

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 24, 2017 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Gary Dole, Maple Hill; Ray & Kristen Schloss, Mapleridge; Melanie Forlani, Mapleridge; Doug DiLalla, Mapleridge; Joe Franzese, Wolfpen

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Nairn made a motion to approve the minutes of the April 10, 2017 Council meeting, seconded by Dishong. Voice vote – all in favor. Motion carried.

VISITORS: Ray Schloss addressed Mayor and Council informing them he has been a resident of the Village for approximately 40 years; his family built Bell Road. Schloss has concerns about what is happening in the Village and he believes it is starting to look like Bainbridge Twp. and Solon. He has lived in the Chagrin Heights neighborhood for ten years and he is concerned about the surrounding houses in this area. Over the last couple of years he has called the Village's Building Department to express his concerns on properties that he and others feel do not meet the quality standards of South Russell. He was met with dismissive attitudes from the Building Department employees who said they were sorry, but there was nothing they could do about his problems. He said he was not treated rudely, but he feels that the employee's hands must be tied by ordinances or legal problems. He lives across the street from a family who put up a split-rail fence in the middle of the night and then the following day they installed chicken coop wire around the fence to keep their dogs in the yard. He called the Building Department the day it happened and was surprised when they said the fence met the code; it was "grandfathered" in. He finds it reprehensible that in his front yard he must look at a split-rail fence with chicken coop wire around it. He wants the fence taken down as soon as possible. He distributed pictures of this and other houses in his neighborhood that he feels are in disrepair and need to be addressed by the Village.

Schloss said there is another house on Mapleridge in great disrepair with mold growing all over the side of it, the roof is caving in, and there is a motor home that has been alongside that house for more than 12 years. He said the Village Code states there are to be no RV vehicles parked on the property. Schloss asked Mayor and Council what can be done to correct some of these problems.

Schloss spoke about another house on the corner of Fernwood and Bell Road with outbuildings, vehicles that aren't licensed, and fences that have fallen. He has called the Building Department on numerous occasions within the last five weeks and was told the owner of that house has personal problems and there is nothing the Village can do about it. Schloss said everyone has personal problems but that is not an excuse to neglect property maintenance.

Schloss distributed a picture of a home on Hazelwood where the gutter is falling off, unlicensed cars are parked in the driveway, and the driveway is not paved. He said he believes there is an ordinance the Village has about unpaved driveways and maintenance of such structures. Schloss asked Mayor and Council to help figure out how some of these problems can be taken care of. He said the Village taxes reflect those decreased home values. He asked Mayor and Council if there is a way to give someone in the Village the authority to tell these people to fix their properties or they will be fined.

Schloss said many young homeowners have moved into the area and want to fix up their homes, but in so doing they must go through a review process with the Architectural Review Board (ABR) for some very minor things. He asked if there is something Council can do to alleviate some of these challenges.

Melanie Forlani stated she has lived on Mapleridge for four years and got a good deal on her house, but it needed a lot of work. She stated she had issues with the ABR and Building Department for a simple 10 ft. x 10 ft. porch. She said there are issues with houses that look like a junkyard not being addressed, but for her to put a simple front porch on her house was like pulling teeth. She likes the community, but said when you take a couple turns down the streets in the Chagrin Heights neighborhood, some houses look like a dump and it is embarrassing.

Doug DiLalla from Mapleridge said he lives across the street from the house with the mobile home parked in the driveway and says that the mobile home comes within a foot of the property line. He said he has been living there for over four years and the mobile home is a permanent fixture; it hasn't moved. He would like the Village to raise the property standards and enforce the codes on the books.

Mayor set up a meeting with Mr. Schloss, Ms. Forlani and Mr. DiLalla on Monday, May 22nd at 6:00 p.m. to meet with the Building Committee and the Building Inspector to talk about these issues.

Joe Franzese was the Chairperson of the Village's ABR for 25 years. He was on the Board from its inception in 1986 until he retired in 2011. Franzese said during his tenure as ABR Chairperson, he worked diligently to make sure that the Village's Mission Statement was upheld and made sure when people came to the Board for review, they were held to the highest possible design standards the Board could get them to follow. He has concerns about what is going on at the corner of Chillicothe and Bell Road. He said the insurance company on that corner has illuminated the corner in a way that that does not represent South Russell. He said it appears

they put flood lights on the north side of the building and now the building to the north has been demolished and it looks like there will be a substantial parking lot as well. There have been several trees demolished from both of those properties and it doesn't fit the character of the Village. He has concerns because once a low-bar precedent is set, it invites more of the same. Franzese also questioned how the internally illuminated metal boxed sign located in front of the insurance agency was allowed. He said that type of sign really belongs on an urban street, not in a rural setting.

The Mayor commented that the gas station on the corner will be coming down and the new station will be extended 10 ft. to the west. The station owners are waiting on the final letter from the EPA and the title has not transferred yet. He checked out the owner's other gas stations and they are a fine quality so he has no concerns about the new facility. Mayor said ABR had an issue with the station lighting, so they are waiting on a new lighting proposal for that facility.

Mayor said he received 21 complaints regarding the lighting at Dry Insurance Company on the corner. The owner has toned it down and it is within the legal limits. The Village is researching how to regulate this issue in the future, but it is after the fact for the insurance company and therefore that company would be grandfathered.

Mayor said the trees were removed on the insurance company property followed shortly thereafter by the trees being removed from the property next to it in order to build the dental office. Mayor said he is meeting with Mayor Renda from Moreland Hills to find out about their tree ordinance.

Mayor explained that the business area is three lots each way around the intersection.

Dishong said he has lived in the Village most of his life and doesn't like what has happened on the northeast side of the intersection of Chillicothe and Bell Road. He did say he believes the Village will be happy with the new gas station as he too has seen the owner's other facilities and they are first class. He said there is a balancing act between over-regulation and keeping a semi-rural community character within the Village. He said the growth on East Washington Street has been fabulous and he has heard no complaints about that, only compliments. Dishong stated the Village is doing the best they can to manage these things but some things pop up very quickly. He said all in all, there may have been some misses, but the misses do not outweigh a lot of pluses that have taken place in the Village over the last 5-10 years.

Fiscal Auditor commented that for someone who has taken signs before the ABR for approval, he knows that board is very strict. Therefore, he was surprised when he saw the insurance company sign. Fiscal Auditor said he feels those not adhering to the rules is unfair to the people following the rules; there must be a level playing field for everyone.

Canton said Kent State University has a day of volunteerism where college students go into neighborhoods and do maintenance work on homes; that could possibly be an option. There

was discussion about people being responsible homeowners and taking care of their own properties to protect property values.

Nairn said she has concerns about a property on Bell Road and Fernwood that has multiple vehicles and outbuildings and she thinks the Village needs to tighten up enforcement because it effects everyone in the Village.

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

Mayor reported Bob Flesher is no longer looking to build the proposed subdivision he presented to Council at the last meeting.

Mayor informed Council that the Village received approval from the Western Reserve Land Conservancy (WRLC) to expand the parking lot at the park. WRLC reminded the Village that a resident cut down a tree on what appears to be the Village park property and the Village needs to address that issue with the resident. The WRLC is also happy the Village reduced the mowing at the park.

The red barn located behind the insurance company on the corner was addressed at the last Planning Commission meeting. A furniture manufacturer wants to buy the red barn and build 3-4 pieces of furniture a month. He intends to have a spray booth on the first floor and lofts with offices on the second floor. It is zoned B2 limited business.

Mayor explained there is a house on Chillicothe Road. The owner built an addition but the final inspections have not been completed and therefore there is no occupancy permit. The house, however, is for sale. Mayor will work with the Solicitor to find out what needs to be done to make sure the house isn't sold to someone who doesn't know he/she can't occupy it because it doesn't have an occupancy permit.

The Mayor and Police Chief will be meeting with the Chagrin Falls High School senior officers and advisors to talk about the seniors' "on wheels" event. The event has grown over the years and there are safety concerns. There are also concerns about Bell Road being tied up by this event during the morning rush hour.

FISCAL OFFICER'S REPORT: Fiscal Officer reported that the Road Program advertising has started and the bid opening will be held May 4th. The bids should be ready for consideration at the next Council meeting.

Fiscal Officer explained the Village participates in a workers' compensation group rating program through Comp Management. By belonging to a group, the Village's workers' compensation rate is reduced. The cost to belong to the group is \$2,815 and it will save the Village \$8,955, which is a net savings of \$6,140. She will look to get a motion to enter into that agreement with Comp Management.

Fiscal Officer informed Mayor and Council that the State Auditor's staff will be onsite beginning Monday, May 1st to start the audit on years 2015 & 2016.

FISCAL AUDITOR'S REPORT: Fiscal Auditor stated he will be missing the May 8th Council meeting.

Fiscal Auditor spoke about the idea of the Village creating a geofilter on Instagram to help promote the Village's identity. Some municipalities create a filter with just a name, but some include a picture or catch phrase that represent the municipality. Mayor said he believes this is a positive thing for the Village and he will have the department heads discuss this next week at their weekly meeting.

STREET COMMISSIONER'S REPORT: Street Commissioner stated he and the Mayor would be conducting interviews on Tuesday, April 25, 2017 with two potential candidates for the part-time summer laborer position.

Street Commissioner is working with the Engineer to get an easement on the Cotesworth property for access to the Rarick Cemetery.

The Streets Department employees will be doing several projects at the park including adding an additional circuit for the pavilion, addressing parking lot drainage issues, putting in a gravel path, and staining the pavilion.

The Streets Department will also work on securing the Lake Louise bridge, addressing various storm water issues around the Village, and backfilling the right-of-way on Bell Road west. They currently have six driveway culvert replacements that will be addressed and will do tree trimming in the right-of-way in the fall.

Street Commissioner reported Dominion has hired a subcontractor to start the gas improvement project repairs on Bell Road east and the Village should see good improvement by the end of May.

Russell Township will send over two of their service workers and a loader to help with Trash Day on April 29th.

SOLICITOR'S REPORT: Solicitor distributed two ordinances for Council to consider changing the codified ordinances to allow for one alternate for the Planning Commission and one for the Zoning Board of Appeals. Mayor said he will get more facts and opinions from other communities and update Council on what he finds.

COMMITTEE REPORTS: Porter, Carroll, Dishong and Kostura had no report.

Canton said the Parks Committee met and would like to set the date for the Fall Festival for September 24th from 1-5 p.m.; Council agreed this is a good date. Carroll will make the arrangements for Life Flight to participate in the Fall Festival.

Canton said the Parks Committee will also be purchasing a new Fall Festival banner for \$750, and an autumn blazing maple tree for the park for \$300-\$350 to replace the tree along the front row of trees that was damaged by a storm last year.

Nairn informed Mayor and Council she will be attending the interviews for the full-time officer position in the Police Department on Tuesday, April 25th at 7:30 a.m.

ORDINANCES/RESOLUTIONS:

Kostura gave second reading on a resolution authorizing participation in the Ohio Department of Transportation winter contract for the 018-18 program for road salt. Kostura made a motion to waive further readings, seconded by Nairn. Voice vote – all in favor. Motion carried. Kostura made a motion to adopt, seconded by Nairn. Voice vote – all in favor. Motion carried.

Ordinance 2017-10.

Dishong introduced a resolution of appreciation of Gregory Gamm for his service on the Zoning Board of Appeals.

Dishong introduced a resolution of appreciation of Christine Houston for her service on the Zoning Board of Appeals.

BILLS LIST:

Kostura made a motion to ratify the 3/14/17 Bills list in the amount of \$29,568.31 and approve the 4/28/17 Bills List in the amount of \$73,192.12, seconded by Dishong. Voice vote, all in favor. Motion carried.

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

There was discussion about the possible sale of the former Krappe property on Bell Road.

Dishong stated it is not in the Village's Mission Statement to hold onto property. He understands the Village wouldn't want to sell property in the depth of a recession, but real estate values are improving and now is the time to sell. This is money that the residents get no utility from and there are pressing issues with storm water and other things in the Village that need investment. He said holding that property is a luxury the Village cannot afford.

Fiscal Officer distributed information on possible property tax and income tax revenue the Village could receive on that property. The county stated a \$500,000 house on that property would bring in approximately \$1,200/year in property taxes. If the resident living there made

\$250,000/year and worked in another municipality with income tax, they would bring in approximately \$969/year. An estimated tax revenue for a \$500,000 home with household income of \$250,000 would be approximately \$2,169/year. Dishong replied that would be additional tax revenue every year going forward. He said that it's not always about the money but the Village has pressing issues and is not getting any utility out of that property.

Carroll said he agreed with Dishong - the Village has pressing issues that need to be addressed. He said it would make more sense to buy the property on the corner if it were available because that could help the Village campus. The former Krappe property does not have much value that it brings to the Village other than green space.

Porter said the Village has a healthy bank balance and he doesn't detect a pressing need to raise money right now. There are ongoing obligations the Village must meet, and they will. Porter says when he drives by the "Krappe" property it is a nice welcome to the Village. He doesn't have a problem with putting it up for sale as long as Council has the final say on whether it is sold.

Nairn said it is 2.52 total acres of which most is unbuildable. She said a \$500,000 home would look out of place on that parcel. She feels there is too much building in the Village. She likes the green space; it is very welcoming.

Mayor informed Council that he talked to Chris Hitchcock who lives in Laurelbrook about the Village possibly selling this property.

There was discussion about putting a conservation easement on the property and finding someone who would enforce that easement. Kostura stated putting a conservation easement on the property would impact the sale price and then the purpose of selling it to help finance storm water issues is negated.

Regarding sale of property, the Solicitor stated statutory procedure is that the Village must advertise it and there is a process to follow. However, the Village decided in many instances in past years that with home rule, the Village could sell it directly to an individual. This may be subject to criticism by not being put out to bid, but he doesn't feel there is a problem with that.

Kostura said the Village has \$2 million in the bank on a good day and that balance is being depleted yearly by the fact that the Village has expenses that come up. The Village hasn't purchased a \$135,000 truck because of budget issues. Kostura explained there is still an outstanding invoice on Bell Road west and the Village owes more than it originally anticipated owing. There are a lot of expenses coming up - storm water alone is close to \$1 million and that is just to get things rolling. On top of all that, the Village has a road program each year that is woefully behind.

Mayor said he will talk to Chris Hitchcock again and see if Laurelbrook has an interest in the property. This topic will be on the agenda for the May 8th Council meeting.

Mayor reviewed some of the upcoming expenses dealing with property maintenance as well as vehicles and equipment needing to be purchased. He said the rental house brings in \$6,481/per year without any additional expenses. Fiscal Officer added that if property taxes increase, the rental property revenue for the Village will decrease.


Kostura made a motion that the Mayor and Fiscal Officer can enter into an agreement with Comp Management for the renewal of group rating for \$2,815, seconded by Carroll. Voice vote – all in favor. Motion carried.

Dishong said he appreciated the Mayor and Street Commissioner sharing with Council that they are doing interviews. He said he feels it is important that when the Village is hiring people it must have transparency and include Council in that process.

At 9:20 p.m. Canton made a motion to go into Executive Session to discuss possible land acquisition - no action will be taken, seconded by Nairn. Roll call, ayes, all. Motion carried.

Council reconvened at 9:29 p.m.

ADJOURNMENT: Being that there was no further business before Council, Canton moved to adjourn, seconded by Nairn. Roll call, ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer