

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

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey

VISITORS: Dennis Galicki, Westover Drive; Nancy Van Kirk, Bell Road;
Chris Hitchcock, Laurelbrook Drive; Brenda Wahl, Laurelbrook
Drive; Rob & Becky Thomas, Ridgewood Road

Mayor Koons called the Regular Council meeting to order at 7:30 p.m. Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Porter made a motion to approve the minutes of the October 9, 2017 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

Mayor explained the history of the “Krappe” property with the Village purchasing it in 1955 for \$2,500. The property consists of two parcels for a total of 2.51 acres. The Village recently listed the property for sale and has had one interested buyer to date.

Given concerns that the property was previously a landfill, under the supervision of a soil engineer in locations given to the Village by Payne and Payne, (the prospective builder of the proposed house), the Village recently dug two holes 14-foot deep. The Mayor expects a written report from the soil engineer in the next couple weeks.

Mayor said it is assumed the property previously held a house closer to the road and they started filling in the yard behind the house with branches, concrete and asphalt. The holes near the woods had soil that was not satisfactory to dig a basement, however the hole near the road was solid. There is a possibility to build a house near the road. The issue is that the Village requires a 30-foot setback from the center of the road and then another 75-foot setback for the front of the house for a total of 105 feet. Mayor stated if someone wanted to build on this site, they would need to ask for a 35-foot setback which is about the same distance from the road as the neighboring house. If anyone is interested in building, they would probably have two contingencies: 1) To have a 35-foot setback, 2) Make sure the soil is suitable for a basement. Most of the houses along the south side of Bell Road are 105 feet back from the center line, so this would be a substantial variance. On the other hand, the houses surrounding this property are close to the road.

Mayor said even though the back portion of the property contains fill, someone could dig down and put piers in the ground and connect the basement floor to the piers, but that would drive up the cost of the basement. Carroll confirmed a home without a basement could also be built on the property.

Mayor explained that the Village played both angles and hired Howard Hanna to try to sell the property, and also has been talking with the Chagrin River Watershed Partners (CRWP) and the West Creek Conservancy to discuss the possibility of putting a conservation easement on the woodland around the property. He stated the third possible option is to sell one acre of the land for someone to build a house on and then the Village would mitigate the rest of the property and keep it green.

The Village currently mows the property so there is an expense for that every year. If the property were sold, the Village would get the price of the land, the income taxes as well as the property taxes. The Village is waiting for the official report on the soil.

A resident asked how close someone can build to the stream. Mayor answered that the Village doesn't currently have riparian setback legislation but is looking into such legislation which would require a 25-foot setback from the edge.

There was concern that the prospective buyers were notified of the flooding issues that happened over the road in the area a few years ago – the Mayor replied that has been disclosed.

A resident said usually communities try to save green space and asked why the Village wants to sell the land now. She also stated that now that there is the open hole in the ground, when the wind blows the smell is horrendous. Dishong said the Village has tried to preserve green space whenever it can, and they have preserved over 100 acres in the heart of the Village and spent over 2.5 million dollars of taxpayers' money to do that, and he was happy about that. But the Village has been sitting on this property under discussion for 60 years and he doesn't think the Village should just sit on property when there is green space that has been set aside for the residents. The Village has storm water issues and other big projects coming up and the possible income of \$160,000-\$175,000, or whatever it is, plus the tax revenue that would come from that for infinity, that is something that needs to be looked at. He doesn't feel the Village should be squatting on property that it has no use for. Dishong said he likes the idea of selling an acre of land and saving the rest. He said he has been the Council member pushing for the sale because if it is something that could be buildable the Village should find out, and if it is not buildable, the Village should know that as well.

Hitchcock said it is interesting that after 60 years of owning the property, now the Village feels it needs to monetize it. He hopes if the Village feels it needs to monetize this asset, that it is considering monetizing all assets so it can generate the revenue for these important projects. Hitchcock said it is interesting that a parcel is being marketed to the public that is not buildable without at least one variance. He is not sure it is all that ethical to suggest that there is a wonderful building site available and sell it without doing the due diligence to determine whether a home could be built on it before it is purchased. Hitchcock said he can resolve the entire issue and will pay the Village the \$2,500 they invested in 1955 and acquire the property himself and he will start paying real estate tax on the value that it sells for. Or the Village can prove to the community that it is a safe, viable lot without any variances. Dishong asked why the burden was on the Village to do that. He said if a buyer is interested in the property, they can put contingencies on their offer which is what the potential buyers did. Dishong said the Village has talked about selling this property on and off for a decade but the real estate business was not

good a decade ago. The Village tried to bide its time and feels now is the time to research this and see what is possible and see if people are interested in it.

Koons said the Village did not know it was a landfill, but when it went on the market someone from Euclid said it was a landfill previously. Now the Village has done the digging and found out the soil contains vegetation, concrete and asphalt but there were no chemicals or anything of that sort found. Even though it was a landfill and the land is not good, the land can be drilled down and holes filled with concrete to build a basement.

Hitchcock said the rumor mill suggests that because the parcel is owned by the Village, it does not have to go through the traditional variance procedure. Mayor said a potential buyer would have to go before the Zoning Board of Appeals (ZBA) and get a variance to move the house closer to the road. Solicitor stated that the Village may have the authority to enter into an agreement that says the buyer can build within 35 feet without a variance. This is not the route he has been advising or Council has requested, but if push came to shove, the Village probably has the authority to permit that variance.

A resident stated in a previous career he extracted methane out of landfills and if there is organic matter on the property, that smell will linger for 50-75 years. He said if methane is escaping from the ground, vegetation doesn't grow. He questioned the area on the photo that was shown that grass didn't appear to be growing well. Mayor explained that area of the property was disturbed during the Bell Road west project and the contractor did a poor job of replacing the land and planting seed.

Residents complained about the smell from the open hole and the Mayor said he will look into closing the hole.

Nairn asked if the Village was calling a piece of land that smells bad buildable. She wanted to know why a piece of land would be deemed buildable if there is a stink to it; to her it is unbuildable. Mayor said the Village didn't know about the stink. Dishong said that is the reason the Village is going through this process – it is trying to find out if the property is buildable.

One of the residents said several residents came to a recent meeting regarding this topic and expressed opposition to selling it. He doesn't understand the process – the residents came in and expressed their opposition to it, and it still seemed to go ahead. He wanted to know if the Village was going to take another vote on this issue. Mayor said he notified the surrounding residents as a courtesy to give them an update. He said he would invite residents again to have a meeting similar to this one prior to any further vote by Council.

Dishong explained that Council voted 4-2 prior to the last meeting to investigate selling the property so the Village could understand its options. He said Council welcomes the residents' opinions and they are gathering information and are learning more every day. Dishong said he was the one most interested to investigate selling the property. The Village is not on a mission to sell at any price, Council just wants to understand what the options are. He said if the Village can do something with a land conservancy that is the best option, but Council is just trying to

figure out what it has. Regarding the smell, this is the first Council is hearing of that, so that is part of the information they are gathering.

Porter said he voted against putting the property up for sale and the more he hears, the less he wants to sell it. However, there are six Council members and majority rules. In the case of a tie, the Mayor has the deciding vote.

Canton said in the past he bought an old house in another municipality and someone wanted to build condos there, but residents were upset so condos weren't built. Instead, what was built there was a putt-putt, go-kart track and batting cages right next to his house. He said the worst thing that can happen with the sale of the "Krappe" property is someone builds a beautiful home and the backyard would be preserved. He asked how that ruins the neighborhood. Dishong replied that everything is based on perspective. He said he understands the residents' concerns and everyone has the "not in my backyard" syndrome, but no one is putting in a fast food restaurant. Depending on the soil results, it may not even go any further.

Porter commented that it was mentioned during the meeting the possibility to sell one acre of the property. If the Village is out to make money and sells only one acre, he asked if it is really going to be making money for the Village in the way Council wanted to when they went forward with this process. Porter said the price is marching backwards and the Village is spending money to find out more about the property. If the goal is to make money for the Village by selling, it looks like the Village is going in the wrong direction.

Carroll said he thinks it is an attractive piece of land and maybe the Village could get between \$80,000-\$120,000 for one acre.

Mayor said the Village needs to wait until it receives the soil report and then the prospective buyers make a decision on whether they still want to purchase it.

Kostura said this was an exploratory process from the beginning. If the Village can sell it for the right amount, then it will sell it, and if the Village can't make money on it, then it won't sell it. The Village doesn't have to take any of the offers that come in if it isn't beneficial to the Village. If the Village finds out it is an unbuildable lot, then it won't sell it. The Village isn't any worse off because at the end of the day the Village is in a better position because it has more knowledge and information on the property. It either preserves a piece of property to all eternity or the Village has a house that will produce real estate taxes and income taxes.

Dishong said he learned a long time ago that when an emotional issue is discussed, facts are your friends; the emotions must be taken out. Council is not ramming anything down anyone's throat. Council took a vote to see what is there. The Village has been sitting on something for 60 years and they don't even know what is there. The Village will find out if it is buildable and if it is buildable, find out if there is a market for it. If there isn't then the Village knows. He said he has been on Council for almost 20 years and every year potential sale of that property came up. He commends this Council and Mayor for at least getting to the next step to find out what it has.

MAYOR'S REPORT: Mayor reviewed the various storm water issues in the Village. He said at the Family Life Center (FLC), the Village put a \$600 plastic device to slow the water from the FLC property onto The Lantern property which eventually goes across the road into Chagrin Lakes. He said that issue is pretty much done. The estimated cost is \$1,000 with parts and labor.

The issue on Leaview Lane where the road was on the verge of falling in, the Service Department employees put rocks in the ditch which helped stabilize the road. The total cost is probably a couple thousand dollars with supplies and labor.

The Engineer and Mayor walked The Lantern property to make sure everything is fine. Mayor said he let Russ Zajaczkowski know The Lantern did everything it needed to do, the grass has all grown in, and the Ohio Environmental Protection Agency (EPA) has no issues. Mayor said in his opinion that issue is done and cost the Village engineering consulting fees.

Mayor reminded Council the Village is spending \$12,000 on a stormwater report from CT Consultants. He said the report will probably say to build a retention pond in the area behind the Klinowski house. Solicitor said if the Village is going to build a retention pond that will go on someone's property, it must compensate them in some way; either an easement or a fee. The idea of eminent domain is an option if the resident doesn't agree. Solicitor said the residents may be pleased to get relief from the flooding and the Village may not have to compensate them. Koons and Carroll both stated they believe there is also the possibility of getting grant funds to buy the house. Mayor said the neighbor might have concerns about a retention pond so close to their property but that is something to discuss down the line.

The Cascades culvert project will be starting soon and should be done by next spring. This project will cost the Village approximately \$50,000.

The Village hasn't heard anything from the residents in the area behind Gurney School.

Mayor said he lives in Kensington and they are still trying to get the homeowners' association to install a simple, little device to slow the water from the Kensington Green pond through South Russell property. The Village will probably have to build a bio swale to slow the water going to Chagrin Lakes. The Mayor believes the Service Department employees can do a lot of the work, but he doesn't have a cost estimate yet.

Mayor informed Council he has reached out to Pete McDonald from the Chagrin River Watershed Partnership asking him about many different issues including soccer fields proposed by a resident on the East Washington side of the park as well as a sledding hill.

Mayor said he sent a letter to all 16 Valley Enforcement Group (VEG) communities notifying them the Village is hosting the meeting in December. The dues will be increased from \$7,000 to \$8,000 and the Mayor asked them to provide salary information.

Mayor said he spoke to Eddie Patton about his Eagle Scout donation money and Eddie said to give the money to the Park Fund.

The Mayor informed Council he has been meeting with Burton Township and Auburn Township to talk about how they handle their zoning board and alternates.

The Mayor met with the CRWP to walk through the backyards in Country Estates to look at issues with the pond.

Mayor said he sent a letter to the editor of the Chagrin Valley Times and wrote an article for the Village newsletter regarding the Road Levy on the November 7th ballot.

Mayor reminded Council the November Council meeting date was changed from the second Monday to the first Monday of the month; November 6th.

FISCAL OFFICER'S REPORT: Fiscal Officer referred to a newspaper article in the Geauga Courier where the Village received a gold star from the County on its 2018 Tax Budget.

Fiscal Officer forwarded information to Mayor and Council regarding Homestead and Rollback questions that arose at the last Council meeting.

SOLICITOR'S REPORT: Solicitor had no report.

COMMITTEE REPORTS: Nairn, Porter, and Carroll had no report.

Kostura said the Street Department has been busy with digging the test holes at the "Krappe property", stabilizing the road on Leaview Lane, done berming on Spring Drive, Anglers Drive and Forest Drive due to the road program, put in the walkway cut through from the north park to the south park with new gravel. The striping for the intersections has also been done.

Kostura explained the crack sealing was robust this year because it wasn't done last year. The Village will have to amend the appropriations for \$10,500 because only \$30,000 was budgeted but the total came in at just over \$40,000 and that includes a day of free crack sealing because the Village wasn't happy with the work done two years ago.

Canton said he met with Eagle Scout Matt Marting and explained Council's concerns about the location of the beehives as well as the maintenance. Marting will do his research and contact Canton when he has the answers.

Dishong said the Human Resources committee met this morning with Department Heads to go through the redline version of the handbook. His goal is to get it adopted by the end of the year.

ORDINANCES/RESOLUTIONS:

Porter gave third reading on an ordinance amending section 1440.05 of the Codified Ordinances of the Village of South Russell by adopting new building fees. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2017-33**

Carroll gave third reading on a resolution expressing the intent to sell personal property not needed for public use by internet auction, authorizing the Mayor and Fiscal Office to execute all necessary agreements, and declaring an emergency. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Resolution 2017-34**

Carroll gave third reading on an ordinance authorizing the sale of Village property not needed by the Village and declaring an emergency. Nairn made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2017-35**

Carroll gave third reading on an ordinance adopting an Emergency Operations Plan for the Village of South Russell. Carroll made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2017-36**

Kostura introduced an ordinance to amend the appropriations increasing Street Maintenance Fund expenses \$10,500 and declaring an emergency. Kostura made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Kostura made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2017-37**

BILLS LIST: Kostura made a motion to ratify the 10/16/17 Bills List in the amount of \$63,536.11, seconded by Dishong. Voice vote, ayes – all. Motion carried.

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

Kostura made a motion to accept Eagle Scout Eddie Patton's donation money of \$281.50 to the Parks Fund, seconded by Nairn. Voice vote – all in favor. Motion carried.

Kostura informed everyone he would not be attending the December Council meeting because he has Army duty for two weeks. There was discussion about adopting the budget needing a quorum for December. Council can waive readings and adopt the budget in November.

At 8:35 p.m. Dishong made a motion to go into executive session to discuss employee compensation, seconded by Carroll. Roll call – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, at 8:55 p.m. Kostura moved to adjourn, seconded by Nairn. Voice vote – all in favor. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer