Electrical Inspector and Plumbing Inspector; but one person can fill all of these positions. The Board of Building Standards also requires that each department has a backup person. Currently, Laura Heilman certifies the residential department and Dave Hocesvar certifies the non-residential department. Certification from the Board of Building Standards requires approval by the Board, a minimum amount of experience which is different for each certification, passing of a test and each certification requires 30 hours of continuing education every three (3) years. Some classes that the Building Inspector attends covers multiple certifications, depending on the class and topics discussed.

The Building Inspector reviewed this year's budget, as well as the revenue and expenses for the last six (6) years. She also reviewed the number of permits in the last six (6) years and explained that on average each permit requires approximately two (2) inspections, but new houses typically require 25 to 30 inspections. Based on the number of permits, the Building Inspector estimated about 600 inspections were completed in 2016.

The Building Inspector said other duties of the Building Department consist of compliance with storm water through monitoring 290 septic systems in village. They also monitor erosion control at construction sites and submit reports to CT Consultants to compile the annual storm water

report. The Building Inspector also oversees the contracts for the village properties such as the elevator, alarm system, heating and any other building contracts.

The Building Inspector is the Prevailing Wage Officer for the road program, which this information has to be completed before the village makes their final payment for the project.

The Building Department monitors the mowing maintenance needs of vacant properties within the village. Grass is not permitted to exceed eight (8) inches, so when a property reaches that limit, the Building Inspector sends a letter to the owner. If the property owner doesn't respond, a company is called to mow the property. The bill is then assessed to the property taxes so the village is paid back when the property taxes are paid. The Building Department also notifies the Police Department of vacant properties so they can keep an eye on them.

The Building Inspector also monitors for new businesses in village. When she notices a new business that hasn't registered with the village, she will send them a letter requesting emergency contact information and a request for their tax ID number. This information is provided to the Police Chief for the emergency numbers and to the Tax Administrator to ensure they are registered to file municipal income taxes. Koons asked the Fiscal Officer if there are any concerns with businesses not filing taxes. As Tax Administrator, Fiscal Officer replied that the Central Collection Agency (CCA) is now able to cross-check their filings against Internal Revenue Service (IRS) records, which has cut down tremendously on delinquent taxpayers. In addition, CCA performs a business canvass every other year where tax inspectors physically walk door-to-door to the businesses in the village and verify the businesses are properly registered and filing taxes.

The Building Department also requires registration of contractors. They must provide their state licenses, proof of insurance, Bureau of Workers' Compensation (BWC) certificate and the Building Department requires a bond.

The Building Inspector also oversees projects completed for the village, maintains records of blueprints and plans for the proper board approvals, attends ZBA and Planning Commission meetings, attends the first Council meeting of the month, reviews construction plans to make sure they are safe, and reviews property maintenance standards to ensure property owners are doing proper upkeep. The Building Inspector said the thing she is most proud of is being able to assist village residents in any aspect.

The Building Inspector stated that she is going to start including more information in her monthly report to better inform Council of the happenings in the Building Department. She also explained her reporting to the Board of Building Standards, which collects a small fee per permit to educate the Building Inspectors at their conferences. There is also a report that is sent monthly to the Census Bureau, and a yearly boundary and annexation survey for the annexed property at the South Russell Village Park. Another report is sent to the County entailing all of the permits

that were filed through the Building Department and an approximate cost of the job so the Auditor's Office can assess the property value.

Carroll stated he would like to see the number of inspections per month on the Building Department's monthly report.

Nairn asked about the number of yearly inspections completed. The Building Inspector stated that she completes about two inspections per permit, which can take anywhere from a couple minutes to an hour or so to complete depending on the type of inspection it is. Some larger homes can even take a couple hours. She said she also completes inspections for permits that isn't recorded.

**MAYOR'S REPORT:** The Mayor said the Police Chief would like to discuss security for the village buildings at the next meeting. Chief will send out an email with some ideas for discussion.

Mayor asked the Solicitor to provide Council with changes to the hunting ordinance to give more authority and discretion for safety issues. Carroll stated the Safety Committee would like to meet first to come up with a recommendation to present to the Solicitor for review.

Mayor met with the Waverly Lane residents to discuss drainage issues. They will be meeting again with the Mayor and some school officials on Tuesday, April 5<sup>th</sup> at 1:00 pm.

The President of the Waverly Lane homeowner's association sent a card thanking the Street Commissioner for rectifying a telephone pole issue at the end of their street.

**FISCAL OFFICER'S REPORT:** The Fiscal Officer reviewed her report.

Council discussed having a Cemetery Committee versus a Cemetery Board. The Solicitor explained that a Committee has less power than a Board so it depends on how much authority Council would like the group to have on cemetery issues. Nairn stated that she does not feel it is a good idea to lose authority over the cemetery. The Fiscal Officer added that she is concerned that Council won't have a say if the Cemetery Board decides to request a levy, which they can do without Council approval. Discussion followed.

Porter said he thinks the Committee has worked well for the last several years and would like to see the group continue as a committee. Carroll stated that he agrees with Porter's comments.

Porter said the intention was that the Cemetery Committee would make recommendations to Council, so he would like to see the current ordinance repealed and keep the Cemetery Committee. Council agreed and asked the Solicitor to draft an ordinance eliminating the current Cemetery Board and create a Cemetery Committee.

The Fiscal Officer explained the Comp Management group rating for workers' compensation and how that contract would save the village money.

Fiscal Officer reminded Council that the next Council meeting was changed to Monday, April 4<sup>th</sup>. Department Heads will be at the meeting but won't have reports available by then.

The Fiscal Officer reported that State Auditor Yost has promised to fight any additional cuts to the local government fund.

The Fiscal Officer, Nairn, Canton and Carroll will be attending Lean Ohio Boot Camp.

**SOLICITOR'S REPORT:** The Solicitor had nothing to report.

**COMMITTEE REPORTS:** Nairn had nothing to report.

Carroll stated the Emergency Operation Plan Committee will meet April 25<sup>th</sup> at 6:30 pm.

Carroll reported that several members of the Police Department will be attending active shooter training.

Dishong reported the Human Resource Committee will meet April 1<sup>st</sup> at 7:30 am to review the proposed employee handbook changes.

Porter will be scheduling a Building Department Committee meeting soon.

Canton met with the Street Committee. The Street Department is in the process of repairing snow plow damages and the last order of salt for the year has been placed. The Street Department has completed about 80% of the new lighting at the Police Department and the Engineer will review the 2016 Road Program at the April 4<sup>th</sup> Council Meeting.

Canton stated the Street Committee also discussed a storm sewer pipe on Cascades Drive that has failed and will need to be replaced. The estimated cost is about \$57,000 and the village will be trying to obtain a grant from the Ohio Public Works Commission (OPWC) for the repair.

#### **ORDINANCES/RESOLUTIONS:**

Dishong gave third reading on a resolution in appreciation of Matthew E. Brett. Dishong moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Resolution 2016-06**

Porter gave third reading on a resolution in appreciation of Jack Binder. Porter moved to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Resolution 2016-07**

Carroll asked the Solicitor if the ordinance amending section 1602.01 for the purpose of adopting the 2016 National Fire Protection Association Code and the 2012 Ohio Fire Code allows for automatic updates so another ordinance won't have to be adopted in the future. The Solicitor said it was drafted so that Council will only have to adopt this particular code once and all

amendments and updates will be included in this adoption.

Carroll introduced an ordinance amending section 1602.01 for the purpose of adopting the 2016 National Fire Protection Association Code and the 2012 Ohio Fire Code and declaring an emergency. Carroll moved to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2016-08**

Dishong introduced a resolution authorizing the Mayor and Fiscal Officer to enter into an agreement with Financial Network of America for administration of an Employee Deferred Compensation Plan and declaring an emergency. Dishong moved to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Resolution 2016-09**

Dishong introduced an ordinance authorizing the Mayor and Fiscal Officer to adopt the 457 Deferred Compensation Plan documents and declaring an emergency. Dishong moved to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Dishong moved to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2016-10**

Porter introduced an ordinance amending section 1440.05(b)(5) of the Codified Ordinances of the Village of South Russell pertaining to fees for permits for electrical work and declaring an emergency. Porter moved to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2016-11**

#### **BILLS LIST:**

Dishong moved to approve the March 31, 2016 bills list in the amount of \$58,485.10, seconded by Nairn. Voice vote – all in favor. Motion carried.

**NEW/OTHER:** Carroll, Dishong and Canton had no new business.

Nairn has received several complaints concerning a rental house at 995 Bell Road across the street from the park. Neighbors have complained about the condition of the property and that there are vicious dogs living there. Nairn parked at the South Russell Village Park and walked down the bike path and one of the two Dalmatians tried to charge her.

The Solicitor stated there is an electric fence installed on the property but the dogs approach the boundary and intimidate neighbors or anyone walking in the area. He said the current ordinance says that a dog cannot run at large in an unenclosed property, but his concern is that if the Police Department issues a ticket to the renter or homeowner for allowing the dogs to run at large that they may argue the property is enclosed with an electric fence.

The Solicitor stated Council has the option of replying to the people complaining to inform them this is a civil dispute and tell neighbors they have the option to install a fence on their property if

SOUTH RUSSELL VILLAGE  
5205 CHILLICOTHE ROAD  
SOUTH RUSSELL, OHIO 44022

MONDAY, APRIL 4, 2016  
REGULAR COUNCIL MEETING – 7:30 P.M.  
AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

3-28-16 Regular Council Meeting

VISITORS (All visitor comments are limited to 5 minutes)

Joe & Sharon Baker – Safety issue at 995 Bell Road

Mike & Meagan Mulloy – Safety issue at 995 Bell Road

REPORTS

MAYOR

- Concert in the Park
- Recognition of Matthew Brett

FISCAL OFFICER

FISCAL AUDITOR

ENGINEER

- 2016 Road Program

BUILDING INSPECTOR

POLICE CHIEF

- Village Campus Security

STREET COMMISSIONER

SOLICITOR

COMMITTEES

ORDINANCES/RESOLUTIONS (Next 2016-12)

BILLS LIST

NEW/OTHER BUSINESS

ADJOURNMENT

they feel threatened, or Council can amend the current ordinance to specify that an electric fence doesn't make a property enclosed.

Canton asked if the dogs have left the property and done any harm to anyone. The Solicitor stated there are no known incidences but the neighbor has small children and she is concerned due to their vicious nature.

Nairn added the property isn't being maintained properly. There is garbage along the back wood line and there are small trees growing in the gutters. Nairn said the situation is scary and she would like to see something done.

Mayor asked Council to look into the situation and make a decision on what they would like to do. The Solicitor will ask the Police Chief to contact the property owners and warn them that they are close to being cited.

Carroll said the Building Department should address the maintenance issues and asked if the property owner is aware of the concerns. It was unclear if the property owner has been contacted.

Porter asked what specifics would be needed for the ordinance. The Solicitor stated Council can make it clear in the current ordinance that an electric fence doesn't qualify as an enclosed space.

Canton stated that he had a similar problem with a vicious dog many years ago when he lived in a different town and his children were young. He said he installed a fence. Nairn stated the neighbors have put a lot of money into their home and they are in no position at this time to install fencing due to the expense.

Canton asked if the dogs are licensed. The Mayor said he will look into it.

Porter thanked everyone for their support in the recent election and added that it was a humbling experience.

The Mayor spoke with Charlotte Brett to inform her that the Village will be recognizing previous Mayor, Matthew Brett, for his years of service at the upcoming appreciation lunch.

**ADJOURNMENT:** Being that there was no further business before Council, Nairn moved to adjourn, seconded by Canton. Voice vote – all in favor. Motion carried.

Meeting adjourned at 8:51 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen