

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 23, 2018 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Street Commissioner Johnson, Solicitor Ondrey

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Galicki made a motion to approve the minutes of the Regular Council meeting on April 9, 2018, seconded by Kostura. Mayor made one correction to page 7, the Park Committee was meeting on *Tuesday*, April 24th. Voice vote, ayes – Galicki, Kostura, Nairn, Porter and Canton. Carroll abstained. Motion carried.

STREET COMMISSIONER: Street Commissioner informed Council that the Village advertised the 1992 International truck on GovDeals.com for 2 ½ weeks at a starting price of \$19,500 and did not receive any bids. He would like to advertise it again and start the bidding at \$9,000-\$9,500. He would like to set the reserve at \$10,500 which the bidder would not see, but if the bids did not meet the reserve amount, the Village wouldn't be obligated to sell it. The truck includes a \$2,000 - \$3,000 plow so he believes \$10,500 is a good reserve. Porter asked if there is a salvage value to the truck if it doesn't sell on GovDeals.com. Street Commissioner said other things that haven't sold have been able to be scrapped out. However, if it doesn't sell, he would like to advertise it as an auction item and take a bid. Carroll made a motion to sell the 1992 International truck for at least \$10,500, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Street Commissioner reminded elected officials that Trash Day is April 28th and the Senior Pickup days are the 26th and 27th. The Village will be getting help from Russell Township as well as the Village's summer helper for the Trash Day. The Geauga Department on Aging is warning people about bed bugs and are requiring upholstered items to be covered in plastic for the Senior Pickup. As a safety precaution for the bed bugs on Trash Day, residents can unload the upholstered items themselves and the Village will use equipment to load them into the dumpsters.

Street Commissioner referred to the Mayor's report with information on the 2018 Road Program. He reported that he, along with the Mayor, Canton and Fiscal Officer met and talked about the funding for the Road Program. He said in the past, the Village received better pricing if they stayed in the same general area for paving rather than having the contractor remobilize throughout the entire Village. This year there is work that must be done on Cascades Drive because of the box culvert that was installed last November. Within that immediate area are Green Valley Drive and Morningside Drive, so he would like to try to congregate the roads and

get that area out of the way. Street Commissioner said within the next 4-5 years, the Village will be looking at some bridge improvements on Louise Drive and there is no point in putting down a new road and then tearing it up when making those repairs/improvements. He said that whole area, Cascades Drive, Green Valley Drive, Morningside Drive and a portion of Louise Drive could be complete in 2018.

Carroll said he drove the Village roads today and Ashleigh Drive is the worst. He asked if it made more sense to pave Louise Drive from the bridge towards Cascades Drive and Green Valley Drive versus Louise Drive towards Bell Road, because when they do the bridge there will be a lot of construction vehicles on the new asphalt versus the area past the dam. Carroll said he struggles with the size of the proposed program because when it was agreed to put the levy on the ballot, he made it very clear at several Council meetings that the \$230,000 that the Road Levy would be bringing in, would allow that amount to be redirected from the general fund and then be used for storm water issues. He said doing only the short section of Louise Drive would bring the cost down to a reasonable amount and still allocate money towards potential water issues. Carroll said at the time the Village agreed to put the levy on the ballot, Council wanted the levy to be for road *and* storm water issues. Unfortunately, that was not permitted, so the general discussion was the money would be for roads and then the Village would back out that \$230,000 from the general fund to address water issues, not dump everything into roads.

Street Commissioner said the Road Levy brings in \$230,000 and the Village budgeted \$350,000 for the Road Program. He said if you add those together, that is \$580,000 for a Road Program. He said the Police Department driveway expense was considered in the Road Program budget, but it is really a property improvement, so the budget could be amended for that cost to come out of properties; that would give the Road Program an additional \$20,000.

Carroll said while the \$350,000 was budgeted for the Road Program, the Village still has not addressed the storm water issues. The Village still doesn't have the storm water study report from the Engineer's office, but there are known water issues in the area north of Chillicothe Road and Bell Road as well as with the area from Kensington neighborhood to the Village Hall property. The last storm water report was done 13-15 years ago, and the Village took care of Chelsea Court, but nothing else on that report was addressed and the Village keeps kicking it down the road. These are things the Village cannot ignore. He said it was his understanding that if the Road Levy passed, the Village was going to take \$230,000 of the road budget from the general fund and back that out to go towards storm water improvements. Spending \$504,000 for roads, only leaves the Village \$80,000 for addressing storm water issues this year. Carroll said the Village still doesn't know how much the storm water issues will cost, but if the storm water report comes back and the Village can knock out the issues and have money remaining, that money can be used for the Road Program. He said the Village has now been made aware of all the storm water issues and they need to be addressed. Some water issues may be the responsibility of the property owners, but there are some that are the Village's responsibility. He said Louise Drive could be eliminated from the Road Program this year, or at least bid as an

alternate. Then after more information is known from the storm water report, Council can develop a plan on how to move forward.

Street Commissioner said the levy is not bringing in enough money by itself to handle one of the five longer roads. Therefore, these roads would require both the regularly budgeted \$350,000 and the \$230,000 from the new Road Levy. He said while addressing the bigger roads that are deteriorating fast, the Village shouldn't let the smaller ones go because in five years the Village will then be in the reverse role and would have to catch up on the smaller roads. Carroll said he drove all the roads this afternoon and Ashleigh Drive is the worst; he doesn't necessarily agree that there is a problem with doing that road this year. It is a "high rent" district in that they probably pay the highest taxes in the community. The road has been there 21-22 years, and this will be the first time it is being paved. He said there isn't much more to be done to building the house currently under construction on that street that would require a lot of heavy trucks. He would like to consider Ashleigh Drive as an alternate to see what the cost would be. On Louise Drive, he would like a cost to pave from the dam to Cascades because it makes a little more sense due to the upcoming work that will need to be done on that dam.

Street Commissioner said at some point Ridgecrest Drive will have to be paved. Ridgecrest Drive is an "in and out" road where Louise Drive is only an "in" road, so he doesn't want to get to the point to have to pave Louise Drive and have traffic going over it to get to Ridgecrest Drive. Carroll said that is why he is suggesting doing the far side of Louise Drive versus the near side.

Carroll said he doesn't want the Village to take their eyes off the ball on the water issues in the Village. Mayor said the Engineer will have the storm water report at the May 14th Council meeting.

Kostura said the Village must go out to bid and questioned if some of the unknowns could be done as alternates and then be put in when the storm water report comes back. Mayor said the Village only needs to do Cascades Drive. With the proposed project, the contractor would go into the Lake Louise area and knock that all off and then set itself up to get Annandale Drive and Wolfpen Drive out of the way. Then when Kensington Circle needs to be done the contractor wouldn't have to drive on Kensington Circle to do those two streets. The Mayor said the Village can knock off Louise Drive this year and next year knock off Ashleigh Drive and the rest of Louise Drive. Mayor said from a public relations standpoint, he has concerns about paving Ashleigh Drive after passing the new Road Levy. Carroll said if people have complaints they can call him. He said Ashleigh Drive is the worst road in the Village and they pay the highest taxes; it isn't right to ignore them. Mayor said there are about 14 houses on Ashleigh Drive and a new house being built. As landscaping will need to be done, it is an easy way to let that road slide a year. Carroll said he could let it slide a year based on budgetary purpose and what the Village is trying to do with Lake Louise; that is a reasonable approach. He knows the Village may not address storm water issues this year, but he wants to make sure the Village doesn't take its eye off the ball with the storm water issues. Fifteen years ago, when the last storm water

study was done, the Village addressed one issue and then neglected to keep following up on that; he doesn't want that to happen again.

Street Commissioner recommended the Village get the Lake Louise area done for the bid and possibly use Annandale Drive and Wolfpen Drive as the alternates. There is still time that those two streets can be done before the Village would be considering Kensington Circle in 2020. Additionally, those two streets can be done at the same time Kensington Circle is being done.

Street Commissioner asked what the Village wanted to do with the Police Department parking lot. Carroll said he would bid out everything on the proposal with the alternate being Louise Drive. Porter said he was fine with that approach and the Village can see where Louise Drive costs come in. Carroll said the bid for Louise Drive will be for the shorter section; the end towards Cascades Drive.

Canton made a motion to bid out the proposed 2018 Road Program with the alternate being Louise Drive which is estimated to come in at about \$144,000, taking into account how the road needs to be demarcated for Cascades Drive, seconded by Carroll. Kostura clarified that the bid is for Alderwood Drive, Annandale Drive, Cascades Drive, Green Valley Drive, Morningside Drive, the Police Department parking lot, and Louise Drive as an alternate. Voice vote, ayes – all. Motion carried

Street Commissioner said Chagrin Falls is doing a project starting April 26th on Walters Road in Chagrin Falls. They are doing a total reconstruction from Bell Street to just past Hickory Hill Lane which is at the Chagrin Falls/South Russell/Russell Township line on Walters Road. They are diverting traffic through the Chagrin Heights neighborhood. There was concern about too much traffic being on Fairview Road with the biggest concern being the intersection of Fairview Road and Bell Road. The Police Chief will talk to Chagrin Falls Village about how traffic should be directed. Kostura expressed concern about the children's safety with speed and traffic in that area. There was a question of the possibility of using speed bumps. Solicitor said service speed bumps are a little more commonly utilized in municipalities now than they used to be.

Carroll asked Street Commissioner if his staff can try to find time to paint the dry hydrants in the Village this summer.

Canton said the Parks Committee would like to have the Fall Festival on September 23rd.

Galicki asked the Mayor why he had to come off the Emergency Operation Planning (EOP) Committee. Mayor clarified that Galicki is on the EOP as a member of the Safety Committee, but the Mayor wants to fill his former seat as a citizen on the EOP Committee.

MAYOR'S REPORT: Mayor referred to the "Committee Goals for 2018" report he distributed and he wanted to remind Council of those goals for the year.

Mayor distributed and reviewed a second Mayor's Report handout.

Mayor said he met with Gary Gabram from Russell Township about having two of their service employees help South Russell with Trash Day.

Mayor said the Ohio Public Works Commission (OPWC) has a grant available with an application deadline in June.

Mayor said he thinks there should be a stricter limit on the Fall Festival expenses. He is afraid if there is ever a rainout, the Village could lose all that money.

Mayor said there is a concert in the park on June 10th. There is also an opportunity to host the University Heights Symphonic Band on July 10th. He does have concerns about parking for that event because he believes it will draw a large crowd. Mayor doesn't know if the Spazmatics will be coming on August 7th or 14th.

Mayor said the Village's insurance company has concerns with the carpet in the Council chambers as there is a "pucker" that people have tripped on. He said he thinks the Service Department employees can fix it or call a contractor to stretch it out. He said contractors that came and looked at it said it would be a "botched job" and not look good. Mayor said he can't see replacing all the carpeting. The Village will have another contractor look at it.

Mayor said he attended ethics training and the biggest issue in Ohio is nepotism.

Mayor said there was a meeting with the birders on April 23rd at 6:30 p.m. He said he believes the birders would support the athletic fields if they were shut down during June and July. Several Council members said those would most likely be prime months to use the fields. Canton said the birders also don't want the grass fertilized, or cut certain times of the year.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that the Service Department employee is painting the basement of Village Hall and that project should be complete soon.

COMMITTEE REPORTS: Galicki had no report.

Carroll said Council has discussed hiring an assistant for the Fiscal Officer. It is in the budget and he believes it is something the Village needs to move forward on. He said if anything happened to the Fiscal Officer, it would be nice to have a backup person. Carroll made a motion to advertise for a part-time assistant for the Fiscal Officer, seconded by Galicki. Porter asked where the person will work from. Fiscal Officer replied he/she would work in the office across the hall from her. She said the Administrative Assistant and Board Clerk could share the office and work alternate days or the Board Clerk could work from home as the job was originally designed. Nairn said she thought the present Board Clerk worked from home. Fiscal Officer replied that the Board Clerk's job was designed to work from home, but she likes to work at Village Hall. She said the Administrative Assistant would primarily work Tuesday and

Thursday because of Council meeting minutes and Council packets. That would leave the office available Monday, Wednesday and Friday for the Board Clerk, or she could work in her office located in the basement of Village Hall. Carroll clarified that part-time Administrative Assistant position would be for up to 16 hours per week. Mayor asked Council to vote the motion down. He said this topic was discussed in executive session previously and he thinks Council should have an executive session to discuss this further and then take a vote. Carroll said the Village keeps kicking cans down the road and this is one of them. Kostura asked if the motion could be tabled. Kostura made a motion to table the motion, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Carroll referred to an ordinance he had distributed regarding the use of a contract for large groups using the Village park. Unfortunately, the actual application is still being drafted by the Solicitor, so Carroll will look to introduce the ordinance at the next Council meeting and he will look to adopt it by emergency at that meeting; with summer coming he would like to get it in place. Porter asked if the contract applies to Boy Scouts. Carroll replied it applies to functions with twenty or more people in attendance. Solicitor said there is nothing magic about twenty - he was just looking for something big enough to justify Council's attention. It is written so the Mayor makes the first call and Council can weigh in under certain circumstances. Mayor asked Carroll why a contract is necessary. Carroll replied that there have been large events at the park, one birthday party with bouncy houses and a very large attendance - there are liability issues. The contract will allow the Village to have a little more control of what events are going to be at the park and provide the Village a little more liability protection. Carroll said the Solicitor agreed a contract was a good idea. Carroll said the application is not going to be much bigger than the permit, but it gives the Village clarification of expectations of attendees using the pavilion and the park. Mayor asked if the application will have a fee. Carroll replied it will be the same \$25 fee, unless there is a cost to the Village or the user is going to pay for police presence – those are things that Council will have to take into consideration.

Canton said in past discussions with the Park Committee, they do understand there are liability issues, but they would like to keep the reservation process the way it is. Nairn said currently the Village is opening itself to liability issues. When alcohol is involved, sometimes people do not conduct themselves properly. Kostura said there is not supposed to be alcohol at the park without prior permission of Council. Mayor asked Carroll to attend the April 24th Park Committee meeting and explain the contract to them. Carroll said he could explain it, but they are an advisory committee and Council will be making the decision. Porter said it is true that the Parks Committee is an advisory committee, however over the years he has found their advice to be outstanding. Carroll said he is not disregarding their advice, but he already knows they don't want it. Porter said the Park Committee can take a vote and provide the results of that vote to Council. Galicki said although the committee provides excellent advice, he didn't know if they had any legal representation which has taught them liability issues to protect the Village. He said excellent advice without legal counsel might be an Achilles' heel. Mayor asked Solicitor if someone uses the park and has a bouncy house and somebody gets hurt, is it the Village's responsibility. Solicitor said odds are the recreational use immunity will probably kick in in many situations. He doesn't view it so much as a liability issue, although that is always floating around any time somebody uses the park, but recreational use is a special category. He thought the wisdom of the contract was to set up a procedure so that the Village would be aware

of who and what size crowd are using the park. The contract sets certain basic rules users must live by and if they aren't living by them, then the Village cannot commit to move forward. There is also a penalty provision in the ordinance.

Solicitor said there is frustration amongst Council being left out of the process. This was an attempt to make sure Council has an opportunity to say whether there is a problem with an upcoming event that the Village doesn't like, and it wouldn't be only a Mayoral decision. Solicitor said liability is not normally a big issue. He does think the Village could get into arguments with people and if there is a written contract there are some guidelines to say who is in control. Mayor asked if the Boy Scouts want to use the park and he says it is okay, but then the white knights come in and want to use the park and he says they can't – would the Village have protection? Solicitor said probably not. When there is a public park the courts have said any kind of group can use them and it is very difficult to choose one group over the other; even if the Village doesn't have a contract, there is always that problem. Solicitor said the purpose of the contract was to give the Village some bit of discretion of behavioral characteristics that the Village can say yes or no to. The Mayor said the Village had 15 permits last year for a total of \$375. Kostura asked Solicitor if the contract provides for situations where the Service Department employees must go and clean up after people defacing the property; does the contract provide some type of payment for cleanup. Solicitor said the ordinance doesn't – that would probably be part of the application process which hasn't been finished yet. He said if that is a concern, it is something that can be put in the contract. Kostura said that is one of the concerns he has because now the Village is spending time cleaning up when it could be spent on other things. He said most people are respectful, but there have been instances where the Village must go out there and power wash things or pick things up and clean, and that isn't fair to the other residents.

Kostura reported that the Planning Commission (PC) met on April 12th and discussed riparian rights and proposed legislation from the Chagrin River Watershed Partnership (CRWP). They discussed how it would apply to vacant lots or properties that were demolished and then rebuilt as opposed to applying the recommended ordinance as is to all properties throughout the Village. The legislation is a work in progress and there will eventually be a recommendation from the Planning Commission to Council. Solicitor said PC member Jim Flaiz said he will compare what other municipalities have adopted. Kostura said the regulations are ideal regulations put forth by an interest group, so they are the most beneficial to their point of view; not necessarily considering the impact it may have on residents and their current status of property ownership. There are some benefits to it and there are some real drawbacks to it and that is what the PC is trying to work through.

Nairn said the next Safety Committee meeting is May 1st at 8 a.m.

Porter said the Finance Committee meeting will be May 11th at 9:30 a.m.

Canton said the Parks Committee is meeting April 24th at 6:30 p.m. at Village Hall. CRWP will be present to help with the Nature Works grant application.

Canton said on May 14th the Parks Committee will be meeting at Village Hall at 6:00 p.m. to discuss the playground at the park.

The Fall Festival will be held on September 23rd from 1-5.

ORDINANCES/RESOLUTIONS:

Kostura gave a second reading on a resolution of appreciation for John E. Dishong.

BILLS LIST: Porter made a motion to ratify the 4/13/18 Bills List in the amount of \$33,793.95, seconded by Kostura. Voice vote, ayes – all. Motion carried.

NEW/OTHER: Galicki, Kostura, Canton had no report.

Nairn made a motion to enter into an agreement with the Geauga Farmers Market for 2018, seconded by Canton. Voice vote, ayes – all. Motion carried.

Porter made a motion to authorize the Mayor and Fiscal Officer to retain Comp Management for workers' compensation for South Russell Village for 2019, seconded by Nairn. Voice vote, ayes – all. Motion carried.

Carroll said the Mayor, the Fiscal Officer and Galicki went to the Clemans Nelson training in Columbus and the feedback was very good. He asked Fiscal Officer to get a proposal from Cleman Nelson to assist the Village with the wage compensation package to standardize some of that, as well as new job descriptions. The quote is pricey, and the Human Resources Committee will discuss this and see if it is worth the cost. He believes there is some merit to the service, but the committee needs to get more information first.

At 8:44 p.m. Kostura made a motion to go into executive session for personnel potential employment, seconded by Canton. Roll call – ayes, all. Motion carried.

Council reconvened at 9:29 p.m.

Carroll made a motion to untable the motion for advertising the position of part-time assistant to the Fiscal Officer, seconded by Galicki. Voice vote, ayes – all. Motion carried.

Carroll made a motion to advertise the position of part-time Administrative Assistant for the Fiscal Officer, seconded by Galicki. Voice vote, ayes – all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Galicki. Roll call - ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer