

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JUNE 19, 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, Police Chief Rizzo, Street Commissioner Johnson, Building Inspector Heilman, Solicitor Ondrey, Engineer Haibach

VISITORS: Joan Demirjian, Chagrin Valley Times; Skip & Sally Lyle, Bell Road; Eamonn Rogers, Laurelbrook Dr.; Bill Fullmer, Laurelbrook Dr.; Loretta Schwalm, Laurelbrook Dr.; Chris Hitchcock, Laurelbrook Dr.; Gary Dole, Maple Hill Dr.; Ray Schloss, Mapleridge

Mayor Koons called the Regular Council meeting to order. Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Nairn made a motion to approve the minutes of the May 22, 2017 Council meeting, seconded by Dishong. Voice vote – all in favor. Motion carried.

Schloss thanked everyone who helped with the cleanup effort on Fernwood. It was a great success and the homeowner was ecstatic. Schloss asked about what else is going to be done to clean up the “Heights” neighborhood. Mayor responded that there were four issues that came out of the last Council meeting. 1) Issues of driveways – gravel with grass growing through it. 2) Occupancy - what is required and what is allowed in a household. 3) Nuisance – how is something determined to be a nuisance. 4) Vehicles – if a vehicle is behind the front of the house but doesn’t have a license plate, what happens with that. The Mayor asked Solicitor if anything should be done or looked at before he asks the Building Department and Building Committee to look at these issues and come up with recommendations. Solicitor stated he looked at the Village’s exterior maintenance standards and compared them to other municipalities. While the Village’s are more brief and maybe more general, he doesn’t know if they are any less effective and enforceable than some of the much more detailed ones. The Village could create legislation that would make standards more detailed and longer, but he doesn’t know if the Village will get a lot of mileage out of that. He believes what the Village has now is serviceable. It is an issue of enforcement and having to make a judgement on a case-by-case basis whether it is a big enough problem to justify prosecution. The Village did pass legislation in 2008 as to the recreational vehicles and trailers and where they can be parked. It was looked at thoroughly at that time and there are screening requirements, no front yard requirements, no occupancy requirements, etc. Solicitor said he is not sure how much more the Village could stiffen up other than to banish them altogether, which some communities do. The Solicitor didn’t have a chance to research the driveway issue but stated his understanding is that with new subdivisions and new construction the Village requires hard surface driveways. The Village can look into that issue, but the Village would have to be sure they would be willing to

enforce it. In terms of the nuisance, Solicitor said it is always a difficult legal standard and is kind of a “gray area”. It is almost impossible to define it but general standards and tone can be set. The Village has the power under the Ohio Revised Code (ORC) and the Village ordinances to be able to abate or eliminate nuisances. The question will always be whether the Village can show that the nuisance is so offensive or so problematic, or a threat to health and safety, that it can get a court to agree that it is a nuisance.

Mayor stated he will send this to the Building Department & Building Committee to look at these four issues and come back on August 14th with recommendations. He would like the Building Inspector to find out from other municipalities what they are doing to address these issues.

Schloss asked about Canton’s comments at a prior meeting when he stated that a local college may be able to help with property cleanup. Canton replied that it is a yearly event run through the alumni office at Kent State. Mayor asked the Building Inspector to contact Geauga County Department of Human Services and Habitat for Humanity to find out if help is available. Canton said the school district has a policy where the students must meet community service hours and maybe they could help with yardwork or trimming shrubs, etc.

Skip Lyle stated there is a landscaping vehicle parked alongside the house on the corner of Daisy Lane and Bell Road and asked if that was permitted. It will be looked into.

Sally Lyle thanked the Village for their help with the property cleanup efforts.

Hitchcock said it came to his attention that the “Krappe” property was finally going to move forward towards development and that raised a lot of flags for residents on his street. They submitted a petition to Council signed by most residents on the street along with signatures from other people who were also opposed. As County Treasurer, Hitchcock is privy to the budgets of all municipalities in the county and the great thing about South Russell is that it is one of the most financially healthy entities in the county. He believes the last thing the Village needs to do is monetize every asset. He feels if the citizens of South Russell were asked if every dollar should be raised from every asset that the Village owns, there would be some pause and concern. He is taking that pause and concern.

Fullmer stated that he agreed with Hitchcock’s comments and that green space is important. The “Krappe” property is the first view when entering the Village. He is also concerned about water issues in that area. There is a significant flow of water from the south to the north towards that property down Laurelbrook and he thinks it is an important piece of property for water flow in that area.

Schwalm shared a video with the Mayor of a flooding issue in that area that occurred in 2015. That video will be forwarded to the Village.

Rogers said the “Krappe” property is a great amenity to children on Laurelbrook and they go fishing in that stream; it is a great area for wildlife. He read from a brochure that stated waters and streams of Ohio are owned by the State of Ohio for everyone. If a house is built on that property, that stream is then blocked off to all the kids that want to play there.

Carroll asked if Laurelbrook has a homeowners’ association (HOA) and maybe if the issue of the Village possibly selling the property is brought before the HOA, they could look at purchasing it. Hitchcock said they do have an HOA, but it is extremely lax. He said they haven’t explored that idea, but it is certainly something they would explore if that were necessary.

Dishong stated he is the villain in this issue. He has been on Council almost 18 years. He grew up in the Village and has lived here since 1976. He believes this is a great piece of property. His issue for the last 5-10 years is that there are a lot of demands regarding roads and stormwater; the east side of Bell Road as well as stormwater projects that will cost in excess of \$750,000. He has a hard time looking a resident in the eye and asking for more money for those projects when the Village is sitting on property. He agreed some residents can use the green space of the “Krappe” property, but the Village spent about \$3 million on green space in the heart of the Village that everyone can use. There is green space across from Village Hall and green space on the corner. He said, “at some point, where does it end?” He said the Village can utilize those funds and invest that into infrastructure that many residents would benefit from. He said it’s not that he doesn’t think it is a valuable piece of property or that it creates green space but when he comes up Bell Road, he doesn’t think “I am so glad there isn’t a house there”. It is the natural evolution in his book. Regarding stormwater, Dishong doesn’t disagree, but stated if there is some development on that property, then they would have to take care of the stormwater issue. And it could be argued that drainage could get better with that. He said he is one person, but he has lived here a long time and he looked at the properties that the Village has acquired. It spent a good deal of taxpayers’ money to create green space. He questioned, however, where does that end when there are needs for infrastructure like roads, stormwater, etc. It is hard to say that there are 20 residents in Laurelbrook that really value that property, but the rest of the residents don’t get any utility out of it. That is just his opinion - it is not right or wrong, that is just where he is coming from. He said he is the villain in the piece and he brings it up every year in the planning session. There are \$500,000-\$750,000 of capital projects needed and they could wipe out the capital fund very quickly. The Village has assets and if they are going to sell them, now is the time to do it.

Nairn feels very strongly about green space in the village. She said there has been a lot of change with building and projects going on. She doesn’t feel the “Krappe” property will bring the village tons of money. It is 2.52 acres that she feels is basically unbuildable because of the deep drop-off and ravine. When she is driving east she likes to see that open property. She said if the Laurelbrook residents could think about purchasing it she would like to see stone benches and trees, but she doesn’t want to see a house there.

Canton said he believes there are several solutions for that property; sell it, someone buy it and leave it as is, sell it and have a home built there, or maybe even a community garden. Perhaps

the Laurelbrook residents can purchase the property, form a garden committee and rent pieces of the property to have people grow a vegetable garden. He is looking for a win/win situation.

Porter said he would rather not sell the property unless the Village must.

Mayor said since he is friends with Hitchcock, anything the Village is thinking about doing, he will let Hitchcock know. Mayor doesn't want to sell the property and wanted to let the Laurelbrook residents know.

Carroll asked Schwalm to forward the flooding video/pictures to the Village so Council can review. The Village is doing a stormwater study, so all the information it can obtain regarding that would be valuable.

Hitchcock said in review of the May minutes, there was a motion to sell the property. Mayor said the motion was 4 to 2 to sell the property but no action has been taken since the May 22nd meeting as to how the Village should proceed in selling or marketing the property. He said after the residents' petition and their presence at the meeting, maybe that is something Council wants to think about before they take any action.

Carroll said the vote was to get the ball rolling. It has been talked about for many years and this was to get the process moving, but doesn't mean the Village is committed to selling it at this point, but it is starting that process.

Kostura said it is not a sell at any price. The purpose to sell is to help finance large ticket items that the Village sees soon. If in fact the purchase price wouldn't support that, then it doesn't make sense for the Village to move forward on it. At the end of the day, the purpose of the Village moving forward on the issue is to help finance a significant amount of cash outlays that the Village will have in the next 3-7 years. Depending upon that purchase price bid would really dictate whether it is worth selling.

Porter said the property has been appraised at \$175,000.

Dishong said it is a desirable lot since it is in Geauga County but within walking distance to Chagrin Falls Village.

Schwalm asked the Village to look at the environmental fallout with the roof, the asphalt, drainage, etc.

Hitchcock said it appears to him most of the rationale is to be able to fund larger infrastructure projects that are anticipated with the sale of a parcel that will generate maybe \$200,000 rather than using the rationale for anticipated future expenses with the income tax. He feels there is a bit of dichotomy between the two. The income tax is forever, whereas the sale of the property is a one-time deal.

MAYOR'S REPORT: Mayor said the municipal income tax issue is back. 85% of the people pay to one community but they say it is a burden to the other 15%. He received an urgent message last week to call the State Senator right away and tell him the Village doesn't want this.

There is a concert in the park on Tuesday, June 27th from 7-9 p.m. presented by the Chamber of Commerce.

The Jaycee's party is Saturday night at Bean's Backyard. He has concerns as last Saturday he was serenaded with fireworks.

Mayor referred to a letter from a family on Southwyck regarding First Energy trimming the power lines. The only way to trim the power lines is to hang a 24" blade from a helicopter. The resident is concerned because it will be going along the back of Southwyck.

Mayor said he would like Council to go into Executive Session at the end of the meeting to look at possible property acquisition.

Carroll asked about the concert in the park and if it is being done by contract or permit. He said this is a perfect example of when the Village should have a contract where liability is assigned. Mayor said he asked Molly from the Chamber of Commerce and she does 17 concerts and does only one contract and that is with Bainbridge Twp. Carroll said just because other communities don't do it doesn't mean it isn't something the Village shouldn't look at. Carroll asked if the concert was done by permit this time around. Mayor responded, it wasn't. Molly gave him a call and said she needed the pavilion. Carroll asked if that was something that Council should be involved in. Mayor replied, "No". Molly wasn't concerned and he wasn't concerned; they handled it last year. Carroll said he thinks Council needs to be a part of those things. Dishong asked the Solicitor his opinion since Council has concerns about liability issues. Solicitor said it is always better to have a contract with the other party acknowledging that they are going to be responsible and if it is necessary to provide proof of insurance and those sorts of things. Dishong asked if something happens, is the Village on the hook. Solicitor said there could be potential liability for the Village if something goes wrong. It is possible there may be no responsibility for the Village, but there is also the possibility. Solicitor said he did a rough draft of a blanket agreement with sort of a "fill in the blanks" for most events. Bigger and more complex events, Council may want to treat individually. Carroll asked if the Village is paying the police for coverage or if the Chamber of Commerce pays. Mayor responded that the Chamber of Commerce members only pay for the entertainment. Solicitor said the Village is in a situation where the Village doesn't have a regulation that says the mayor can't sign up the park. If enough Council members feel strongly about it, they can pass legislation that would direct how these events are going to be approved and who does it. Porter said it sounds like a good idea to have a paper trail. Mayor said the Parks Committee can formulate some recommendations and come back to Council.

There was a brief discussion about the Klonowski property and possible flood funds available to purchase that property.

FISCAL OFFICER'S REPORT: Fiscal Officer reported the newsletter was processed and mailed earlier in the day.

Fiscal Officer reported there was a cremation burial Memorial weekend and a full burial funeral at the cemetery the beginning of June.

Fiscal Officer reported that Council needed to set the 2018 Tax Budget hearing. Kostura made a motion to set the 2018 Tax Budget hearing for July 10th at 7:25 p.m. at Village Hall, seconded by Dishong. All in favor, motion carried.

Fiscal Officer said as a follow up to the last meeting regarding the "Krappe" property and the process that would need to take place to sell that would be a normal bidding process. Council would set a bid opening date and the Village would have to advertise the property sale in the newspaper once a week for five consecutive weeks. The bid specs would be written in such a way that any and all bids could be rejected. Solicitor confirmed that the Village would not be committed to the highest bidder just by advertising.

Fiscal Officer stated there is a pavilion rental on July 8th for 25-30 adults and they are asking for alcohol. The process to permit that would be a motion of Council. She said, if there is going to also be alcohol at the concert in the park, maybe Council can do a motion for both together. There was discussion about when alcohol is consumed whether a police officer should be present. Chief explained that the common practice is that when alcohol is consumed at an event, an off-duty officer is hired directly so the Village isn't responsible for paying that expense. He would like to work that out within his department to hire an off-duty officer. The number of attendees would determine the number of officers required. The cost per hour is \$35/per hour. Chief explained the reason for this is basically an insurance policy for people to act appropriately as well as monitor underage consumption. The officer would be dressed in full uniform and paid for by the customer. Chief explained that Chagrin Falls, Bainbridge, Orange, etc. all require off-duty officers for these details. If the Village couldn't fill the position with in-house off-duty officers, he would reach out to the surrounding communities just as the surrounding communities reach out to the Village when they need help. Chief said for the two upcoming events on June 27th and July 8th he can have his part time officers cover these events. Kostura stated for the concert in the park the officers will be there anyway for traffic, etc. so it shouldn't be too much of an issue. For a private party it wasn't required in the past but it is probably a good idea. Kostura asked if the Village should spring it on them now or eat this one. Mayor asked Canton to have the Parks Committee look at this issue from the citizens' point of view. Dishong said he doesn't want to get overly onerous, but 200 people is different than 20. Chief said when there are 30 people, they will be driving by so they will be keeping an eye on it anyway. Dishong made a motion to permit alcohol on July 8th and June 27th for the reservations at the pavilion, seconded by Carroll. All in favor, motion carried.

FISCAL AUDITOR'S REPORT: Fiscal Auditor distributed the May 2017 Cash Management report. His fund balances match the Fiscal Officer's balances to the penny on all funds.

The Village received ambulance billing, cemetery fees, donations and a Department of Justice grant for body armor. Also received was a capital contribution reimbursement from the Chagrin Valley Dispatch. When the program first started, the Village gave a capital contribution with the understanding that if more municipalities joined later, the Village would see a refund. The school reimbursed the Village for salt and the County reimbursed the Village for property taxes from the exemption of the park property recently purchased.

Fiscal Auditor said the balances are strong right now, but there are some large expenses coming up in the near future for roads and studies. A lot of this money will be outgoing soon.

Kostura made a motion to approve the fund balances between the Fiscal Officer and Fiscal Auditor as submitted, seconded by Nairn. Voice vote, all in favor. Motion carried.

ENGINEER'E REPORT: Engineer stated that Council authorized CT Consultants to do a drainage study, and while he doesn't have a progress update on that, he knew for a fact that it has been assigned a great design team at CT Consultants so he is looking forward to having good ideas from them.

CT Consultants had a survey crew out to the Cascades culvert project site to pick up some topographic information so they could move forward with that design. The money from Ohio Public Works Commission (OPWC) will be available to the Village in July. They are moving forward with the design so when the money comes in they will be ready to put the project out to bid.

Engineer reported there would be a pre-construction meeting on Tuesday, May 23rd at 10 a.m. for the 2017 Road Program.

Regarding Bell Road, the Engineer reported that on the Village's obligations to the OPWC and the Ohio Department of Transportation, (ODOT). In general, when the Village started the project, it got a loose confirmation from ODOT who was handling the project management responsibilities, that the OPWC funding was split into two components: 1) Grant for \$450,000 2) Loan for \$200,000 for a total of \$650,000. ODOT generally requires a down payment or deposit be made for their construction management and inspection services. In the Village's case, that was waived because ODOT felt the total for their services would be covered by the \$200,000 loan, so they did not require a deposit from the Village. The Village is committed to pay back all or a portion of that \$200,000 loan and they used that as their deposit.

Engineer stated when the project was 94% complete, there was some additional work going on with the project. Whenever you are digging in the ground you will find problems. They found lateral issues, soft spots, and some additional work was required on Bell Road west to the tune of

slightly less than \$100,000. At the 94% completion mark the project was at \$217,000 for administrative fees to ODOT. He said while it was over the expected \$200,000, he thought it was a decent number considering the overages that were encountered. He prepped Council at that time that this would probably be a \$230,000 cost for administration. Months later the Village received a preliminary invoice from ODOT for \$435,000 for the project. Engineer said at that time the Village asked ODOT to look at their billing because he felt there must be an error in the billing. After ODOT reviewed the invoice they came back several months later with a corrected invoice. They are now invoicing the Village \$128,000 additional money aside from the \$182,500 for the loan. The approximate \$182,500 will be paid directly to OPWC either in installments or a lump sum based on what Council decides. ODOT is looking for an additional \$128,000 to be paid to them. They haven't provided any breakdown as to how they arrived at that amount. Yes, it is less than \$435,000 but he didn't have confidence in that number and to be fair, he doesn't have confidence in the new number either. He expected \$230,000 total between the loan and the overages; \$200,000 for the loan and an additional \$30,000. He is looking to get the total number from approximately \$328,000 to around \$230,000. Engineer explained that in the breakdown ODOT gave the Village for the latest invoice, the total OPWC funding should be \$650,000; \$450,000 grant and \$200,000 loan. It shows up in the OPWC share of the project on ODOT's invoice at \$632,541.63. His question to ODOT is why they didn't use the whole \$650,000. The project went over budget; surely the grant could have been maximized. He didn't get a good answer from ODOT on that, so he contacted the OPWC representatives who said OPWC did maximize the grant first. OPWC assured him that all the grant money had been paid out. ODOT didn't ask for the full loan amount for whatever reason. Engineer stated he is confident that the Village received the full \$450,000 grant. Towards the end of June is the date they gave him that they would send the loan repayment schedule. The rest of the approximate \$128,000 invoice will come from ODOT.

Engineer stated that the surveyors have not yet gotten to the Cotesworth property survey. Mayor said originally the thought for the easement was from the cemetery property to the driveway, but now we really need to get from the cemetery to the driveway to Bell Road. Mr. Cotesworth asked for some type of compensation.

BUILDING INSPECTOR'S REPORT: Building Inspector reported there is a contractor who is doing things without getting approval or inspections. He put in a concrete driveway over the weekend. She did not stop the job while it was going on because she was concerned about the liability to the Village. She didn't want to be responsible for any damage to the concrete if she stopped the job. She said it is to the point he is just doing whatever he wants. He does not have a valid building permit anymore; it expired. He knew he was supposed to get a permit for the driveway and did not do that. She will be looking at what can be done. Carroll asked if she could get a stop order. Solicitor said the Building Inspector has the authority to issue a stop work order. Building Inspector said she could have issued a stop work order but she had to weigh the liability for the Village on that case. There could have been an argument over whose right-of-way (ROW) is it because it is a state road as well as the Village's ROW. If she is going to issue a stop work order, she wants to be sure the Village is on solid ground. Carroll said if

there are consistent problems with the contractor, at some point the Village must do something. Building Inspector stated that the contractor has been in court with other municipalities for similar issues recently. The Building Inspector said the Village still has a couple thousand dollars of the contractor's deposit. Kostura asked about the contractor selling that house and if the Village could not approve the occupancy. Building Inspector said the contractor does not have an occupancy permit. She said the Village will end up in some problems with that house when it goes to sell. The Village will notify any potential buyer that the house was not inspected and there is no occupancy. Mayor said the Village is holding the aces in this situation and is in good shape.

Building Inspector stated that last year there was a project in the works to replace the glass windows in the service garage with glass block and brick. She was able to connect with a contractor who came in and did the job. It was not in this year's budget to do it, but they did it and the Mayor agreed to pay for it out of his discretionary fund. Carroll asked what happened that the project was completed this year though it wasn't in the budget and the Mayor used his discretionary fund to cover. Building Inspector explained that it was in last year's budget but never done. Mayor asked if there was \$5,000 left at the end of the year in the Building Department budget, why couldn't the Building Department fund have paid for that. Fiscal Officer explained that the Village Council has detailed budget work sessions where they approve every project that is to be done. That project was in last years' budget and it wasn't done and it wasn't encumbered. Mayor asked if the Street Commissioner could have taken the money out of the salt line item to pay for that project. Fiscal Officer said Council approves individual projects. She did not know anything about the project until after the contractors were scheduled to show up and it wasn't in this year's budget. Mayor said if the Building Department has a \$100,000 budget and spends \$90,000 and has \$10,000 left, why can't those funds be used to take care of these things. Carroll said it comes down to the budget process and getting the project approved. Carroll asked if the project cost was encumbered, such as with the proposed purchase order requisition process, that could have been encumbered over. Fiscal Officer agreed and explained that last year with the new telephone project, the purchase order was certified, and the project was started in 2016 but not completed, so the purchase order was encumbered to be finished this year. Mayor said this is an example of why he feels the department heads need \$5,000 in a fund they could use to take care of these situations such as a countertop, floor, wall or blown up engine and they could just have some flexibility. Dishong said the departments need some flexibility but there is a difference between operating and emergency items that come up and capital expenditures that should be planned for.

Building Inspector said that there are birds in the attic of the service garage. She believes they should do some painting and work to that building in 2018.

Mayor said the Planning Commission will be discussing medical marijuana at their next meeting and a lot split. He also stated that ABR will be looking for a new member as one of the members is moving out of the Village.

POLICE CHIEF'S REPORT: Chief reported that Officer Cardaman's retirement date is officially July 19th and he is planning on swearing in Todd Pocek on July 10th for a July 16th start date.

Police Chief stated the village hall security system is now complete and there is a buzzer system in place to open the door.

Carroll made a motion to accept the \$50 donation from Adam Lechmen for the Shop with a Cop program, seconded by Nairn. Voice vote, motion carried.

Chief thanked Ray Schloss from Kokosing Company for providing the skid steer and Cleveland Carting Company for providing the dumpster for the property clean up in the Heights neighborhood.

Chief also thanked Dale and Donna Bauman, the owners of Streamliners, for donating t-shirts for the Cops & Kids Fishing event.

STREET COMMISSIONER'S REPORT: Street Commissioner reported that they started the flag program with the two military flags at the appropriate locations for this year.

Street Commissioner said on June 10th at the Chagrin Falls Evergreen Cemetery the Boy Scouts will be retiring all the old flags for the Village.

The Street Department employees have been working on driveway culvert replacements with many being done in Country Estates. That neighborhood has a contractor coming in to do a lot of the driveway repairs so they are trying to get the culverts done prior to the driveway work. Kostura informed Street Commissioner he has heard many positive comments about the Street Department employees and how professional the service they are providing is with respect to the culvert pipes and the ditch digging.

Street Commissioner reported that over the last couple weeks East Ohio Gas has been in along Bell Road east working on restoration following that project. There may still be some areas that need to be readdressed and he will work with them on that.

SOLICITOR'S REPORT: No report.

COMMITTEE REPORTS: Porter had no report.

In regard to the proposed Employee Handbook that was distributed to Mayor and Council, Dishong thanked Solicitor for his detailed recommendation and those will be incorporated into the book. He wants to get the legislation introduced, but it will go through the full three readings. Carroll said there will be an addendum for job descriptions. The Police Department asked that job descriptions be added as an addendum part of the handbook so it is easier to

change just that part of it. Going forward all the job descriptions will be in the addendum part of the employee handbook. This will make it easier to change just the job descriptions rather than the whole process of going through ordinance.

Kostura said the Streets Committee asked Engineer Haibach: 1) Address the grant/loan issue with Bell Road, which he has done. Kostura said the Village now expects a bill from OPWC in the \$182,000 range for the what was originally thought to be \$200,000. It doesn't mean that the Village doesn't owe the extra \$17,000, it will be paid differently. 2) The \$128,000 bill that ODOT says the Village owes. Take \$17,000 off that and that is really what is going to be argued with ODOT. 3) In looking at the contract for the Bell Road project, the appeals process is to take it to the head of ODOT. The Mayor, Engineer and Kostura will be talking to the head of ODOT in a face-to-face meeting.

Kostura said the Finance Committee distributed an ordinance with respect to a purchase order and requisition form policy. The Finance Committee believes this is something worth putting in place to avoid issues like were discussed earlier and would allow everyone to be on the same page. It also discusses not only the purchase order process, but also allowing department heads to have some leeway with respect to spending of funds as long as it is within their line items.

Nairn reported the Building Department met on June 16th. They reviewed quotes from P.K. Wadsworth and W.F. Hann for furnace/air conditioning purchases and maintenance. At first W.F. Hann looked like the better proposal but in the long run, the Building Inspector feels the Village needs to stay with P.K. Wadsworth because they are including the labor in the agreement cost. Porter explained that the P.K. Wadsworth contract included labor costs and discounted parts and the W.F. Hann contract appeared lower but didn't include labor and parts costs were higher. Nairn made a motion to enter into a contract with P.K. Wadsworth for HVAC services through next year for \$2,823 for the contract year, seconded by Canton. Voice vote, all in favor. Motion carried.

The Building Committee also discussed a buyer who wants to purchase the property at 609 Bell Road. He has a variance request to build a 2,400 sq. ft. additional building for storing his automobiles. Even if the structure is approved, he cannot build that until he puts a house in place first. Building Inspector said he plans to build a house, but he wants to be able to build this 2,400 sq. ft. building on that lot in order to store his cars. He is only really allowed by regulations to have a 617 sq. ft. storage building on that lot, so it is a huge variance. There was a large barn on the property that was torn down and this would be larger than that. The dimensions of the proposed barn are 60' x 40'. Building Inspector said the Village can only give a 10% variance, so she doesn't know how this could ever be approved. Dishong clarified that the standard is 617 sq. ft. and he wants to build four times that. It is not a height variance, it is a square footage issue. Building Inspector said the lot is over an acre and if he attached the storage building to the house he could build it as long as he didn't exceed 35% lot coverage. Building Inspector said attached means permanently attached roof. It does not have to be heated. It could

be an open walkway that has a roof. If he had a walkway, he wouldn't have to apply for a variance. The resident does know that but he wants a separate building.

Nairn said the Building Committee also discussed driveway aprons. Residential new construction is required to have a hard surface type apron. Building Inspector suggested that commercial property should be required to have a hard surface apron and the Building Committee thinks that should be looked at. Building Inspector said the insurance company on the corner can have a gravel apron, but a resident must have a hard surface. Solicitor doesn't know if it can be made retroactive, but he is inclined to think it can. Porter said he thinks a lighting and apron commercial property ordinance may be the way to go.

Nairn said the Building Department also discussed becoming more congruent with other communities and raising the zoning fee from \$25 to \$50 and the Planning Commission fee from \$50 to \$100. These fees go towards the costs associated with the board secretary salary and the postage, running ads, etc. It is something that can be thought about.

Dave Hocevar of Inspection Solutions has been working without a contract since May 31st. Nairn made a motion for the Mayor and Fiscal Officer to go into a contract with Inspection Solutions under the same terms and conditions as the prior agreement for another calendar year starting June 1, 2017 and ending May 31, 2018, seconded by Porter. Voice vote, all in favor. Motion carried.

Canton reported the Parks Committee will meet June 21st at 6:45 p.m. at the park pavilion. Mayor asked that the Parks Committee discuss trees, alcohol, the idea of a cricket field, VeloSano bike ride that will be going through the area July 22nd & 23rd with 200 bicyclists and will probably be using the pavilion for a rest area.

Carroll said he is working on scheduling an Emergency Operations Planning committee meeting.

ORDINANCES/RESOLUTIONS:

Dishong introduced an ordinance adopting the Employee Handbook for the Village of South Russell dated June 12, 2017.

Nairn gave second reading on an ordinance amending appropriations increasing Street Maintenance expenses \$60,750 and Income Tax transfers \$60,750 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Porter. Roll call, ayes – all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call, nays – all. Motion failed.

Nairn gave second reading on an ordinance transferring \$60,750 from the Income Tax Fund to the Street Maintenance Fund. Nairn made a motion to waive further readings, seconded by Porter. Roll call, ayes – all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call, nays – all. Motion failed.

Kostura made a motion to transfer from the Income Tax Fund to the Street Maintenance Fund \$350,000, Safety Fund \$400,000, Operating Fund \$125,000, 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 Carroll. Roll call, ayes – all. Motion carried. **Ordinance 2017-16**

Kostura introduced an ordinance authorizing, approving, and adopting the accounting procedures and internal controls for the Village of South Russell and declaring an emergency. Porter noted Section 3, the 2nd & 3rd line said “Council approval so long as the expense can be covered by the department’s annual approved budget”. He would like to substitute “will be covered” for “can be covered”. Mayor said he does not want to rush the employees on this since they will have to adjust to it – it can be done in August.

Kostura introduced a resolution asking for certification from the County Auditor for a levy directed towards streets and stormwater for 1.0 mill, 1.25 mill and 1.50 mill certification. 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 Nairn. Roll call, ayes – all. Motion carried. **Ordinance 2017-17**

BILLS LIST:

Kostura made a motion to ratify the 5/30/17 Bills List in the amount of \$13,903.71 and the 6/14/17 Bills List in the amount of \$58,901.79, seconded by Nairn. Voice vote - all in favor. Motion carried.

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

Kostura said there has been talk about a 5-year levy to support the streets. If the Village goes forward with that, Council would need to adopt a resolution asking for certification of funds from the County as to the millage the Village is interested in. There was discussion about a 3-mill levy and that would bring in approximately \$471,900 that would be about \$105 for every \$100,000 of house value. If an average house in the Village is \$300,000, it will cost an additional \$315 per year. Over five years that would ultimately bring in over \$2.359 million which is a great amount of money because the Village has to address stormwater and street issues which are huge, big ticket items. Kostura said in his mind a 3-mill levy is really steep looking at the recent school levy that was passed. Asking for an additional \$300 from people is a lot. He does think streets and stormwater are necessary expenses and the Village must decide how it will fund these big-ticket items. The Village currently has about six months of operating expenses if the balances were to run down. The Village doesn’t have the money in the bank to just pay for these things, it needs some type of funding source to do it. Kostura said the Village has a couple of options: Can ask for something less than 3 mills that gets the Village to an 80-90% solution and still allows the Village to fund streets through the normal budgetary process as we do now. The Village averages from \$200,000-\$350,000 for road programs. If it were to ask for 1.5 mills, that would bring in roughly \$235,000 or \$236,000 and would cost homeowners with a \$300,000 house approximately \$157 more per year; for \$100,000 house would cost \$52.50. This is a lot more tolerable looking at what the Village will be paying. Within the same

period of time, the school has already said they are coming back in four years for another 5-mill increase which will cost everyone in South Russell a significant amount of money. Kostura said although he would love to say, “let’s do 3 mills and make sure that everything is covered”, he thinks that is a little high for what the Village needs to do and still stay cognizant of what our residents are going to be paying and what they are paying now. It is his recommendation to come in at about 1.5 mills which is half of the 3 mills and would put the Village at approximately \$157.50 for a \$300,000 house. Nairn clarified that this would be for streets and stormwater together. Kostura said they are two issues that are “conjoined twins” and really can’t be separated. Kostura said at the end of the five years, the Village can gauge where it is at and decide if it is needed to be continued or if it can drop off. Carroll said he agrees 3 mills is too tough of a pill to swallow but 1.5 mills is reasonable. Kostura said if it fails at 1.5 mills the Village needs to take a long hard look if anything would pass at that point. The Village would be tying this levy to something specific – streets and stormwater. If it fails at 1.5, then most likely it won’t pass at 1.0 or 0.5 and at those rates, the Village wouldn’t have sufficient funds to make the levy worth it. Carroll said he would support 1.5 mills for streets and stormwater. They are big issues that haven’t been addressed and the Village needs to get caught up and get on top of them.

Dishong said 1.5 mills is the most he can possibly see the Village going for. He said in 2012 the Village did the income tax increase to catch up on the operating expenses. He said 1.5 mills is the most he could support. He said Council must look at themselves in the mirror on some of these things like the “Krappe” property and other issues. Before the Village asks for money, it should look under the couch cushions and make sure there is not any other money around. He said 1.5 mills is the max the Village could sell. There is no doubt the Village needs to spend the money; the question is making sure the Village has done everything it can to make sure there aren’t any other sources of revenue.

Kostura explained Council can pass a resolution at this meeting requesting levy certification. In July Council can pass a resolution to put it on the ballot and get that to the County prior to the filing deadline.

Porter said the school levy passed easily but that is a big bite for a lot of people. To pile on an additional levy is problematic for him. Porter thinks 1-mill is better because it brings in \$157,000 and that is at least half of a road program every year. And that encourages frugality in selecting the road program so the Village doesn’t feel like it has all this money that should be spent. Porter said there have also been years when the Village has not had any road program but the problem is it ends up paying for that down the road. Porter suggested asking for levy certifications for 1.0 and 1.5 mills and then decide on one or the other; he would be inclined for the 1.0 rather than the 1.5.

Mayor clarified that 1.0 mill levy will bring in \$157,000/year and cost the homeowner \$35 per \$100,000 of home value. On a \$300,000 home, the cost would be \$105 per year. Over 5 years that would bring in approximately ¾ of a million dollars.

Kostura brought up the topic of the new part-time seasonal summer laborer. He said it is his understanding he has been hired on a full-time basis – 40 hours per week and Kostura thought he was hired as a part-time employee which would have put the Village under the requirements for

vacation and health care. Kostura is trying to figure out what the Village owes the employee now if he is a full-time employee. Mayor said he was hired as a 40-hour per week, \$12.50/hour employee to start working June 6th until he decides he isn't going to work anymore – he gave the Village a calendar. Dishong said that is not what he remembers; when the math calculation was discussed it was 30 hours. Porter said he thought it was part-time. Carroll said part-time would be 30 hours or less. Kostura said he is trying to figure out how the Village got from part-time, which was approved and budgeted for, to full-time which is 40 hours. That automatically creates other issues of healthcare and sick time.

Canton said when he was in graduate school, if someone was employed as summer help, that in and of itself is part-time. He always worked 40 hours per week when he worked during the summertime. He never worked under 40 hours just to keep him from getting healthcare. Dishong said there are different regulations now. Canton said he is looking at it as he is a part-time worker that is working a 40-hour week. Dishong said he can look at it however he wants, but that is not what the Village is obligated to pay. Canton said in looking at the employee handbook, if working 30 hours per week you are entitled to healthcare – he feels that is awfully ambitious. It was explained that is federal law – the Affordable Care Act.

Nairn said five 8-hour days has never been part time to her. Five 8-hour days is a full-time employee.

Solicitor said if he is working 40-hours per week, he is considered full-time as far as health care goes.

Carroll said it is the Village's policy to offer sick time and vacation time to full-time employees.

Street Commissioner said the Village had two categories; part-time seasonal help and temporary help. The temporary help was usually the winter season. When Ted Holt worked for the Village he worked part-time seasonal help which was spring through fall and then he was put in a different category with a different pay rate because of the winter time. Fiscal Officer stated Ted was supposed to be part-time but somehow over the years his hours increased. When she was made aware of the number of hours he was working, the Village had to offer him healthcare. Ted did waive the healthcare, but that was before the Affordable Care Act went into place. He was supposed to be part-time.

Carroll said Council's understanding was that he was hired as a part-time employee. The job description is written as part-time, not 40 hours, not full-time, but it ended up being full-time.

Dishong said there are a lot of moving parts and a lot of regulatory stuff that has changed over time that the Village must make sure it dots the "I" and crosses the "T" on.

Kostura said when this hire was set in motion, Council moved \$5,000 from lawn maintenance to the part-time seasonal laborer salary and that is how he was being funded because it wasn't budgeted for in the 2017 budget. The Human Resources Committee did the calculation and came up with \$5,000 to cover a part-time employee for 30 hours per week at \$12.00 per hour for

the duration of the summer. Kostura wants to make sure the expense is under the budget. If the Village must now cover all these things, it must make sure it is under the \$5,000.

Porter asked when the employee's last date will be. Street Commissioner replied that it would be about seven weeks total. His last day will be August 11th. He is taking time off in between for vacation, a wedding, cross country and band camp.

Porter said the Village hired a part-time individual and in the last 14 days has become full time. He feels Council should have to weigh in on that before a part-time person goes full-time.

Mayor said, "In my mind, the kid was 40 hours at \$12.50, done." The Village hired someone to do a job and he thought \$12.50 was a fair price. Mayor said the big issue for him is as a leadership team; the elected officials needed to deal with the big stuff. They are spending hours on a high school kid. Mayor said department heads need to do their job and the elected officials needed to get out of the weeds and work on a 5-year strategic plan, stormwater issues and look at finances. It's June and they are trying to ram a levy that they should have been prepared for a long time ago but instead are spending time worrying about this kid. Whether he mows or is underneath Lake Louise bridge, that is the Street Commissioner's decision and everyone is chirping in on what should be done with this kid. It takes 2 ½ hours for South Russell Council meetings and Chagrin Falls can do theirs in about 45 minutes.

Street Commissioner said in the last Council meeting it was stated that the Village didn't want to do comparison shopping with other communities but he thinks that is the only way to get a clear picture. Street Commissioner suggested checking with Chagrin Falls because they hire 12 part timers for summer help that work in the cemetery, the service department, the water department, and the wastewater department and they are all working 40 hours. He questioned whether Chagrin Falls offers them the same thing in terms of health care, vacation time, etc. Street Commissioner said he is depending on another set of hands when he is short-handed for vacation coverage. Dishong said with all due respect, part of the reason the Village is in a good fiscal situation is because they do get into the details. Some might say too much, but in his 18 years, he thinks Council strikes a balance. He agrees too much time was spent on this issue, but at the end of the day, if the Village is spending \$5,000 and is hiring somebody for a new position, it is worth discussing – especially if they are going to get into benefits and things the Council wasn't expecting. Dishong said he agrees the Village needs to do strategic planning, but nickels and dimes go out the door too and that ends up costing a lot of money. The Village has been successful at managing the budget and doesn't want to be micromanaging. However, when Council decides what to budget for and it turns out not to be what was talked about, Council has a right to discuss it.

Street Commissioner asked for clarification because if money to pay the part-time summer laborer is coming from Blue Dog, Blue Dog's mowing hasn't been reduced yet. Carroll said Council had discussions about some of this stuff and there has been some communication breakdown or misunderstanding. Dishong said everyone wants the best for the Village, but the Village needs to tighten up from a budget perspective. People can't just say the money is there – it doesn't work that way. The money is in one fund but it needs to be in another. When the Village gets audited it looks like we are trying to pull a fast one. He said it's not fair to put the

Fiscal Officer in that position because she is the one that has to catch this stuff when things aren't where they are supposed to be. In terms of the 5-year planning, Dishong said the stormwater stuff is something that has been growing, but he doesn't think the village had come to a firm understanding of the need until relatively recently, so he doesn't feel the Village missed the ball on that. Dishong said it is worth having these types of discussions just to make sure everyone is on the same page.

Canton said the Village needs to differentiate between full time and summer help. Porter said 40 hours is full time; if the kid is 30 hours, it's full time. Council didn't approve a full-timer.

Solicitor said if Council is willing to have this worker hired on a full-time basis, Council would do an ordinance to that effect without having to do a pay range for that position, or they could create a pay range.

There was discussion whether the part-time summer laborer job had to be defined differently now that he is 40 hours. Porter said he feels he is defined correctly as part-time summer help, he just so happens to work 40 hours per week and gets the benefits thereof. Under the Mayor's direction and Street Commissioner's supervision they approve the time he spends, as long as it is under the \$5,000 budget.

Nairn informed Mayor and Council that she attended ethics training by the Ohio Ethics Commission with the Street Commissioner, Police Chief and Fiscal Officer. She said it was very good training and it is amazing what officials can get in trouble for doing.

Nairn commended the Street Commissioner for how beautiful the cemetery was for the recent burial of a friend of hers. She said she was amazed how well the Fiscal Officer handled an almost inconsolable widow. Nairn was present and said the Fiscal Officer handled the situation professionally and compassionately during such a difficult time for her friend.

Carroll distributed a list of things to consider in regard to doing a contract vs. a permit for the park. Some triggers he came up with included the size of the event, the number of attendees, offsite parking, requiring assistance from the police or service departments, alcohol being served, bouncy houses or large entertainment props, bands and concert events, as well as a few more. Catering and food trucks should be certified. He also thought perhaps the Village should waive the deposits for certain groups such as scouts. Carroll also had concerns with parking on a solid surface or approved surface only. He stated at Blossomtime they park on the grass and it takes a long time to get the grass back to where it was. If the Village has a concert event for example and they park in the grass, these are things that Council should look at. He asked Canton to discuss these things with the Parks Committee.

Regarding the rental house property review, the husband passed away and the wife cannot live alone. Her son is currently living in the basement. Mayor asked Canton to review this topic with the properties committee.

The Blue Dog agreement was distributed to Council in their packets. One of the things in the agreement is that they mow the Village Hall property and the police station at \$200 per week.

Mayor stated one of the things talked about with the summer help was to have them mow those properties, but then he realized that would be taking away \$2,000 out of Blue Dog's pocket. Mayor said he felt Blue Dog came up with an agreement with the Village that they would do those properties and he thinks trying to change that now is not right. He said it is not a signed agreement, but it is just not right.

Carroll said one of the things when hiring the part-time summer help, was to take \$5,000 away from Blue Dog and put it towards part-time summer help. If there is \$16,000 for Blue Dog, however it is divided among properties, that's the budget unless you amend the appropriations. Street Commissioner said he and the Mayor met with Blue Dog in the spring and told them they were considering bringing in summer help. Blue Dog did have the understanding that the Village was looking at summer help because he said if the Village got any extras to send them his way. When it came time to consider where the \$5,000 was coming, Street Commissioner said he tried to calculate the properties that he was mowing at the hourly rate that the part-timer would be making and what would need to be eliminated. Basically, the village hall campus, the rental property and the corner lot. Blue Dog would continue mowing the parks, the trails and the west end lot. Blue Dog was not happy about that. Then it was discussed mowing the campus at \$200 per week would be close to the \$5,000. Street Commissioner explained to Blue Dog that the reason this was being done was the Village was bringing in summer help. The Village also has equipment that sits here and isn't used. He said the Village should be careful because if they change the agreement with Blue Dog, the summer help is only going to be here until the second week of August. After that, if Blue Dog is not mowing, the work reverts to the Service Department staff.

Carroll asked if Blue Dog is going to work within the \$15,000 budget. Street Commissioner doesn't think it can. There was discussion about the weekly rate and the number of weeks and if the \$15,000 would be enough to cover the costs. Mayor said his issue is the Village is taking out \$2,000 for June and July and we want them to come back in August – that isn't the way to treat them. Kostura said the Village budgeted \$21,000 and took out \$5,000 for the part-time laborer leaving \$16,000 for lawncare.

At 10:23 p.m. Kostura made a motion to go into Executive Session to discuss the possibility of acquiring property, seconded by Nairn. Roll call, ayes, all. Motion carried.

Council reconvened at 10:31 p.m.

ADJOURNMENT: Being that there was no further business before Council, at 10:31 p.m. Nairn moved to adjourn, seconded by Canton. Voice vote – all in favor. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer