

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 23, 2017 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

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

**MEMBERS ABSENT:** Dishong

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Fiscal Auditor Lechman and 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. Fiscal Officer made a correction to page 2 of the January 9, 2017 Council meeting changing the second paragraph from July 12<sup>th</sup> and July 19<sup>th</sup> to June 12<sup>th</sup> and June 19<sup>th</sup>. Nairn made a motion to approve the minutes of the January 9, 2017 Council meeting as amended, seconded by Canton. Voice vote – all in favor. Motion carried.

**MAYOR'S REPORT:** Mayor reviewed his report emailed to Council.

Mayor will be meeting with Mark Cline from Red Cross as well as the Street Commissioner to tour the three facilities considered by the Emergency Operations Planning (EOP) Committee as possible emergency shelters to determine the suitability.

Regarding the Zoning Code variances, Solicitor stated Planning Commission may want to consider amending the Zoning Code so it would take at least a 3-0 vote in favor to grant a variance. That is the premise they were operating under until they recently discovered it is not how it is stated in the current code. If Planning Commission likes the idea of making a change, they would need to adopt a motion recommending that change. Then it would come to Council who would have to hold a public hearing.

Porter asked how the Village could enact a light ordinance. Solicitor said in other communities it is in their zoning ordinances; therefore, it would probably start at Planning Commission. Solicitor said for something with lighting, one could argue that it is a public health and safety issue and not necessarily a zoning issue. He believes Council could adopt lighting regulations not following the zoning regulations. However, lighting regulations are usually in zoning code, and in some communities, they are pretty detailed on what is and is not allowed. Kostura asked if current businesses would be grandfathered in. Solicitor replied that if it was regulated under Zoning Code, they would be grandfathered, but if it is done as a health and safety issue, he doesn't believe grandfathering would apply.

Zoning Board of Appeals met on January 11, 2017 where the main discussion was flag lots. The variance request passed.

Valley Enforcement Group (VEG) assisted the Police Department in the recent search for a missing man. During the second search on Sunday January 22<sup>nd</sup>, the man's body was found. No foul play is suspected.

The Mayor has received 16 complaints about the illumination at the insurance company at the corner of Route 306 and Bell Road.

Mayor has changed the date of the stormwater discussion; it will now take place at the February 27, 2017 Council meeting.

Mayor distributed a document entitled "South Russell Village Mission Statement" which included the Village's Mission Statement and goals; Perception of the Village and 5-year plan. Mayor wanted to change Goal #1, Objective #3 stating that six newsletters are too many. Additionally, regarding Goal #2, Objective #6 – evaluate employees on a yearly basis; he doesn't know of any other municipality doing them. Kostura stated that it would create a recognition for both the employee and the employer to set a standard baseline. There was discussion about evaluations giving employee feedback and recording any issues and setting plans for correction. Nairn questioned Goal #1, Objective #8 – Improve the Fall Festival – and asked if that meant spending more money every year. In Dishong's absence, Mayor spoke on his behalf stating that Dishong felt the last festival was maxed out with ideas and money. Regarding Goal #2, Objective #4, Promote the cemetery - Porter suggested something be added to the newsletters regularly with some sort of ad for the cemetery including costs.

**FISCAL OFFICER'S REPORT:** Fiscal Officer distributed the 2016 year-end financials.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor reviewed his monthly report for the year-end 2016. All fund balances match the Fiscal Officer and they both reconcile to the bank. The year-end balance is approximately \$2.5 million which is up approximately \$100,000 from the beginning year balance; this is attributed to road program expenses not being what was expected and not purchasing a new truck for the Service Department.

In reviewing his report, he pointed out that refunds/reimbursement were higher than expected and stated a big part of that was \$10,500 for the insurance claim and \$6,500 for the Dominion East Ohio Gas Bell Road ditch enclosure reimbursement.

Income Tax revenue came in at 98% of the budgeted amount.

There was a brief discussion about the cash balance growing, but also upcoming big expenses that must be paid; such as the Bell Road project and storm water issues that will potentially have to be addressed. The discussion continued regarding the County Budget Commission not liking cash balances increasing without having a specific purpose for the funds.

Porter asked if there is a way the village can implement a gas tax. He stated there is a state gas tax and a county gas tax; he inquired whether a municipality can implement a gas tax. Solicitor was uncertain.

Mayor reported that the Village received a letter from the County stating that the Village owns the Lake Louise bridge.

**SOLICITOR'S REPORT:** Solicitor reminded Council that he also represents the Geauga Park District and they have had some discussions regarding cash balances with the County Budget Commission as well. He said the Park District created new funds with specific purposes and that solved the problem. If the Village creates a fund and states what it is going to use the fund for, it could resolve any potential issues.

**COMMITTEE REPORTS:** Canton and Porter had nothing to report.

Carroll reported that he, the Mayor and Nairn met with the Chagrin Falls Fire Department (CFFD) to discuss the contract. CFFD said in the future they would present the contract earlier in the year. He is going to assist them in preparing the response time data to be included in the monthly report. They have set up an Advisory Committee meeting. Carroll said it was a good meeting and it went very well.

The Emergency Operations Planning (EOP) Committee will be meeting on February 14<sup>th</sup> at 7:30 a.m.

Kostura reported the Streets Committee met on January 19<sup>th</sup>. The Street Department employees are putting the new motor from Liberty Ford into the truck.

There was an incident with the Case loader where the pin came out while the bucket was full of salt. This caused damage, bending the arms on the front of the loader. The employees have purchased the necessary parts and made the repairs.

Kostura said the committee also discussed summer help. The cost of outsourced lawncare would be \$21,000/year. The Service Department can get summer help for \$15/hour to have a responsible young adult help cut grass, weed whip, and assist in the Service Department and save about \$13,000 for the year. Kostura said they would like to place an ad in the paper. Carroll asked if the Human Resources Committee would need to put together a job description and pay range; Kostura replied they would. Mayor said rather than placing an ad he would like the Village to look for certain types of people they know and go with them. Kostura said he doesn't care how the Village obtains the worker, he just wants to get someone in place so the Village can save the money because outsourcing will cost \$21,000 and summer help would be a significant savings. Mayor doesn't want to cut Blue Dog this year; he wants to continue with both outsourced lawncare and the part-time person. He said if the village doesn't contract for outsourced lawncare and the part-time person doesn't work out, then the Village would have to use the full-time workers that make \$24-\$25 per hour to cut grass. There was discussion about continuing outsourced lawncare and adding a part-time person to cut grass increasing the overall cost. Kostura said there is \$21,000 budgeted for lawncare and if the purpose is to ease into it to

see how it works, the Village could scale back on the contracted services where they would still be doing a portion of the lawncare and a new part-time employee would do the rest so the Village is still only spending the \$21,000. If it doesn't work, the Village could contract for next year. If it does work, then the Village could cancel outsourcing the service for next year and have the part-time employee do the work. Mayor said the first thing that should be done is to talk to the current contractor on the quality of the service. Carroll said if the contractor is going to be changed, the Village should consider opening it up to other contractors to bid on. Kostura said if Council is not on board with cancelling outsourced lawncare, then the Village should get a cost for them to do X, Y, and Z properties and the Village will do the rest.

Kostura said when the Streets Committee met with the Street Commissioner they agreed on the recommendation to hire summer help and if Council supported that they would look to eliminate outsourcing lawncare. Carroll said if that was their recommendation, he would support it. Mayor said he felt that was a mistake. Porter said if a part-time person doesn't work out, then the Village would be back to having the Street Department employees mow the lawn. Porter said he doesn't mind the cap of \$21,000 for both contracted services and a part-time person to see how it works.

Finance committee will be meeting on January 31<sup>st</sup> at 7:30 a.m.

Kostura made a motion to accept the December Financials as submitted, seconded by Carroll. Voice vote, all in favor. Motion carried.

Nairn reported that the Building Committee met on January 19<sup>th</sup> where several projects were discussed. The gas station project is moving forward. The underground tanks will be taken out with oversight by Buster to ensure there is no contamination from the old underground tanks.

Paw Paw Lake residents are moving forward with a replacement water system. The homeowners' association (HOA) is overseeing this project and taking out the old water tower. They look to have the water system replaced by the end of the year.

The old house near the intersection of Route 306 and Bell Road will be torn down and construction for the new office building will begin in the spring.

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

Nairn gave third reading of an ordinance amending section 452.11(b) of the Codified Ordinances of the Village of South Russell by changing the fine for parking in a No-Parking posted area from five (5) dollars to twenty-five (25) dollars. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2017-03**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into a grant agreement with the East Ohio Gas Company d/b/a Dominion East Ohio permitting the gas company to install and maintain a “measuring and regulating station” on property owned by the Village of South Russell and declaring an

emergency. Porter made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Porter called attention to a change of the original proposal in the 4<sup>th</sup> paragraph of the Grant; that it is a fifteen (15) feet wide and twenty (20) feet wide parcel. The original proposal sounded like they wanted an easement on the entire village property; this gives them the small section. There was discussion about the Police Department sidewalk and parking lot drainage that was recently installed. Solicitor said Dominion would have to restore everything they disrupt. Roll call – ayes, all. Motion carried.

**Ordinance 2017-04**

Kostura introduced an ordinance authorizing the Mayor and Fiscal Officer of the Village of South Russell to enter into a contract with Dennis M. Coyne, Esq. to provide Chief Prosecutor services for 2017 and 2018 and declaring an emergency. Kostura made a motion to waive further readings, seconded by Nairn. Motion carried. Kostura made a motion to adopt, seconded by Carroll. Motion carried. **Ordinance 2017-05**

**BILLS LIST:**

Kostura made a motion to ratify the 1/17/17 Bills List in the amount of \$51,913.38, seconded by Nairn. Voice vote, all in favor. Motion carried.

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

Porter made a motion to donate \$500 to Chagrin Falls After Prom, seconded by Canton. Voice vote, all in favor. Motion carried.

Porter made a motion to go into Executive Session to discuss employee staffing and potential compensation, seconded by Canton. Roll call – ayes, all. Motion carried.

Council reconvened at 9:12 p.m.

Mayor informed Council that Carroll receives financial compensation from Russell Township Fire Department (RTFD). Mayor stated he feels that is a conflict of interest with what the Village went through with the fire contract and he finds it very wrong. He is disappointed that Carroll didn't speak up.

Carroll stated he was surprised the Mayor did not know he was affiliated with the Russell Township Fire Department; he has been affiliated with them for a while. He said he came to Council meetings prior to being on Council and brought up the subject, so it shouldn't be a surprise to anyone other than possibly Canton and Nairn. Carroll said he emailed the Ohio Ethics Commission and they said if he wasn't voting on anything, they didn't see an issue with it. However, if he wanted an official opinion from the Ethics Commission, he would need to write them a signed letter. Carroll understands the concern about conflict and he can get a written opinion from the Ohio Ethics Commission because it would be the one that ultimately decides if there is a conflict.

Canton asked what Carroll's role is at Russell Township Fire Department (RTFD). Carroll replied that he is a Lieutenant/Volunteer Lieutenant and gets paid \$100 something per month to be a lieutenant. He is not very active but he does get a monthly stipend.

Carroll said every meeting during the entire process of the fire contract review Mayor and/or Nairn were present. Carroll said that while RTFD was used as a reasonable option, he feels he has promoted no change in the contract except to increase automatic aid and he emphasized that multiple times using data provided by the Chagrin Falls Fire Department (CFFD) or the Chagrin Valley Dispatch (CVD). He said he only provided facts to the group.

Carroll said being paid or otherwise, he doesn't believe he did anything wrong and he feels he was pretty unbiased about trying to present the information.

Mayor said he had no idea Carroll received money from RTFD; he thought he had a connection but never realized he received money from them. Mayor said in two of the meetings with CFFD, he brought it to Carroll's attention that he said "we could get here faster", meaning RTFD. Mayor said it was those slips of the tongue that showed him an attitude and he mentioned it to Carroll at the time that he can't say "we can be here faster" because he is not speaking of Chagrin, he was speaking of Russell. Mayor said he was very surprised to learn that Carroll receives financial compensation from Russell Twp. Carroll asked in what way does that tarnish anything he represented. Mayor said it boils down to what Leffler said "Mike, you seem to be trying to create a solution when we don't have a problem". Mayor said he believes Carroll has poisoned the atmosphere with promoting RTFD, and the fact that he is paid by RTFD is a heck of a conflict of interest.

Carroll said he believes the data he presented was very neutral. He looked at CFFD data and response times, and looked at industry standards. Historically, he gave a draft report to former Mayor Brett and he provided copies to members of Council. He did provide drive times and RTFD staff is closer to Bell Road and Route 306; this was presenting factual information.

Carroll said he has been Chief for seven (7) years at the Lyndhurst Fire Department. He can count probably three times that someone called and complained about response time or an issue in the Fire Department. Carroll said he is an expert in his field. He can look at the data and look at the information and present it based on facts based on the industry standard. He said he had concerns because he knows the reality of how things are. Unless someone was searching for it, or were familiar with 911, they wouldn't know what the job was and its importance.

Carroll said he called the Ohio Fire Chiefs Association and the International Association of Fire Chiefs and they have a group that can do a study. He said if the Village wants to do a complete study, bring in a non-partial third party to look at what the options are, it will cost the Village approximately \$5,000-\$12,000 to look at the information he looked at. Carroll said he was not looking to switch contracts; it doesn't make sense to do that at this point in time. Carroll asked how him getting paid from RTFD, emphasizing auto aid and improving response times, especially at the east end of the Village from the CFFD is a conflict of interest. He stated his whole purpose and goal in the contract review was to get what was best for the residents, not for Mike Carroll, but to do what was best for the residents.

Mayor said the perception from the other point of view was that Carroll had a hidden agenda and he was promoting RTFD. Carroll said the Chagrin people would absolutely think that. Carroll said he told Assistant Chief Vedder they look at the contract first and the community's needs second. Carroll said Chief Frazier and Assistant Chief Vedder have sat down together and look at a great mutual aid packet. They can increase auto aid in Russell Township and South Russell and improve the level of service to both communities. Carroll said if anything he would argue that because of him being on Council and him understanding the job and the services that are provided by both agencies, the Village can improve the level of service within the community.

Mayor said he disagreed and felt it was a conflict Carroll was on a salary with RTFD. Carroll said he will get an opinion from the Ohio Ethics Commission about the work he did and if it is a conflict of interest.

Porter asked what happens if the Ohio Ethics Commission says it is a conflict of interest – or if they come back and say there is no conflict, then what? Porter said he did not know that Carroll was a Lieutenant in RTFD, however now that he knows that, it does not surprise him. The Village's part-time police officers all have commissions in other municipalities – it didn't occur to him that the firemen are like that as well, but it makes sense. Porter said he never detected any over advocacy for RTFD from Carroll and that the problem Carroll pointed out was the response times in the eastern part of the village. Unless mutual aid helps, it doesn't really solve the problem. Porter said he is glad Carroll is here because out of all of the Council members, Carroll is the one that can read and understand the contract and find areas of concern.

Nairn said as the newest person on the committee and the newest person on Council that the bottom line for Carroll was that the Village needs to do the very best it can for the residents of South Russell Village by following the industry standards. She said that is what she interpreted he was doing anyway. She noticed the resistance from CFFD when the eight (8) minutes or less response time 90% of the time was addressed. There was resistance to that and obviously it is because of the geography. She said she never picked up on any kind of innuendo or hidden agenda or anything of that sort on Carroll's part. She believes Carroll was helping to make sure the residents are as safe as they could possibly be.

Canton said he did not know Carroll had his position with RRFD. When Carroll discussed how long it takes to get from point A to point B, the feeling Canton got was that Carroll was promoting what was best.

Kostura said Carroll is a subject matter expert. He knew that Carroll was involved in RTFD but did not know his position. At the end of the day, the Village went with the CFFD contract and ended up obtaining better services based upon Carroll's background and expertise; ultimately, the Village is better for it. Kostura stated going forward, there needs to be clarity and he doesn't know if Carroll should be leading the charge of the next contract because of the situation, but he doesn't know he shouldn't. He takes what Carroll did as a benefit for the Village both personally and for the residents because he can look at the contract and can read what it says, but without having a background, he doesn't think that the Village would be any farther along. Kostura said

he can understand where the Mayor is coming from, but he doesn't hold the same strong feelings because at the end of the day the Village has ultimately benefited from Carroll's expertise.

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

Meeting adjourned at 9:25 p.m.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer