

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 8, 2018 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

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

**MEMBERS ABSENT:** Kostura

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Building Inspector Heilman, Police Chief Rizzo, Street Commissioner Johnson, Solicitor Ondrey, Engineer Haibach

**VISITORS:** Lorraine Sevich, Ridgecrest Drive; Bruce Nairn, Whitetail Drive; Galicki Family, Westover Trail; County Prosecutor James Flaiz

Mayor Koons called the Regular Council meeting to order and swore in Council members Cindy Nairn, Mark Porter and Dennis Galicki. Former Council member and current County Prosecutor James Flaiz swore in Council member Michael Carroll.

At 7:36 p.m. Mayor dismissed Council to his office to decide on a President Pro Tem.

Council reconvened at 7:50 p.m. Mayor assigned members their meeting seats.

Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Galicki made a motion to approve the minutes of the December 11, 2017 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

**MAYOR'S REPORT:**

Porter made a motion to approve the Council Rules and Procedures, seconded by Canton. Voice vote – all in favor. Motion carried.

Carroll made a motion to nominate Bryan Kostura as President Pro Tem, seconded by Porter. Voice vote – all in favor. Motion carried.

Mayor reviewed 2017 and congratulated Village employees and departments for earning several awards. The Fiscal Officer was nominated Clerk of the Year for the Ohio Municipal Clerks Association (OMCA), the Building Inspector is the new treasurer for the Building Officials Conference of Northeast Ohio (BOCONEO) and the Police Department and Service Department are recipients of the Geauga County Department on Aging award.

Mayor reviewed the various storm water issues in the Village. He reported that the work the Service Department employees did in the pond at the Federated Life Center seems to be working. The water between The Lantern and Chagrin Lakes seems to be settled. The Lantern has done everything properly and that issue should be over with. Mayor said the water issues around Village Hall can probably be taken care of in-house. The water issue around Gurney School is out of the Village's hands and is between the Waverly residents and the school system. The Engineer will report on the storm water drainage study at the next Council meeting for the area north of Village Hall on Chillicothe Road. There is an issue with Paw Paw residents with their silt pond and they will have to address that with Dominion East Ohio Gas.

Mayor reported the Village had a successful Trash Day, Shop with a Cop, Fall Festival and Cops and Kids Fishing events in 2017.

Mayor assigned committees and said he sees the following for 2018:

The Building Department Committee will consist of Kostura and Porter. Mayor would like them to look at the compensation for the Architectural Board of Review (ABR). They will look at the alternates to the Zoning Board of Review (ZBA) and the Planning Commission (PC) as well. For Planning Commission there have been eleven meetings in two years; four of those meetings have had all five members and there were seven meetings where someone was missing. For the ZBA there were three meetings out of ten with full attendance. Mayor reported there will be fee changes coming to the Building Department in 2018. The Village needs to make sure they know the part-time secretary's hours this year. He intends to move the position of Safety Official to from the Fiscal Officer's responsibilities onto the Building Inspector's responsibilities as she is out in the field more. He would like to talk about taking the webmaster off the Fiscal Officer and giving that responsibility to the Building Department secretary.

The Finance Committee will consist of Porter and Nairn. He would like to move people around so that they all get to serve on the seven committees. In 2019 Nairn will be the Chair of Finance, 2020 will be Canton and in 2021 it will be Galicki. Mayor said if someone wants to know what is going on, they need to know where the money goes.

Carroll and Galicki will make up the Human Resources committee. They will work on the implementation of the handbook. Mayor would like to research the idea of the Village paying the employees to have a yearly physical. Other communities do it and he believes it would be a good idea. Mayor asked Solicitor if the Village could find out if the employee had a physical. Solicitor replied that as an employer he thought the Village would be entitled to that information; it couldn't tell anybody else what it learned, but that doesn't mean they couldn't find out.

The Property Committee will consist of Canton and Porter. Canton will remain the Chairperson so he could stay on the Park Committee. Mayor said the Village needs to decide on 500 Bell Road. Mayor believes more trees are needed at the cemetery and the committee could look at the

rental house as it may need some maintenance this year such as a hot water tank and some other issues.

The Public Utilities Committee members will be Carroll and Kostura. Mayor would like them to look at the Cablevision contract. He doesn't see anything happening with the sewers and said NOPEC is in good shape. He would like the committee to look at the contract with the U.S. Geological Survey (USGS) and what the county is doing as far as wells. Mayor stated the county is paying about \$23,000 to have wells tested and the Village pays almost \$7,000; that doesn't seem right.

Nairn and Galicki will be on the Safety Committee. He would like them to review the Fire Department contract, dispatch, Emergency Operation Plan tabletop, HAZMAT and the Valley Enforcement Group.

Canton and Galicki will be on the Streets Committee. The Cascades project will be finishing up. He would like the committee to come up with a 5-year road program plan and update Council on June 11<sup>th</sup>. Mayor would also like to re-look at a part-time snowplow driver.

Mayor reported that Kostura is on the Planning Commission until 2020 when his term ends.

Mayor has alternates to the ZBA and PC. He has a young female who approached him about getting involved and he wants another alternate to the ZBA. The alternate to the Planning Commission would be John Dishong. He has six people he is considering but he hasn't approached anybody.

Mayor referred to the calendar he distributed and said an item needed to be added; on June 7-9<sup>th</sup> is Art by the Falls in Chagrin Falls and they need parking, so the Village is going to give them the East Washington parking lot for up to 60 vehicles. They will shuttle the artists back and forth.

Mayor said Council needs to consider cancelling the Council meeting on March 26<sup>th</sup> due to spring break. There is also a Council meeting on November 12<sup>th</sup> which is Veterans Day and the Department Heads are not working that day.

In addition, Mayor presented the following assignments and asked for approval from Council:

Tax Administrator	Danielle Romanowski
Fire Prevention Officer	James Davis
Planning Commission	Steve Latkovic (six-year term)
Zoning Board of Appeals	Laura LaChapelle (four-year term)

Architectural Board of Review      Gary Neola (three-year term)

Park Committee      Greg Pike (two-year term)  
Martha Bistriz (two-year term)

Porter made a motion to approve the committees, seconded by Carroll. Voice vote – all in favor. Motion carried.

Mayor stated Engineer will be present at the January 22<sup>nd</sup> Council meeting to talk about the drainage study.

The Village has until March 15<sup>th</sup> to apply for a grant for the stormwater work around Village Hall. However, Mayor and Street Commissioner believe a lot of the work can be done in-house.

Mayor presented the following assignments and asked for approval from Council:

Tax Board of Review      Greg Pike (two-year term)  
Tom King (two-year term)

Carroll made a motion to approve the Tax Board of Review members, seconded by Porter. Voice vote – all in favor. Motion carried.

**FISCAL OFFICER'S REPORT:** Fiscal Officer reminded the officials that committee meetings are public meetings. She asked that they notify her when they set their schedules so that the proper Sunshine notices can be prepared. Committee meetings must have minutes and those must be kept for public record. They can either be kept by the committee or forwarded to her to be kept for the record.

Fiscal Officer said there are four elected officials starting their next term. During the term, these members need to take three hours of public records training. In the past she was made the designee to take the training on the elected officials behalf, and she can do that by a motion of Council. However, she stated even if she is the designee, she recommended that the elected officials take the training as it is very important information to know.

Porter asked about the Northeast Ohio Public Energy Council and if the new rate has gone through for the service building utilities. Fiscal Officer replied that she submitted the paperwork and once she confirms that everything is in effect, she will forward that to Council.

Mayor asked Fiscal Officer if she could explain the issue of running over on the budget for the part-time secretary in the Building Department. Fiscal Officer explained that she hasn't finished the year-end financials, but she believes there will be enough in the budget under workers'

compensation expenses, which falls under the salaries and benefits part of the budget, to cover the overage in the secretary's salary.

**AUDITOR'S REPORT:** Fiscal Auditor reported that he distributed a preliminary financial report because Finance still needs to make a few minor adjusting entries to the budget. These adjustments will not affect the total fund balance, but may affect the amounts in each individual fund.

Fiscal Auditor reported that the interest rate increased from 90 basis points to 95 basis points. He said the interest income was higher in 2017 due to the increase in rates over the course of the year.

Fiscal Auditor reported that the Village has been making money selling things on GovDeals.com.

He reported for the month the Village was down \$70,000 from where it started, but for the year the Village is up \$170,000 in the black which is better than expected. The Village budgeted a deficit for the year, but didn't buy a snowplow truck which helped with the year-end balance. Additionally, income tax collections came in over what was budgeted at 109% and was another reason the Village ended in the black.

Fiscal Auditor reported in reviewing fund by fund, the Village did a very good job with forecasting revenues for the year.

**ENGINEER'S REPORT:** Engineer reviewed the pavement condition index (PCI) ratings. He said there is a crop of roads in the 63-64 PCI rating area. He is working on putting together estimates for each of those streets. He said typically he provides the Street Committee with estimates for about a dozen streets and will expand that this year to about 18 streets to encompass everything that has a PCI rating of 64 or lower.

Engineer reported that S.E.T. Construction, the contractor doing the Cascades project, has done an excellent job. He was on site at least once per day when they were out, and the crews were very well informed and knew exactly what to do and did a nice job. He reported that everything underground is in as well as the rock channel protection on either side of the culvert. The contractor would like to complete the asphalt repair this winter on the street; Engineer discussed this with the Street Commissioner. The initial plan was to put a 4" concrete temporary cap over the road for the winter. However, the contractor said he may be able to get a couple loads of hot mix asphalt. He will put down a 9" permanent asphalt repair. Engineer said he believes if they can get two 4.5" lifts of base asphalt in and can maintain temperatures this week, they could have it in. The contractor is still obligated to come back in the spring and do a complete restoration with grass and everything else. Mayor complimented the Engineer and the Street Department for the communications with residents regarding this project.

Engineer reviewed the water issue around the new Epprecht house on Bell Road. The builder would like to channel some of his water into the area of the ditch enclosure, but there are no

inlets. Engineer believes if the developer can get all the materials together for the pipe and install it with a couple new additional inlet basins there, that can intercept the water and get it into the pipe so it doesn't run out onto the road.

Engineer explained the Village has a MS4 permit for the Village which is something the Environmental Protection Agency (EPA) requires from every incorporated municipality. The last update to the MS4 permit was done in 2003. This is basically a book that outlines the best management practices of the Village as far as stormwater goes; how the Street Department stores their materials, how the Village deals with salt runoff, etc. The EPA has let the Engineer know that the Village is among the last to update and revise the MS4 permit. The Engineer has already started working on it and will need to meet with the Street Commissioner on some of the items. He estimates it would take about \$5,000 worth of time outside normal engineering fees to complete this report. The EPA is not taking any action yet, but they let the Engineer know it needs to get filed.

**BUILDING INSPECTORS REPORT:** Building Inspector referred to a Valuation of Construction Projects report she distributed – there were no questions.

Building Inspector distributed a photo taken at the corner gas station along with a menu of food that will be served. The owner has hired ten employees; most of which live within one mile of the station.

She said there are a couple of commercial projects coming. Centre Leasing was sold and there is some renovation going on down there; she should have drawings in the next several days. There is some renovation going on in the industrial parkway as well, and that is a good-sized project.

**POLICE CHIEF'S REPORT:** Police Chief referred to his report and explained the year-end summary and stated his department is the busiest it has been in several years with felony cases.

Police Chief reported that on January 5<sup>th</sup> the Village opened the sealed bids for the new cruisers. Liberty Ford was the only bidder and the Safety Committee is going to recommend the purchase of two new cruisers.

Police Chief reported that Sergeant Malone has retired effective February 15<sup>th</sup>. The Police Department had an open offer to Officer Kimball, who is the other patrolman who had interviewed for the previous full-time position, but he decided to stay with Gates Mills full-time. The Safety Committee is going to request that the Village place an advertisement for a patrolman's position.

Chief said he would also like to fill a part-time detective position to assist the department investigators. The Village has two full-time officers now, Officer Kleinknecht and Officer Kramer, who do all the investigations, and there are a lot of hour invested in doing these investigations. When the officers are on duty during the day working on investigations, it takes the manpower off the road. He is looking to search for a part-time officer who has investigatory skills and can act like a part-time detective. When he places the ad for the full-time patrolman, Chief would also like to look for a part-time detective to assist the full-time detectives.

**STREET COMMISSIONER:** Street Commissioner stated his staff has been very busy and have been almost non-stop plowing since Christmas Eve. Salt quantities have gone down significantly, and he has salt on order.

Street Commissioner said S.E.T. Construction has done a great job on the Cascades project.

Street Commissioner reminded officials that Council approved a new replacement truck for the 1992 plow truck. The original game plan was to go out for bids in February, however he was contacted by Judco that there were a couple of trucks available and ready to roll. The only thing that would have to be done is to build a plow to the Village's specifications. The delivery time could be within the next month. Street Commissioner said the cab and chassis is the State bid. The add-on equipment doesn't need to go out to bid because they are all State approved bids. He said if the Village goes the original route and would buy the cab and chassis, the vendor is out about 10-14 months lag time and the Village may not even see a new truck next winter. Street Commissioner reported the price for the cab and chassis is \$147,706.48.

**SOLICITOR'S REPORT:** Solicitor reported on the lawsuit over income tax and HB 49. He explained that what has happened is that some municipalities in the Columbus area got together and filed a lawsuit asking for an injunction against enforcement of the new state law. They have an agreement that put a stay on enforcement of the new law for those communities involved in the lawsuit, however, it doesn't technically apply to the other municipalities in Ohio. There is at least one other similar lawsuit that has been filed in Lorain County. He stated he brings this up only because the new state law said municipalities had to amend the ordinances to comply by January 31, 2018. The communities in the lawsuit don't have to do it, but his speculation is that the State of Ohio is not going to try to enforce this new law against everybody else as long as that ball is still in the air. He must go back and look at HB 49 because he didn't think it made it mandatory that the State collects income taxes; he thought it made it an option for business taxpayers who could choose who to pay. Mayor agreed that he believes that was the case, but fears the creeping in of the State. Solicitor said the challenge to this new law will be home rule and whether the General Assembly violated municipalities home rule power by adopting it.

Solicitor said he believes the new cable television people put the Village on notice that it needs to pass some legislation to continue to be able to collect and receive the franchise tax, so he will bring that in front of Council later this month.

Mayor asked Solicitor to bring the ordinances to have alternates to the Zoning Board of Appeals (ZBA) and the Planning Commission (PC) at the next Council meeting. Solicitor said he will tweak the ordinances previously prepared and bring them back to Council. Carroll asked if Council can receive them prior to the next Council meeting, solicitor agreed. Solicitor said these ordinances would be amending the codified ordinances talking about who is on the PC and who is on the ZBA, so the Village doesn't have to have public hearings on the issue. Carroll asked if Council can get copies of the minutes from the ZBA and PC where this topic was discussed. Mayor said the last PC minutes won't be approved until February and the last ZBA meeting was

in October. Carroll said minutes of those meetings would be useful for Council to read and get an understanding of the committees' opinions on the issue. Carroll said he did reach out to Steve Latkovic, but he hasn't talked to him yet. He also reached out to the ZBA chairman to get his feeling about it. Carroll said it sounds like ZBA now will have regularly scheduled meetings which they did not have in the past, and this may help with attendance. Carroll said the ZBA chairman's opinion was they would like to have a full year of trying the scheduled meetings and see if the attendance improves; he wasn't sure it was necessary to have alternates. Carroll encouraged all of Council to reach out to the chairmen of those committees/boards and get their feedback on the matter. He believes reviewing the minutes would also be worthwhile. Mayor said hopefully alternates will never be necessary but when they are running 30%, 40% attendance, that is not serving the community. Carroll said he can't disagree on that, but it sounds like they didn't have scheduled meetings which is new for 2018.

**COMMITTEE REPORTS:** Galicki had no report.

Canton reported that the Mayor met with Park Committee members Canton and Bistriz with Pete McDonald from the Western Reserve Land Conservancy (WRLC) on December 20, 2017 to discuss: parking lot expansion, playground placement, honey beehive placement and maintenance, turf athletic field on the East Washington side of the park, reconfiguration of the 17 acres on the East Washington side of the park, preparing setback legislation, and hiring Craig Cawrse to serve as the landscape architect for the Village. Canton said the main discussion was the playground placement. The committee felt the best place to install the proposed playground was on the west side of the pavilion. Unfortunately, that would infringe upon the some of the Conservancy property and McDonald informed them that couldn't be passed. The second-best plan for the playground installation would be just east of the pavilion.

Canton said on January 9<sup>th</sup> at 6:30 p.m. the Park Committee will be meeting at Village Hall with Matt Marting regarding his proposed beehive project. He is going to discuss the location of the hives, why he chose that location, and he will be discussing a short and the long-term maintenance plan. Resident Lorraine Sevich said her husband had beehives and there is a lot of maintenance with them. She said when the bees are flying in to the hives, it was suggested to plant plantings, so the bees must fly higher over and the down under to get to the hives – this is so if people are walking in the area, no one gets stung. Sevich also said there is a large percentage of people that are allergic to bees and she doesn't know how good of an idea this would be to have beehives where there are a lot of people nearby. If the hives are left unattended the bees can swarm. Her husband was never allergic to bees, but when you work with bees you tend to get stung and now her husband is allergic to them. They no longer have beehives. Sevich said if it was up to her, she wouldn't want beehives in an area that is accessible to a lot of the public as she thinks it is an unnecessary nuisance.

Canton said he was in contact with another Eagle Scout about a possible project at the park for a little free library.

Canton reported that the Streets Committee has been discussing purchasing an International truck. Canton said the Street Committee felt it would be best to purchase the truck outright.



Canton said the Streets Committee will meet on the Friday before the second Council meeting each month. The next meeting will be January 19<sup>th</sup> at 7:30 a.m. at the service garage.

Mayor discussed the park map distributed to Council which shows the proposed placement of fields at the park. Mayor said Pete McDonald from the WRLC was very agreeable to shifting ownership of the land of the 10 acres and the 7 acres on the East Washington side of the park. He said McDonald liked the idea of the Village getting the 10 acres towards East Washington and the Conservancy getting the other 7 acres. However, there would be extensive legal fees between \$10,000-\$15,000 associated with this change because the Village would have to go back to everyone that gave money for the purchase and get them to agree to this change. Mayor said the big issue is the Village would receive a letter from the WRLC saying they support this change of the boundary of the 17 acres on East Washington. Mayor said Barry Jacobson is thinking about installing a turf field and he will be at the January 22<sup>nd</sup> Council meeting at 8:15 p.m. Carroll asked who is going to pay for the field – Mayor replied that it would be Jacobson.

Canton said when talking about the parking lot at the park, there is always concern about drainage. It was brought to the Park Committee's attention that there is a porous paver with a gravel finish that can be utilized and possibly help with drainage.

Mayor asked if the Village is sure it wants to buy the snowplow truck outright. He said with all the big projects coming up in the Village, it is going to cost the Village approximately \$15,000 to lease the truck but the Village would have access to \$150,000 for other projects. Nairn said it would cost approximately \$11,677 for a 5-year lease and \$16,714 for a 7-year lease. Canton said he initially thought it might be wise to lease the truck and put the \$147,000 in investments, but given it will cost about 3.5% a year to lease it and the Village is only making .95% in interest, he doesn't know if that is the right way to go. Fiscal Auditor said leasing is not a good option. He explained there are other leasing options out there, but the Village wouldn't be able to find anything less than 1% which is approximately the rate of interest the Village is receiving on its money. Canton asked Street Commissioner if the truck was a need or a want. Street Commissioner replied that the 1992 plow truck needs to be replaced. Carroll said it was approved in the budget. Nairn stated that the Village budgeted \$150,000 for a truck and buying it outright is under budget. Carroll said buying the truck presented would allow the department to use it this season. Canton verified that the Service Department employees and Street Commissioner did take the truck for a ride and they are impressed with it. Porter asked what was going to happen with the current 1992 plow truck. Street Commissioner replied that truck can be auctioned off or put out to bid. Porter said he does not want to buy the new truck and keep the 1992.

Carroll said the Human Resources committee will get together and set up a meeting schedule for the entire year.

Nairn reported that the Safety Committee met and discussed the bid and trade-in offers on the two new Interceptors. Police Chief stated two bids came in at \$29,667.46 with trade-in offers of \$1,000 for the 2005 Ford Explorer in the Building Department and \$4,000 trade-in value for the Pontiac G6. The total for the first vehicle would be \$25,700.96 and for the second vehicle would

be \$28,700.96. Solicitor said the Village could do two separate motions since they are not over the \$50,000 limit. Nairn made a motion to purchase an Interceptor in the amount of \$25,700.96, seconded by Carroll. Voice vote – all in favor. Motion carried. Nairn made a motion to purchase an Interceptor in the amount of \$28,700.96, seconded by Porter. Voice vote – all in favor. Motion carried.

Nairn reported that the Safety Committee also discussed the Chief getting approval to run an ad in the local newspapers for the two positions in the Police Department. Nairn made a motion to allow the Chief to advertise in the local papers for the two positions that he discussed earlier this evening, seconded by Carroll.

Mayor said he feels hiring a part-time detective is moving too quickly. He is not comfortable at jumping in and hiring a part-time detective or even looking yet; he feels it needs to be thought about.

Canton asked if any of the part-time officers qualify for this position or could become qualified for this position. Chief replied that the part-time staff consists of three retirees and the remaining part-time officers have full-time commissions elsewhere, so there is no real interest in that new position. He said all he was trying to do was grow the department. The department has grown through the years, it has remained at nine full-time officers for over 24 years; they have not grown the full-time staff, but they have grown the part-time staff. Chief said the part-time officers don't cost the Village unless the Village is using them. They have not requested an increase in the part-time budget since he became Chief. The idea behind hiring a part-time detective would be to have the specialty skills to be able to assist the current detectives and current officers who are full-time patrolmen. He is looking for an experienced investigator who would be able to help the full-time officers and it would just be a part-time position. Carroll clarified that it wouldn't add to the budget. Porter clarified this position would be paid a part-time patrolman's wage even though they would be a part-time detective. Chief said they wouldn't be asked to come work the road, they would be assisting the detectives on occasion when needed. He said if Council looks at the detailed investigative reports, they would see how many man hours go into the investigations. He is not looking for a part-time patrol officer, he is looking for a part-time detective who can do follow ups and can work with the two officers doing the work now. Canton asked if the Chief would limit the number of hours they would work per year. Chief said he is not looking for anything outside what the normal part-time hours are. Most of the part-time officers work between 12-20 hours per pay, so he would anticipate this position would hopefully give the Village 2-3 shifts per month. Carroll said he understands the specific skillset this officer would have, but asked if they would be able to work the road. Chief said this employee would be trained the same as the other officers, so there would be minimal training costs. He said the felony cases have exponentially increased over the last several years and the department is spending more and more time on them. He is not growing the full-time staff and he can't justify putting a full-time detective on but feels part-time help would be beneficial. He said he does see the need in the future to increase the full-time staff to counter the workload, but at this point they are in a transitional period where it is not enough to justify a full-time officer, but he certainly thinks they could utilize a part-time detective.

Porter said it seems to him this falls under the Mayor's purview. This is a Police Department matter and he would like to get the Mayor's thoughts on it. Mayor replied that this is moving too quick; it is something that can be considered and thought about. Chief said the Village can hold off on the part-time detective, but the Village needs to move on the full-time position. Sergeant Malone is gone now because he is utilizing the rest of his vacation time. His retirement date is February 15<sup>th</sup> and he would hope to have someone ready to go and be able to move them into his slot. He said the Police Department is taking the part-time officers and they are filling the openings in the shifts now.

Nairn moved to withdraw her previous motion on advertising for two positions.

Nairn made a motion that the Village begin to seek a replacement for a full-time officer and the Chief can start advertising in the papers as soon as possible, seconded by Canton. Voice vote – all in favor. Motion carried.

Porter said the contract with Howard Hanna as realtor for 500 Bell Road has terminated as of December 31<sup>st</sup>. If the Village wishes to continue marketing the property through Howard Hanna, it will need to renew the existing contract. Porter said he is not in favor of selling the property, however it should be up to Council to decide whether to continue marketing the property through that entity or pick another one. Porter made a motion to authorize the Mayor and Fiscal Officer to enter into an extension of the contract with Howard Hanna for the purposes of selling the property at 500 Bell Road. There was discussion regarding the length of the extension of the contract; Porter said he would recommend one year. Mayor said the original proposed contract stated one year, but the realtor shortened it to six months. Solicitor stated he recalled there was some concern initially about a contract length being one year and he believes that is why the realtor shortened it. Carroll said there have been changes from selling three acres to partially maybe selling one acre or two acres. He asked if a decision was needed at this meeting or could it be done at the next Council meeting when full Council is present to discuss it further. Porter said right now the contract has ended so nothing will be done with the property, and maybe they will take the sign down too, unless the Village does something about extending the contract. He said if the Village does nothing, then the contract is at an end and nothing will happen with the property, which is fine by him.

Mayor said the realtor has had some nibbles, so his thought is the Village continue and give him a chance to save it and at any time the Village can go through and replot the property and sell off the one acre and try to mitigate the rest.

Carroll said he could see maybe a short-term extension, but one year is too long. Mayor said his thought is to give the realtor through September to sell it, so basically, he has had one year total to sell it. He said the realtor had September, October, November and December, and that is not prime time to sell. Carroll said maybe the Village could give the realtor until June if the spring is the prime time to sell. He said since this process has started there have been discussions about whether the property was buildable or not buildable. It had gone from one acre that can be built on to a nature conservancy buying some of it; it has been all over the place. He would be fine with a six-month extension, but beyond that, at this point, there are a lot of questions. Mayor said he feels the Village needs to keep the contract going and give the realtor a fair shot. Porter

said if the Village is going to sell the property, give the realtor a year and see what he can do. Nairn clarified that would be until September of 2018 because he started in September of 2017. Porter said the contract would be until December 31, 2018 so that he has a full year to sell the property.

Mayor asked the Solicitor if the Village gives the realtor a full year to sell the property and the Village moves forward and changes it to selling only one acre, that would be a new contract and the Village would have to amend the contract with the realtor. Solicitor said if the Village has a one-year contract to market approximately 2.5 acres and it decides to split the lot, he believes that could be a complication. He said the Village could also address this in the new contract by saying that the Village retains the right to split the lot and reject any bids.

Porter made a motion to have the contract with Howard Hanna entered into by the Mayor and Fiscal Officer for a period of twelve months to sell 500 Bell Road subject to conditions that the contract was set forth, seconded by Galicki.

Canton said Council agreed that the Village should look into the possibility of selling the property. After testing the property, he doesn't know if the quality is there to sell it.

Carroll said he is not in favor of doing a one-year contract. The Village would be tying itself to a commitment that is too long. He believes full Council should be present for this decision. He said if the Village wanted to do a short-term contract until Council figures out some things, he would be in favor of that; six months or less. He is not in favor of a one-year contract.

Nairn said she believes the less time that passes, the more motivated the agent is going to feel.

Carroll asked for a roll call vote on the motion put forth regarding the 12-month contract for the property at 500 Bell Road; Nay - Canton, Carroll, Nairn, Porter. Aye – Galicki. Motion failed.

Porter referred to the proposed landscape architect contract which is for \$7,500. He said the Solicitor reviewed the contract and moved a couple of the provisions. This would allow Craig Cawrse to be the Village landscape architect and he would be on call to be a resource for things like the Park Committee and ideas about ball fields, playgrounds and things like that as well as any landscaping needs that the Village might need. Porter said his retainer seemed like a reasonable fee to him. Porter said the contract will be circulated prior to the next Council meeting and action could be taken at the next meeting.

Solicitor said his recollection is that the \$7,500 was for the Master Plan for the park including the potential for the playground. He didn't think it was for other landscape services for the Village. Porter said he recalls if the Village asks Cawrse to do other things, the Village would be charged at an hourly rate. Solicitor agreed. Carroll clarified that the \$7,500 is for the Master Plan and any work beyond that would be an additional charge.

At 9:30 p.m., Mayor dismissed Department Heads and the Engineer.

**ORDINANCES/RESOLUTIONS:**

Canton introduced an ordinance to allow the Village to purchase a 2018 International plow truck for \$147,706.48 from Judco Truck Equipment. Canton made a motion to waive further readings and declaring an emergency, seconded by Nairn. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2018-01.**

Porter introduced a resolution requesting the Advance of Taxes from the Geauga County Treasurer 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 Nairn. Roll call – ayes, all. Motion carried. **Resolution 2018-02.**

Porter introduced an ordinance establishing a Special Fund for the deposit and expenditures of monies generated by the levy approved by the voters of South Russell Village on November 7, 2017 pursuant to ORC 5705.19(g) for the purpose of general construction, reconstruction and resurfacing and repair of Village streets, roads and bridges (hereinafter “Road Levy”) and declaring an emergency. Porter made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-03**

**BILLS LIST:** Porter made a motion to ratify the 12/14/17 Bills List in the amount of \$46,418.27 and the 12/29/17 Bills List in the amount of \$22,036.54, seconded by Carroll. Voice vote, all in favor. Motion carried.

**NEW/OTHER:** Galicki, Nairn and Porter had no new business.

Mayor asked Council to keep in mind the idea of replotting 500 Bell Road by taking an acre out as well as replotting the 17 acres on East Washington Street.

The Mayor said regarding the RV on Mapleridge, if the Village wants to pursue this, it will probably cost the Village.

Canton said he and the Mayor attended the Chagrin River Watershed Partnership (CRWP) in December.

Carroll referred to the calendar distributed and stated he saw there is a date selected for a summer concert. He said last year Council talked about doing a contract for the bigger events at the park and asked if the Village is doing a contract for this event. Mayor said he doesn't see that a contract is necessary. Carroll said Council discussed doing this for the bigger events. Mayor said Council can pursue it if they want, but he does not want to pursue it. He doesn't know anybody else that does it and he thinks it may hurt Molly's feelings. Carroll said he doesn't want to hurt her feelings, but he would like to protect the Village. The Village has a simple permit and obviously this would be more of a contract stipulating certain things. Porter asked if this would be a Park Committee decision. Park Committee would be meeting on January 9<sup>th</sup> and Mayor asked them to discuss this topic.

Carroll stated he mentioned at a previous meeting about forming a Council of Councils for the Chagrin Valley region. He reached out to peers at Chagrin Falls Village Council and Moreland Hills Council and they are somewhat interested. He has by-laws from Hillcrest Council of Councils and he will forward it to South Russell Council members to review. He will see if there is further interest from the other communities. And he would still like to continue to pursue this group. There would be approximately two meetings per year and it would be specific to the Chagrin Valley region. It gives Council an opportunity to meet with peers from the area and offers a good opportunity for training and education for Council members.

At 9:30, Porter made a motion to go into Executive Session for the purposes of discussing employee compensation, seconded by Canton. Roll call – ayes, all. Motion carried.

Council reconvened at 10:08 p.m.

**ADJOURNMENT:** Being that there was no further business before Council, at 10:08 p.m. Porter moved to adjourn, seconded by Galicki. Roll call, ayes, all. Motion carried.



William G. Koons  
William G. Koons, Mayor



Danielle Romanowski  
Danielle Romanowski, Fiscal Officer