

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 9, 2017 –7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Nairn

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

VISITORS: None

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. Dishong made a motion to approve the minutes of the September 25, 2017 Council meeting, seconded by Kostura. Kostura made a change to page five, the second paragraph under Ordinances/Resolutions changing the word “mad” to “made”. Voice vote – all in favor. Motion carried.

MAYOR’S REPORT: Mayor reported that he received a letter from Paw Paw Lake residents who he believes are having problems with silt. Once he reviews the letter, he will report back to Council on the issue.

Mayor said the Fire Department is having a fundraiser on April 26th to raise \$700,000 to build a new bay, improve the kitchen and build facilities for women. No tax dollars can be used since it is a private organization.

Mayor reported that Board Clerk Sevich is taking over the responsibility of producing the Village newsletter. She will write articles on the four businesses on the corner of Bell and Chillicothe Roads, two scout projects, pictures from the Fall Festival and explain why the Village is flying the current flags. She would like to do a survey of the community to find out if residents read the newsletter and its effectiveness in getting news out. Sevich will try to get the newsletter out by October 25th so it is out before the road levy is on the ballot.

Mayor is working with Spectrum to get accounts for the Police Department and Service Department to have television. In the past, the Village contract with the cable company allowed for two free accounts for governments; however, that has changed with the changeover to Spectrum.

Mayor complimented all departments on jobs well done this year. The Village had a perfect audit with the State of Ohio and the Tax Budget Hearing with the County had no issues. The Service Department had an uneventful road program, the Building Department has kept busy and

the Police Department ended the summer with a great open house. The Fall Festival was very nice and Mayor thanked all the employees who worked it for giving up their Sunday. He stated this was one example of how the Village employees really work to take care of the residents.

FISCAL OFFICER'S REPORT: Fiscal Officer said she is waiting on some numbers for the 2018 budget to prepare the worksheets. Once she has the worksheets updated and the minutes done from the budget work sessions on October 2nd and October 9th, she will forward that information to the elected officials.

Porter asked about the health care renewal rate of 8%; he thought it was 3% in the past. Fiscal Officer replied that the national average is 14-17%, some communities are seeing as high as 22%. The past 2-3 years the Village was fortunate to get renewals of 2-3%. However, for 2018, the renewal is 8%. The health insurance broker is still waiting on quotes from other health care companies for 2018 and that information will be forwarded to the Human Resources Committee as soon as it comes in.

FISCAL AUDITOR'S REPORT: Fiscal Auditor distributed his monthly report and stated he balanced with the Fiscal Officer to the penny on all funds.

The current interest rate is .90% and service fees have decreased.

The overall cash balances are up \$21,000 for the year since the road program hasn't been paid yet. Notable revenues for the month include cable franchise fees and homestead and rollback. Dishong questioned at what age homestead and rollback could be applied for; Fiscal Officer stated she will do some research and get the information to Mayor and Council.

ENGINEER'S REPORT: Engineer had a meeting at the Epprecht site regarding stormwater drainage concerns. There is no formal storm sewer drainage infrastructure in that area and the homeowner wanted to connect the gutter downspouts from the house into an underground pipe to go out to the ditch line. Engineer stated this is a big site and that area already has water issues as it is, so the Engineer had to inform the owner that water runoff to the ditch is not feasible. He explained to them that they would have to do splashblock which is when the downspout drains the water to flow over the grass. Two advantages to splashblock are: 1) It keeps the water on the surface and allows it to percolate into the ground, 2) Water runs through a pipe approximately 20 times faster than it can over a surface, so it slows the water down. In the Epprecht situation, since there is a total lack of infrastructure in that area of the Village, they cannot tie into anything, so a splashblock is the best way to handle the water. Engineer said even if the owner does splashblock, he still will be contributing a substantial amount of water to Bell Road because the property is higher than Bell Road and the water is all flowing towards the road. The splashblock would at least slow the water down and give it an opportunity to soak into the ground. The consensus of the meeting was the homeowner could meet with the neighbor to the east and put in an appropriately sized ditch enclosure pipe across the frontage where water will discharge into a low area and go south underneath Bell Road. The other option was for the

property owner to build an onsite retention basin as part of the landscaping, but he wasn't keen on that. Nothing was finalized. Engineer said if the property owner is going to put in a new appropriately sized culvert/ditch enclosure so they can tie in their stormwater, the Village should lean on them to replace the whole pipe because they are the ones that are going to be adding to the amount of stormwater runoff in the area. He feels it is not fair to burden an existing property owner to change what they currently have to accommodate a new house. Building Inspector said the roof area of a 10,000 sq. ft. house and a 4,000 sq. ft. garage will add a lot of stormwater to that area.

Engineer is working to set up a preconstruction meeting with S.E.T., Inc. for the Cascades culvert project. His office is working on the contracts now and they should be finalized in the next couple weeks.

BUILDING INSPECTOR'S REPORT: Building Inspector stated the new dentist office on the corner did obtain their occupancy permit.

Building Inspector found a new business in Park Place – it is a printing company.

The gas station is moving along and looks to be open by the end of the year. They still must come back to the Architectural Board of Review (ABR) for the lights, but the lights are all on dimmers so the owner can control them.

POLICE CHIEF'S REPORT: Police Chief demonstrated a new “Your 911” app that is provided with the Village's dispatch costs and he explained its use and function ability. The Village got early access to the app since the salesman is a Village resident so it is currently up and running.

STREET COMMISSIONER'S REPORT: Street Commissioner reported that his department is replacing one more driveway culvert on Spring Drive and that will be the last one for the year.

The Service Department has been working on property cleanup, berming on Forest, Anglers and Spring Drives.

Dishong thanked the Service Department employees for fixing an inlet grate at the pond on Spring Drive.

SOLICITOR'S REPORT: Solicitor informed Council he has been tweaking a model ordinance from the Chagrin River Watershed Partnership (CRWP) regarding riparian setbacks in areas around water courses, creeks, rivers, etc. where nothing can be built and the vegetation must remain natural. This is something new and different in the Village but many other communities are adopting similar legislation. Solicitor said he felt this is something that belongs in the zoning code because it addresses land use regulation where someone can and cannot build. Solicitor is proposing this goes to the Planning Commission first to let them look at it and make a

recommendation to Council about adopting it. However, since it is somewhat new and potentially controversial, he wanted Council to know about it so if anyone has strong feelings about it, they can track it. Planning Commission can hold a public hearing on it if they wanted to and if it ever gets back to Council, they would hold a public hearing. There are a lot of steps to be undertaken, but it is underway. Kostura verified with Solicitor that the legislation does grandfather existing structures. Solicitor said he is unsure how this would impact the “Krappe” property. He stated the legislation does address variances for setbacks but it must be decided what board will consider those variances; Zoning Board of Appeals (ZBA) or the Planning Commission. The model ordinance says to put it in front of the Planning Commission, but Solicitor doesn’t know if that is the best course. Even on the “Krappe” property, variances might be available if it gets passed by the Board.

COMMITTEE REPORTS: Porter and Kostura had no report.

On behalf of the Human Resources committee, Dishong said an updated redline version of the handbook will go out for final comments with the goal to have it adopted before the end of the year. Carroll asked Solicitor about his comments on the review of the handbook where he indicated that an employee on sick leave earns sick leave. Solicitor said that did not come from him. Carroll asked Solicitor about the length of retention for employee discipline being two years and that seemed short to him. Solicitor replied that management should always make discipline retention as long as they can even though employees would like it to be as short as possible. Solicitor said the fact that the Village is even willing to consider that speaks to their generosity. When he works on union negotiations, they always try to get the shortest length of time possible. Solicitor said from the Village’s standpoint, disciplinary actions should stay in the employee file as long as possible and he wouldn’t recommend going any lower than two years. Carroll said five years seems reasonable; from a progressive discipline standpoint, if retention is less than two years, the Village will be unable to institute progressive discipline. Carroll said in his opinion anything less than five years is a mistake, but the revised handbook will go out to Council for review and further discussion.

Canton said the Parks Committee met with Boy Scout Matt Marting and his mother regarding his beehive Eagle Scout project where he would build two beehives. It will cost him approximately \$1,300 to do the project which will include approximately 10,000 bees including a queen bee. Matt’s father is a contractor and will supervise the project. Marting would build the hives over the winter and be ready to install them in the spring. There was conversation about the placement of the hives being in the park and installing a fence around them. It was stated the easement prevents a fence on the conservation property. Other Village properties were discussed as possible locations. Marting will maintain the project until he graduates high school and hopes to find someone to maintain them after that. Canton said the hives need to be maintained once per month. Fiscal Officer stated Board Clerk Sevich said she used to have beehives in her yard and if they aren’t properly maintained, the bees will swarm. Porter said the Village needs to know where the hives will be located and how the ongoing maintenance will be addressed. Carroll said the scout needs to address Council’s questions. If the scout isn’t going to maintain

the hives long term, he needs to know how much they will cost to be maintained because if they aren't maintained, there will be an ongoing cost to the Village. Canton said the Parks Committee feels it is a worthwhile educational project and Marting is a fine young man and they would like to see the project happen. Mayor will talk to Gene McCune and find out about maintenance of beehives and get his recommendation on locations. He told Canton the scout should be working on answering the same questions. Mayor said Marting should figure out where the hives should be located, why the project should be done, possible fencing, signage, and how the ongoing maintenance issues will be addressed long-term.

Carroll said the Safety Committee met and discussed the Village's noise ordinance. He said the Chief indicated there really isn't a problem with noise issues in the Village, but perhaps for amplified sound, maybe Council would want to restrict the hours from 7 a.m. – 11 p.m. seven days a week, but other than that, there really haven't been any issues. Chief said occasionally when there is a loud party, his department will go to the home and ask them to turn down the noise and normally they get compliance. Occasionally they must go back a second time and shut the party down. However, with the current ordinance, there really isn't any backbone to enforce a shut down and restricting the hours could be a good tool. Chief said he is not inclined to push a new noise ordinance if it is not necessary. He said having a time limit would be good for an extra bite in enforcement; however, they have always had success with getting the situation addressed. Dishong said if adding hours for amplified sound is all that is needed to help enforce issues with noise, he is okay with that. Chief said there was also talk of putting time limits on contractors, but he wouldn't want to restrict residents from doing work on their own properties.

At 8:31 p.m. Dishong made a motion to go into executive session to discuss the possible sale of property and employee compensation and personnel. Roll call – ayes, all. Motion carried.

Council reconvened at 9:37 p.m.

Regarding the employee handbook, Carroll said regarding the discipline retention, he felt five years was too short, it doesn't leave enough of a record. Dishong agreed. Mayor said he would like the Human Resources Committee to meet with Department Heads to hear their concerns on the handbook and then he would like to talk to the Service Department employees. Carroll said this project needs to be finished up.

Carroll said under Fair Labor Standards Act (FLSA), sick leave is not considered time worked. So, employees should not earn sick leave while they are on sick leave.

ORDINANCES/RESOLUTIONS:

Porter gave third reading on an ordinance amending Section 1482.01(a) and (c) of the Codified Ordinances of the Village of South Russell by requiring a hard surface of either asphalt or concrete for all new or replaced residential driveways and for all commercial aprons, driveways,

and parking areas. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2017-32**

Porter gave second reading on an ordinance amending section 1440.05 of the Codified Ordinances of the Village of South Russell by adopting new building fees.

There was discussion about the ordinance authorizing the sale of Village property and it being personal property as well as the need for it to be an emergency. Porter said he saw the list of property to sell from the Chief, but he hasn't seen exhibit "A" which lists the property. Kostura gave second reading on an ordinance authorizing the sale of Village private property not needed by the Village.

Kostura gave second 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.

Carroll gave second reading on an ordinance adopting an Emergency Operations Plan for the Village of South Russell.

BILLS LIST: Kostura made a motion to ratify the 9/29/17 Bills List #1 in the amount of \$50,213.33 and the 9/29/17 Bills List #2 in the amount of \$17.29 for a total of \$50,329.62, seconded by Dishong. Voice vote, ayes – all. Motion carried.

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

Kostura made a motion to accept the September fund balance as submitted by the Fiscal Auditor and Fiscal Officer, seconded by Dishong. Voice vote, all in favor. Motion passed.

Porter asked about the Kovach property and how things were looking. Mayor said Mr. Kovach was told to wait until a few rains happened to see how things looked. Grass is growing and the Mayor said he felt the final work was done well.

Carroll asked Mayor about the scout funds received at a recent meeting. Mayor said he is going to see Eddie on Friday. Carroll said he talked to Eddie's father who talked to Eddie and he thought it was appropriate that the donation go towards the Park Fund for sustaining scout projects. Kostura said the donation can go into the Park Fund. Dishong said the scouts build the projects and then the Village must sustain them, so having the donation in the fund would be good. Carroll said the donation is supposed to sustain the project or go to the beneficiary; the beneficiary is the park. Mayor asked Canton if Marting needed money for his project. Canton replied, "No". Carroll said the scout rules state the money is to be used to sustain a project, such as replacing wood, staining, etc., or it can be donated to the beneficiary. Carroll said the scout money from Eddie Patton should be officially accepted by the Village so it can be documented and tracked.

Mayor said he approached Bill Stone who lives on Fairview in Chagrin Heights to be an alternate on the Planning Commission and Zoning Board of Appeals (ZBA); he has not heard back from Stone yet.

Mayor said at the Kensington homeowners' association meeting on Tuesday he is going to ask for a letter of support to seek grants from the Chagrin River Watershed Partnership (CRWP).

Mayor asked Porter if he was going to the Northeast Ohio Public Energy Council (NOPEC) in November and if he could be the proxy for the Village; if he can't, Mayor will make Jim Flaiz the proxy. Porter will check his schedule and get back to the Mayor.

Carroll said regarding alternates for the ZBA and Planning Commission, he reviewed the minutes of those meetings to see how the boards feel about the idea of alternates. He said Planning Commission felt comfortable with where they are at, but ZBA may have an issue. Carroll said Jim Flaiz brought up a situation where Troy Twp. had an alternate come in and then it was a 2-2 tie and now it has created an issue there; Burton has also had an issue with an alternate situation. Carroll said from what he read in the minutes, before the Village would set up for alternates, it needs to: 1) Make sure exactly how alternates will work to prevent any issues, 2) ZBA doesn't regularly schedule their meetings. If people aren't showing up for these meetings, the Village can try to have regularly scheduled meetings.

Mayor said there is a schedule for Planning Commission, ABR and ZBA. ABR is the only one that maintains their schedule every two weeks. Planning Commission has a regular schedule that meets once per month. Mayor said there should be a schedule, but they don't always meet. Carroll said he spoke to the Board Clerk today and she gives ZBA members a couple dates to choose from a few weeks out from the meeting and needs to see if she can get a quorum. He said the cancellation of the last ZBA meeting was the perfect storm and it is what it is, things happen. However, if people can't show up, then maybe the Village should put new people on the Board. Carroll said alternates could work, but it has the potential to cause a lot of problems. Mayor said he went to the Bainbridge Township meeting and they had two alternates sitting in and said it is a wonderful system. Mayor said the positions on those committees have set terms, so it's not easy to just replace them.

ADJOURNMENT: Being that there was no further business before Council, at 9:54 p.m. Canton moved to adjourn, seconded by Kostura. Voice vote – all in favor. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer