

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 14, 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:** Frank Kovach, Bell Road; Gary Dole, Maple Hill; Jeff Birr, Daisy Lane

Mayor Koons called the Regular Council meeting to order at 7:30 p.m. and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Dishong made a motion to approve the minutes of the July 10, 2017 Tax Budget hearing and Regular Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried. Kostura made a motion to approve the minutes of the July 31, 2017 Special Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

Frank Kovach from Bell Road complained about the cleanup from the Dominion East Ohio Gas pipeline project on east Bell Road. He moved into the Village in 1992 and has put in good soil, grass seed and fertilizer in the ditch to maintain that area. Kovach stated that the repair work Dominion has done is inferior and he cannot cut the grass due to rocks and poor soil. He asked if the Village can help to get the restoration work done properly; perhaps there was a surety bond collected that could be used to get this problem fixed. Mayor and Street Commissioner responded that they have been in contact with Dominion to let them know the work is not acceptable. Dominion sent out a crew for three days and they did some work, but the Street Commissioner said the work is still not acceptable. He is continuing to work with Dominion to get the repair work done correctly. Mayor told Mr. Kovach that the Village will meet with Dominion on getting this fixed and hopefully by the next Council meeting in September, everything will be repaired to satisfaction.

Jeff Birr from Daisy Lane has been a resident since 1955. He questions verbiage on the Village's ordinance relating to noise and said it does not give the police anything to enforce. Birr said there was a party in the Village that had a live band and at 12:30 – 12:45 a.m. he closed the windows and put in earplugs and still could not only hear the bass but also the singers singing. He gave the Mayor samples of noise ordinances from Mentor, Chagrin Falls and Solon which include time restrictions. He stated South Russell's ordinance is too vague and he feels it is not restrictive enough. Mayor said the Village will look at amplified noise, construction noise, traffic noise as well as firework noise. Mayor asked Chief and the Safety Committee to look at these issues and come back to Council on September 25<sup>th</sup> with some recommendations. Mr. Birr said he is asking for something that is reasonable.

**MAYOR'S REPORT:** Mayor and Council recognized Fiscal Officer for being one of four clerks that was nominated as Ohio Municipal Clerks Association Clerk of the Year award.

Mayor reported that John Dishong is not running for re-election to Council. He has been on Council for 18 years and prior to that he was a member of the Zoning Board of Appeals (ZBA). Dishong would be a prime candidate as an alternate for the ZBA or Planning Commission (PC) boards. Mayor stated Dishong has been a force and knows what he wants. He is a class act and has been a wealth of knowledge for Council and the Village. Mayor thanked John for his service to the Village.

Mayor told Council that Lorraine Sevich, who is secretary of ZBA, PC and the Architectural Board of Review (ABR), has done a wonderful job. She works for three boards that operate three different ways and she has done an outstanding job for each one.

Mayor said he attended the Building Officials Conference of Northeast Ohio (BOCONEO) and saw the Village's Building Inspector in action. He complimented her and said he was impressed with the way she handled herself among her peers.

Mayor said there was a bill introduced in which municipalities would not be allowed to bill non-residents an income tax.

Mayor walked the park with Pete McDonald from the Western Reserve Land Conservancy (WRLC). They did find some very large weeds that will start impacting the hay quality if it is not addressed in some way that is acceptable to the Conservancy. McDonald also recommended that the Village stake the park border in the area where the additional land was purchased so the residents bordering that area are aware of the property line.

Mayor requested to have an Executive Session later this evening to discuss personnel evaluations.

**FISCAL OFFICER'S REPORT:** Fiscal Officer reminded Council there is a public hearing on September 11<sup>th</sup> at 7:00 p.m., just prior to the Council meeting, to discuss the proposed marijuana ordinance.

As a follow up to a question at the last Council meeting, Fiscal Officer informed Mayor and Council that the Village can set up a phone extension with information on the "Krappe" property sale and the process for bidding.

Fiscal Officer said there was a bill on the Bills List for \$1,325 for cleanup of the Police Department basement after the flooding. This was not budgeted for but was an emergency. At the end of the year, if there is not enough in the budget to cover this expense, she will look to amend the budget at that time.

Carroll made a motion to accept a \$50 donation from John & Cynthia Wyszynski for wedding services performed, seconded by Nairn. Voice vote, all in favor. Motion carried.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor distributed two reports, June and July. He reported he balanced with the Fiscal Officer to the penny on all funds for both months.

In June the Village received the second installment of cable franchise fees, income from cemetery lots and a burial, and scrap metal and tire grants. There should be one more month of increasing balances for property tax distributions and then balances will decrease the remainder of the year.

In July, the interest rate for the Star Plus account increased slightly. The Village received a refund from the Ohio Bureau of Workers Compensation for the Billion Dollar Back premium refund program. The overall cash balance is the highest it is going to be for the year.

With the passing of the former tenant at the rental house, Nairn asked whether the rental income would continue. The Mayor replied that the deceased tenant's wife is still living in the house with her son. Fiscal Officer stated that the son came in to pay the rent and said they want to continue living there. The lease is expired and they are currently living there on a month-to-month basis.

**ENGINEER'S REPORT:** Engineer reported that the invoice the Village received from the Ohio Department of Transportation (ODOT) for the Bell Road west project was from the central office that was not aware the Village was appealing the invoice. Engineer was told by ODOT's District 12 office to disregard that invoice and ODOT will be in contact. On Friday, Myron from ODOT called the Engineer and said he would like to set up another meeting with the Village to discuss the invoice; no date has been set at this time.

The road program will be doing a proof roll on the morning of Tuesday, August 15<sup>th</sup> at 9 a.m. They will mark out repair areas immediately thereafter and will remain onsite until the project is done.

**BUILDING INSPECTOR'S REPORT:** Building Inspector said a permit fee of over \$4,000 for a very large house will be pulled soon.

Building Inspector has been working with the Police Chief on the case of the contractor who did work on Chillicothe Road. Charges were pressed and there was a warrant for his arrest. He did go to court for his charges and contacted the Building Department to pay his fees. He is scheduled to meet with the Building Inspector on Wednesday to address the issues.

**POLICE CHIEF'S REPORT:** Chief reported that the Police Department open house is scheduled for September 9<sup>th</sup> from 10 a.m. to 2 p.m. The new Valley Enforcement Group drone will be onsite to do demonstrations.

Police Chief reported that the new speed box came in and was put into service.

Police Chief reported that the waterline broke last week and flooded the basement of the Police Department. During the course of the drainage, there was a mishap with the hoses and the first floor got flooded as well. The basement has been drained and the carpets on the first floor have been cleaned.

**STREET COMMISSIONER'S REPORT:** Street Commissioner made a correction to his monthly report submitted to Council. On page 3 regarding the new signs for the bike lane it should be 36-42 inches wide.

Street Commissioner reported that Signal Service has been out and reprogrammed the school zone flashers for school which starts next week.

Chagrin Falls would like to continue to purchase salt from the Village for the 2017-2018 season. Kostura made a motion to allow Chagrin Falls Schools to purchase salt from the Village for \$27.11/ton, seconded by Canton. Voice vote, all in favor. Motion carried.

Street Commissioner said his department has been doing Bell Road west right-of-way (ROW) repairs as well as working with Dominion East Ohio Gas on the Bell Road east ROW issues to get those repaired as well.

Street Commissioner has been in contact with Lake Louise to lower the lake so the department employees can make the repairs to the bridge.

**SOLICITOR'S REPORT:** Solicitor attended a meeting regarding monopolies. There has been a lot of lobbying to have the State take control of these utilities. There was a bill that was thrown out that would have prohibited municipalities from restricting the construction of these structures. Solicitor said the case was tossed out on a technicality so the issue will be coming back for consideration.

There was brief discussion about how electronics, appliances, etc. communicate and how there will be a need for antennas for these devices in the future. Dishong explained that there are currently 100 million devices that need to communicate with one another and that is expected to grow to 50 billion by 2020. He understands the need for devices to communicate, but he doesn't understand why these huge monopolies are needed; there are other options.

**COMMITTEE REPORTS:** Porter had no report.

Nairn reported the Building Committee met and discussed the Chagrin Heights issues that came up recently. 1) Driveways – the Village cannot force a resident to put down a hard surface driveway. All new houses in the Village must have a hard surface apron. The committee would look to change that and require all new construction to have a hard surface driveway. Commercial driveways aren't required to have a hard surface apron; however, they would look to change that requiring commercial enterprises to have hard surface driveways and aprons. 2) Vehicles – there are already guidelines for vehicles on the books. Section 10 on pages 32 and 33 addresses 13-14 different areas with recreational vehicle restrictions. The committee discussed adding the phrase “trailers, boats and all other forms of water transport.” 3) Nuisance situation – there are currently things that are required to be kept up such as painting, height of grass, etc. Now that the Building Inspector has help in her office, she will be able to go out and look for issues and investigate complaints. 4) Occupancy – the committee has not been able to come up with a resolution of how to enforce occupancy and how to get something on the books. Nairn said in reviewing the code, the Village already does have specifics on many things that must be kept up and she felt that is a good thing.

Porter said he will send the draft language of the changes to the solicitor for review. The changes regarding the driveway surface would be from the point it is passed going forward. It wouldn't affect the grandfathered properties in the Village, but at least it would require the hard surface going forward. In terms of occupancy, Porter questioned whether it is possible to limit the number of people per residence to two people per bedroom for example. Solicitor and Porter will research this issue and look to address it at the next Council meeting.

Nairn reported that the Building Committee will be meeting August 18<sup>th</sup> at 10 a.m.

Canton said the Parks Committee will be meeting at the pavilion at 6:45 p.m. on August 16<sup>th</sup>. They are over budget for the Fall Festival so they have some decisions to make. The new Fall Festival banner has been purchased.

Carroll informed Council that the Safety Committee would look to swear in Officer Cardaman as a part-time officer at the September 25<sup>th</sup> Council meeting.

The Safety Committee will review the noise/disturbing the peace ordinance and will look to have a recommendation to Council at the September 25<sup>th</sup> meeting.

Carroll said the Chief has an inventory list of old equipment his department would like to get rid of and he believes the Village may have to pass some legislation in order to do that. The Police Department would also like to donate some equipment to another municipality that may be in need. Carroll asked the other departments to review their inventory to see if there is anything that needs to be disposed of and the legislation can be put together to include everything. Solicitor will work on drafting the legislation for the sale of equipment as well as research what is needed if the Village would like to donate some equipment.

Carroll said the Chief would like to install the old camera system from the Police Department at the intersection. It won't cost the Village anything since it is old equipment, but it would help with accident investigations, etc. It wouldn't be a live feed, but activity would be recorded and if there was an issue, they can pull the recording and review it.

The Police Department will be looking to replace two cruisers in 2018 instead of one. This will be discussed further in the budget work sessions.

Carroll reported the Safety Committee will be meeting on August 15<sup>th</sup> at 8 a.m. with John O'Donnell and his resource for possible help with the Emergency Operations Plan.

Kostura reported the Finance Committee will be meeting on August 18<sup>th</sup> at 7:30 a.m.

The Tax Budget hearing with the County is scheduled for next week.

Kostura stated the Service Department employees put a constrictor on the pond at the Federated Family Life Center to help slow the water coming into the Village.

#### **ORDINANCES/RESOLUTIONS:**

Kostura gave third reading on an ordinance authorizing, approving and adopting accounting procedures and internal controls of the Village of South Russell, Ohio, and declaring an emergency. Kostura made a motion to adopt, seconded by Nairn. Roll call, ayes – all. Motion carried. **Ordinance 2017-24.**

Dishong made a motion to table the ordinance adopting the Employee Handbook for the Village of South Russell, seconded by Nairn. Voice vote – all in favor. Motion carried. **Tabled**

Kostura gave second reading on an ordinance amending Sections 2.01, 4.01, 5.01, 6.01 and 7.01 of the zoning code in order to prohibit medical marijuana cultivators, processors or retain dispensaries in the Village of South Russell in accordance with ORC 3796.29.

Kostura introduced an ordinance amending the Cemetery Fund decreasing expenses \$4,000 and increasing the Operating Fund expenses \$4,000 and declaring an emergency. Kostura made a motion to waive further readings, seconded by Nairn. Roll call, ayes – all. Motion carried. Kostura made a motion to adopt, seconded by Carroll. Roll call, ayes – all. Motion carried. **Ordinance 2017-25.**

**BILLS LIST:** Porter made a motion to ratify the 7/14/17 Bills List in the amount of \$483.83, the 7/30/17 Bills List in the amount of \$14,892.07 and approve the 8/14/17 Bills list in the amount of \$45,090.38 seconded by Dishong. Voice vote, ayes – all. Motion carried.

**NEW/OTHER:** Nairn, Porter, Canton, Carroll and Dishong had no new business. Kostura said the 5-year budget is going to be discussed in September and he requested the department wish lists for expected expenses be submitted within the week.

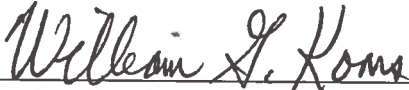
Mayor said he would like to appoint Ryan Parsons to the ABR to replace Paul Deutsch. Parsons is a resident of Solon but was recommended by several people. Solicitor said he believes there was a case where it came out that you needed to have residents of the community serve on the ABR. That wasn't the case for a long time, and he is not up to date on the issue, but he would like to look into it. Since there was an ABR meeting scheduled for August 11<sup>th</sup>, Council agreed to appoint Mr. Parsons and the Solicitor will do the research. If there is an issue, the Solicitor will let the Village know. Porter confirmed Mayor's appointment of Ryan Parsons to the ABR for the Village, seconded by Nairn. Voice vote, all in favor. Motion carried.

Dishong made a motion to go into Executive Session for personnel evaluations and sale of property with the Fiscal Officer to attend the sale of property portion, seconded by Kostura. Roll call, ayes – all. Motion carried.

Council reconvened at 9:30 p.m.

Canton made a motion to authorize the Mayor to enter into a contract with Howard Hanna for selling the "Krappe" property on Bell Road, seconded by Dishong. Voice vote, all in favor. Motion carried.

**ADJOURNMENT:** Being that there was no further business before Council, at 9:31 p.m. Nairn moved to adjourn, seconded by Canton. Voice vote – all in favor. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer