

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JUNE 11, 2018 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Ralph Richard, Chillicothe Road; Mark Zack, Heather Grice & Kirt Kirtland, The Lantern; Leslie and Jim Leffler, Winward Lane; Ray Schloss, Mapleridge; Jeff Ferguson, West Belmeadow Lane; Paul Kiplinger, Mapleridge; Susan Prior, Mapleridge; Michael Stallano, Mapleridge; Hanne Wilson, Girl Scout

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Galicki said the roll call of the last meeting reflected Mike Carroll as being present at roll call, however, Carroll had not joined the Council meeting until late in the meeting and was not present for the vote. He asked that an administrative change be made with the time he arrived. There were no other corrections or errors. Galicki said as a point of order, he would like to offer that in the future that a motion is offered to the floor of Council rather than being directive in nature. Given that, Galicki made a motion to accept the meeting minutes of May 14, 2018 as amended, seconded by Carroll. Voice vote – ayes, all. Motion carried. Mayor said the reason he has always picked on Galicki to adopt the minutes was to get him involved. Galicki said he appreciated that, but the fact of the matter is there is no lack of involvement of Council. Galicki thanked the Mayor but said for proper administrative proceedings with respect to Council and the rules of order, motions should be solicited versus being directive in nature.

Mayor had a comment about the minutes of the last meeting. He said that meeting started out great; there was a new format, a resident gave the Village a flag, a Boy Scout updated Council on his beehive project, and the pilates instructor addressed Council, but then the meeting fell apart. He gave the Fiscal Officer credit on the minutes and said she made the meeting sound pretty good. He apologized to Kostura for having him make a motion with six different parts, and said some of those issues should have been addressed by Canton.

VISITORS: Hanne Wilson addressed Council and informed them she is a senior Girl Scout working towards achieving her Gold Award. The Gold Award is to find a need in the community and fill it. Her idea is to create a site plan for the park. She would like to create a map and house it in the kiosks on both the Bell Road and East Washington sides of the park so that when people go to the park, they know which trails to take, the length of their walk, etc. She

explained one of the qualifications she would need to meet for the Gold Award is that the project has to be sustainable. She knows the fields get hayed on or about August 1st every year, so after talking with the Street Commissioner, she would like to create the trail markers using PVC pipe and put them in the ground and then put the signs in the pipe and fill it with sand. Then when the signs have to come down for haying they can easily be taken out and reinstalled. There would be a number system as to which sign goes where. She said it would be confusing to mark every single trail, but she would like to mark the ones that make sense based on length, popularity, etc. She said Girl Scouts are not allowed to accept donations for the project but can only accept time and materials. In order to raise money, she would like to create rubber wrist bands that say "South Russell Village Park Project 2018" and anyone that wants to contribute can buy them and raise money for the supplies to mark the trails. She would like to install the markers after the fields are hayed in August and then unveil the project at the Fall Festival.

Canton made a motion to accept Hanne Wilson's Girl Scout project, seconded by Nairn. Voice vote – ayes, all Motion carried.

Jeff Ferguson addressed Mayor and Council about the possibility of investigating an engine brake ordinance for the Village. He hears engine brakes on Chillicothe Road at all times of the day and believes it is a potential safety issue. Solicitor will get some sample legislation together for Council to review.

Kurt Kirtland from The Lantern of Chagrin Valley addressed Council saying they would like some help on signage issues. The property has been open for a couple years and is known primarily as a memory care facility, yet most of their business is assisted living. They are doing a lot of marketing through social media, newspapers, flyers, etc., however, they have frontage on Chillicothe Road which could be helpful in advertising. A number of other communities allow temporary signage and that is very helpful to those businesses. They would like to put up signs from time to time for various things such as notifying people they are an assisted living facility, when they are hiring, when they have an open house, letting people know they are deficiency free, etc. He wanted to know if the Village could give them permission to do that.

Building Inspector said they are allowed to put up temporary signs for seven days at a time, so she has no issue with that. However, there is a provision that prevents any kind of banner type of sign throughout the Village. Anything that can be construed as a banner, (is on a string, or flaps in the wind, the triangular shaped flags, etc.), is not permitted anywhere in the Village. Building Inspector said the signs have to be solid and have some kind of solid backing. She gave the example of a sandwich board and said that is permissible. Mayor said he and the Building Inspector will meet with Mr. Kirtland to talk about what can be done.

Ralph Richard asked for an update on the water situation. He said his driveway is disappearing very fast; erosion is eating it on both sides. Mayor said there are three different ideas to address the water issues: 1) Put a new culvert under Chillicothe Road so water from the east side can get to the west side, 2) Spend \$750,000 putting in a retention pond behind the houses on Chillicothe,

3) Spend \$1,000,000 to put in an even larger retention pond. The Mayor said the Village has also looked at the cost of purchasing a home on Chillicothe Road and putting in a retention pond or bio-swale on the site to catch water.

Mike Stellano addressed the elected officials and said he is looking for an update on how the Village can enforce the zoning codes; specifically, he was referring to the mobile home on Mapleridge. He said the Village's zoning code regarding mobile homes indicates they are not allowed. In residential districts vehicles can't be parked within 10 feet of the property line. There is also a section in the code about glare.

Mayor said the Village sent out letters in January to five people who were violating the code. He said four people complied within a couple of weeks, one did not. That person called and asked if they could have until Memorial Day to move the Recreational Vehicle (RV) and the Village said "yes". Mayor said on Tuesday after Memorial Day he delivered a letter to the resident saying the RV was still there. On Monday, June 4th, the Mayor had a 26-minute conversation with the resident about the RV. Mayor said the Village will be sending out the compliance letter one more time with a deadline of Friday, July 6th to have the RV moved. If it isn't moved by then, Council meets on Monday, July 9th and they will have to decide if the Village will go through the court system to handle the situation. Mayor said the Village may be on thin ice as to whether or not the RV is grandfathered, so that is something Council will have to consider once they have all the facts.

Carroll asked if this would be a general letter or a violation letter. Mayor replied it would be a violation letter. Building Inspector said this would be the second violation letter. She said the Village gave them the first letter in January and then gave them until Memorial Day to comply. Now the Village will send another letter. Stellano asked if these were official letters that would carry legal significance. Building Inspector said this would be a violation letter. Stellano said he had done research and does not believe this is a grandfathered RV. Mayor said he will agree to disagree with Stellano on whether the RV is grandfathered. He said this is what the Village has decided. It may change on July 9th, but that is where the Village stands now.

Carroll asked what the next step will be if the resident doesn't comply with the letter. Mayor responded that the Village will decide on July 9th whether they want to go to court. Galicki said he doesn't believe that should be a Council decision. The Village has a zoning ordinance which is being abrogated. He said it would seem after the citation that it should be sent to municipal court if there is no response from the resident. Galicki said the Mayor, being the chief executive of the Village, has the duty to enforce the laws and doesn't believe that there is any necessary requirement to bring the issue forward to Council. Galicki said he offers that for consideration as this issue is addressed in the future. He went on to say that in most of the issues with grandfathering, there usually is a grandfather clause specifically stated in the ordinance. Lacking that, the interpretation that it might be grandfathered may have no basis.

Kostura said his understanding is that issues that are grandfathered are based upon when the passage of the new law went into effect. He asked Solicitor to walk Council through how grandfathering works. Solicitor explained that typically if someone has a use of their property, and something is legally okay under zoning and then zoning changes to make it illegal, there is a statute in the ordinances entitled "prior non-conforming uses". Prior uses that are non-conforming with zoning are permitted to continue. There is a line of court cases that have specifically looked at enforcement of new zoning regulations as to RVs, mobile homes, trailers and things of that nature as courts have said if they are prior non-conforming uses, then they can continue even after the zoning has changed. If the Village were to take the property owner to court, and that argument is raised, it is going to be a legal dispute that will present a significant challenge to the Village.

Kostura asked when the Village's regulation went into effect that affected the location of the RV. Solicitor replied five to six years ago. Mayor stated the owner said he has had a vehicle there for 40 years. Schloss said it sounds like it is going to be a difficult case and asked who makes the final decision on what happens. Solicitor replied that if the Village cites the owner, it will go in front of the municipal court who will decide based on what evidence is presented. Schloss said it sounds like the residents are wasting their time and it is very upsetting to know that this body can't enforce rules. Mayor said his thought is the Village will write up a letter with a deadline of July 6th. There is a Council meeting on July 9th where a decision on what to do will be made. Schloss said this property is an eyesore and asked if it is fair to ask all the neighbors to put up with this. He said Stellano has worked his butt off maintaining his property and he isn't getting cooperation from anybody. He said the prior owners were run out of their house because of the RV sitting there for 30+ years. He thinks the Village needs to take a good look at what they do here, otherwise it is just too much for anybody.

Nairn said she has a concern about damage that is being done to Mr. Stellano's home from glare bouncing off the huge RV. The glare obviously has happened in the past or it wouldn't be in the ordinances to begin with. She said as a resident of the Village, she would be beside herself if her home were being damaged by something that, according to what is written in black and white, shouldn't be going on to begin with. She asked if it is fair to Mr. Stellano that his siding is being damaged by the RV. Solicitor said Stellano has a private right to file a nuisance complaint against his neighbor. Nairn said, "but he has to live next door to this person". Solicitor said he has his own private remedy that he can pursue; that's the reality of it. What he is asking is that the Village take the steps for him.

Carroll said it seems like it should just go through the process. Cite it and it goes through the process. If it goes to court and the Village loses, then unfortunately it loses - it is what it is. Galicki said that provides the avenue then for the citizen to pursue a nuisance complaint. He said he feels the Village's due diligence is to cite the owner for the RV and take it to court. The Village has existing ordinances which are clearly being violated, but it appears like the Village is not willing to take that action for whatever reason. Carroll said he feels the Village needs to let the system work; cite him and move on. He doesn't see any merit in meeting to discuss it.

Canton said he had a personal situation when he was living in Warren where a neighbor had his flatbed truck parked in his driveway next door to him. He had to be the bad guy and he contacted the zoning commissioner who came out and told his neighbor he had to move the truck. Canton said he agreed with Carroll; let the process work.

Kostura asked Building Inspector about the original notice sent out in January and what it said. Building Inspector replied that it was a violation notice. Kostura asked if the new violation notice is going to be any different than the original one. Building Inspector replied that the new violation notice will be stronger and will cite sections of the code and handle it that way. Kostura asked what penalties were in place in the original notice and asked if they will they differ from the new notice the Village will be looking to send out. He wanted to know if it will have more teeth than the old notice. He said he sends notices to individuals for violations throughout the state for villages and cities. If someone received a notice, it doesn't have to be sent again unless they need to beef up what is going to be charged. He asked if the Village will be charging anything more than what it would have charged in January. Solicitor said the letter hasn't been drafted yet and the Village will be talking to the police prosecutor. The glare issue probably wasn't cited in January so that will be brought into the mix as well. Solicitor said it won't be significantly different, but it will be reinforcement with a new deadline.

Kostura said the new deadline is what concerns him. The owner was already notified he is in violation and he hasn't abided by the initial request. Kostura wanted to know what more the Village is getting out of the next notice. If the Village is adding more teeth to it, he understands because that may be a better leg to stand on if they want to go to court, but if the Village is doing it just to be nice, he doesn't see the purpose of that. Porter said adding the glare makes it stronger, so that alone added to the new notice will be better. Something else to bear in mind is if the Village does take the resident to court, the Village is going to pay the Solicitor to do that. Solicitor said the Village would be paying the police prosecutor. However, depending on what kind of defense they put up, Solicitor said he could be involved.

Resident Ralph Richard asked if the Village has laws, why does it continue to go six months, nine months, twelve months; if there is a law and it is violated, it is violated. It seems like the Village sits back and waits to see. Mayor said in this case the Village went after the five residents with RVs that weren't in compliance and gave this resident until Memorial Day. Now the Village will give him one more month to get it off the property.

Police Chief said last year when this issue came to a head, that vehicle was in violation of the junk motor vehicle ordinance because it had expired registration since 2011. He sent the letter based on code 660.17 which is the junk motor vehicle ordinance. Within the ten-day period, he received a notice back that the owner had replaced the registration and got new plates and they were valid again. Chief said now that he thinks about this case, he believes the Village is negotiating with the wrong person; Mr. Ziegler is not the owner of the mobile home, Mr. Ziegler is not the owner of the residence – Mrs. Ziegler is the person the Village should be addressing.

Nairn asked if the RV were at a residence on Whitetail Drive would it still be there – probably not. If it were at a house on Westover in Kensington in January, would it still be there; she didn't think so. Porter said it wouldn't be because they have a homeowners' association that says they cannot have an RV in the driveway or on the property which gives all kinds of teeth to the homeowners' association to have it removed; he believes the same is true with Whitetail.

Galicki said there are ordinances within the Village that give sufficient teeth to the violations that we have. He said it appears that the Village is choosing not to enforce the ordinances that have been established by previous Council. He said he believes the Village has an obligation to the citizens to enforce the ordinances and laws that are on the books. People move to South Russell because it is a community that is nice to live in. Should the Village pick and choose which ordinances it decides to enforce and not enforce, it is going to destroy the fabric of South Russell as a nice place to live and work. Galicki said the Village has an obligation to the citizens to enforce the laws as written on the books. When talking about giving the owner another week, the Village has given 30-40 years to this problem and the citizen that is in violation appears to know how to game the system.

Jim Leffler, the original owner of the house next to the home with the RV, said over the years the property deteriorated and that is the reason he moved because he couldn't deal with it anymore. He said he believes the Village needs to pick a standpoint and go from there. Mayor said the limit will come July 9th.

Canton asked Solicitor if the problem the Village is facing is with the concept of grandfathering. He said if he is doing something and it was legal, then down the road it became illegal, is it automatically grandfathered. Solicitor explained in the zoning context, not everything is grandfathered, but with zoning, the use of your property, where things are located, size, the nature of what you are and are not permitted to do, you are grandfathered. Solicitor said there is a provision in the zoning code entitled, "prior non-conforming uses"; that is the legal name for grandfathering. He is just using the term "grandfathering" as a short term to try to get people to understand that when you have something that was permitted and the zoning changes and says it is not permitted anymore, you get to continue it, but you cannot increase it or do certain other things to it. Canton asked what happens when something you are doing as a homeowner is causing damage to someone else's property. Solicitor replied that is typically a private issue between adjacent property owners, it isn't normally an issue of enforcement of zoning. Stellano said he is trying to be a good neighbor and has no problem addressing everything else neighbor-to-neighbor, he is only asking for help with getting the RV moved.

MAYOR'S REPORT: Mayor said he likes to send his Mayor's report prior to the second meeting of the month but did distribute a report on his feelings about the proposed park ordinance.

FISCAL OFFICER'S REPORT: Fiscal Officer stated that the Village did receive the Northeast Ohio Public Energy Council (NOPEC) grant for \$1,500 which will help offset the cost of the Fall Festival.

The Village received a donation for the new park playground. Carroll made a motion to accept the donation from Priscilla Hoag for \$300 to go towards the new park playground, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Fiscal Officer reported that she received a request from a resident who wants to use the park pavilion on July 8th for a graduation party. He is anticipating over 100 people and would like to set up a tent. He is also requesting permission to have alcohol as well, if the Village would approve that. Mayor said he recommends that department heads discuss this issue and come up with some stipulations for this particular event, and then say permission is granted based on these factors. One of the factors would be the number of attendees and Chief recommended having one officer on site when alcohol is served. Mayor thought perhaps one service worker should also be on site to assist with parking. He said this would all be part of the fee to use the park and the renter would pay the police officer. Mayor said he will sit down with the department heads and the requester and work the details out. Carroll said for the tent, he needs to have approval from the fire marshal. He said it is a simple process, but he needs to get a permit. There was discussion regarding parking options, permission to park under the power lines, and use of the park without the Village's knowledge. Mayor will follow up with the resident and review what is needed.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his monthly report as of May 31, 2018 and balances with the Fiscal Officer on all funds. In the checking account there is a balance of approximately \$1.2 million, and the Star Plus account has a balance of approximately \$1.5 million. The interest rate is now 1.9% for Star Plus.

Fund balances increased by \$30,000 in May and it was a big month for income tax collection. He knows there was concern about income tax revenues at the end of April, but that was made up quite a bit in May. He doesn't think it is time to be overly concerned about income tax revenues as he feels it is probably a timing issue with collection.

The Village received the quarterly credit from Chagrin Falls Fire Department for ambulance fees.

FINANCE COMMITTEE'S REPORT: Porter made a motion to accept the May fund balances as set forth by the Fiscal Auditor in his May 31, 2018 report, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Porter set July 9, 2018 at 7:25 p.m. for the 2019 Tax Budget Hearing and that will be advertised.

SOLICITOR'S REPORT: Solicitor Ondrey said nothing has come forward regarding potential new legislation for the monopolies. He hopes to have legislation for Council's review at the July meeting.

ENGINEER'S REPORT: Engineer informed Council that the Mayor asked him to submit an Ohio Public Works Commission (OPWC) grant request pre-application to the Geauga County Engineer's office. It was felt it was most pertinent to go after some grant funding for the replacement of the Louise Drive bridge. Replacement of that bridge will cost approximately \$246,000 in total and he put a grant request together asking for a 50% grant; \$123,000. The Village should know if they are awarded the grant in late May or early June 2019. Engineer feels it is a good grant application and he feels the Village has a good shot of receiving it. Porter asked if the Village wanted to apply for a grant for drainage issues, would this grant application count against the Village; Engineer replied it would not. Engineer said the bridge had a 5-year life expectancy when it was evaluated last year. The structural report recommended shoring up the bridge, which the Streets Department employees did do. That has extended the useful life of the bridge.

Regarding the 2018 Road Program, Engineer said there was a base bid component of Cascades Drive, Green Valley, Morningside, Annandale, Wolfpen, the Police Department parking lot, the Alderwood/Manorbrook intersection repair, and an alternate of paving Louise Drive. The Village received two bids and this year Burton Scot's low bid edged out the bid from Specialized Construction. The Engineer's probable cost for the base bid portion of the road program was \$350,000 and Burton Scot came in at \$312,830. He said it may be prudent to hold off on Louise Drive until the Village knows about the bridge grant. It would be better to replace the bridge on Louise Drive and then do the new pavement rather than having the heavy equipment going on a the new pavement for the bridge replacement and possibly doing damage to the road. Engineer said Burton Scot is a good contractor and he has never had a problem with them.

Engineer reviewed the storm water report distributed to the elected officials. He said replacement of the 12"-15" culvert that runs under Chillicothe Road just south of the big elliptical culvert needs to be done regardless whether the Village chooses to do additional components for storm water management. He said there are two watersheds that drain through those culverts; 119 acres drains through the big elliptical and 29 acres drains through the 12"-15" culvert. To size it appropriately for a 29-acre watershed would require a culvert in the vicinity of 36" at a replacement cost of \$110,000. He said replacing the small culvert with a 36" culvert reduces the upstream back water elevation for a 25-year storm by over 1 foot. With the small culvert, the 29 acres tries to run to the 12"-15" culvert. The undersized culvert lets water go through as quickly as it can but then it starts piling up in the ditch and flowing north to try go through the big culvert. Therefore, water backs up in the whole area during any substantial rain event. The big culvert takes a lot longer to get overwhelmed and back watered. Increasing the size of the small culvert will only increase the capacity of the bigger culvert to perform during a significant rain event.

Kostura asked what the downstream consequences are of increasing the culvert size. Engineer said the study showed everything is cleared for that. They looked at every single culvert and stream up to and including the Sugarbush pond and everything clears for the larger culvert. He said it seems that every culvert downstream of that was sized appropriately for the watershed to drain into it; that small 15" culvert was not, so it is a restriction. Every culvert downstream is sized as if that 15" culvert were a 36" culvert. Engineer said he doesn't know if the Sugarbush residents will notice anything. They might notice an increased quicker flow sooner; maybe about 15-20 minutes sooner. The total flow will remain the same because it isn't increasing the drainage area that is draining through the pond. Engineer said that gets into the subsequent recommendations in the report. If the Village wants to buffer that flow for a 50-year storm event, the Village needs a pond of 13- acre feet at approximately \$750,000 or try to buffer up for a 100-year storm, it will need 17 ½- acre feet at an estimated cost of \$1,000,000. Engineer said the Village will just need to notify the Ohio Department of Transportation (ODOT) that they are going to do the culvert project.

Nairn asked about a 36" culvert pipe and how that would effect Whitetail. Engineer said the amount of water that runs through there would be the same regardless. Rather than water piling up in the small culvert and waiting for it to reach the big culvert to go through, it will just go through sooner faster. He said the total flow, water velocity, volume, etc. will be the same. It will just ramp up sooner rather than later. Engineer said over the years Whitetail has built a landscape mound with landscape and they enclosed that culvert. The Village will have to talk to them about getting that fixed at an additional cost. It will have to be fixed by either constructing an open channel through there to let the water flow through or upsize the ditch enclosure that they have done. Engineer said he would advocate for an open channel, a nice-looking swale, rather than pipe because it will be less things to worry about. Pipe would slow the water down and an open channel is not prone to clogging, collapse, separated joints, or anything else 20-30 years down the road. The Village will have to work this out with the Whitetail Homeowners' Association (HOA) because it is out of the right-of-way (ROW). Engineer said the Village has a fund which contains money that can only be spent on Chillicothe Road. Fiscal Officer stated there is \$127,000 in that fund.

Carroll said to do the 36" culvert replacement, the Village needs to talk to the Whitetail HOA. Kostura asked what the timeline would be and asked if it can it be done this year or if it would have to wait until next year. Engineer said the Village can do this in the fall. Mayor said the next step would be to talk to the people on the west side of Chillicothe Road. Engineer said they gave rough numbers, they did not do a detailed analysis. Porter made a motion to authorize the Village Engineer to come up with a proposal to alleviate flooding along Chillicothe Road, north of the Bell Road intersection, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Engineer explained that this culvert just eliminates a small bottleneck and improves the overall ability to pass water beneath Chillicothe Road. He said the Mayor asked him to look into property by Manorbrook on the west side. It won't accommodate a 13-acre foot pond or even close to a 17 ½-acre foot pond, but it may be something and something is better than nothing.

Engineer said the red ranch has the lowest finished floor elevation. If looking at losses due to a flood occurrence, the red ranch is the lowest. Richard asked if the Village will be able to help him with some of the erosion to his driveway due to the water backup. Mayor said he doubts the Village will help with the erosion. Normally for people who put in a new culvert, the Village digs it and the owner buys the new pipe. What he has lost, is gone. Engineer said almost all of what is flowing west out of West Belmeadow goes through the big culvert, not the small one. Carroll said even if the Village replaces this culvert with the larger one, it can't take its eye off the ball with the water issues in the Village.

STREET COMMISSIONER'S REPORT: Street Commissioner said old flags were taken to the Chagrin Falls flag retirement ceremony.

Kostura asked about the staining schedule for the park pavilion. Street Commissioner replied that his department will pressure wash everything and then stain at least the west side of the pavilion this year.

STREET COMMITTEE'S REPORT: Canton said the Street Committee recommends that the Village accept the bid on the 1992 International truck to the only bidder at \$9,600. Canton made a motion to accept the \$9,600 bid, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Canton said the next Street Committee meeting is Friday, June 29th at 7:30 a.m. in the service building.

BUILDING INSPECTOR'S REPORT: Building Inspector said no sooner did the Village contract with Auburn Heating then the service building air conditioner failed. The contractor responded quickly.

Two items for variances are coming up this month. One is for a shed on Woodside for a side-yard setback. The other one is for a deck on Louise Drive which had originally been built without a permit and now since it doesn't comply with zoning, they are going to have to apply for a variance.

BUILDING COMMITTEE'S REPORT: Carroll asked how much longer Dave Hocevar is going to continue doing inspections for the Village. Building Inspector said she spoke to Hocevar and he is okay with contracting for another year with the same terms and same price. Carroll asked if the Building Inspector has the same certifications as Dave Hocevar. Building Inspector said she does not have the electrical certification. She has to take classes and there is a lot of studying to get through; it is a very difficult process. She said if she were to guess, it will take a couple of years and that would be the earliest. Galicki asked what services besides electrical Hocevar is providing for the Village and what is the need to keep him under contract. He said lacking Hocevar under contract – is the service he provides something that the County could provide. Building Inspector replied that the County does not want to do electrical inspections for the Village; they don't have the manpower. She said the Village could hire

another electrical inspector but Hocevar is one of the best. He knows the residents, he knows the streets and everything about the Village. She would not recommend going to anybody else. Galicki said he is wondering if a retainer is the right way to go instead of as needed by event. Carroll clarified with Building Inspector that she can't do any electrical inspections, residential nor commercial. Porter said Hocevar fills in for the Building Inspector when she is on vacation, or if she is not available at a particular time, he is available to assist the residents. He said Hocevar fills in as needed in addition to being the commercial/residential electrical inspector for the Village. Kostura made a motion to allow the Fiscal Officer and Mayor to enter into a contract with Inspection Solutions for the 2018-2019 contract period with the same terms as the previous contract, seconded by Porter. Voice vote – ayes, all. Motion carried.

POLICE CHIEF'S REPORT: Police Chief said the Cops and Kids Fishing event had a good turnout of approximately 190 people in spite of the rain.

SAFETY COMMITTEE'S REPORT: Nairn reported that part-time officer Michael Roberts has resigned due to his added responsibilities in his full-time position in Orange Village. She also reminded members that Sergeant Malone resigned the beginning of 2018. The Police Chief and Safety Committee are looking to have these positions filled by the fall.

Nairn said she was impressed with the Cops and Kids Fishing event and the positive interaction between the officers and the children.

Nairn said the Emergency Operations Plan (EOP) has been approved by Council. The Safety Committee feels the next stage is to identify and assess vulnerabilities and setup a tabletop exercise. The Safety Committee strongly feels at this phase of the process the Village needs to keep certain information and processes protected and confidential to employees only to reduce any unnecessary risk or exposure. The Chief will contact the residents that volunteered and helped and thank them for their great suggestions, input and support.

The next Safety Committee meeting Tuesday, July 3rd at 8 a.m. at the Police Department.

HUMAN RESOURCE COMMITTEE REPORT: Carroll reported that the HR Committee met with Drew Esposito from Clemans Nelson to review their proposal. The service they would provide would be for two very specific things. One would be to include job descriptions for each employee. Employees will be given a 15-page questionnaire to fill out and the department heads will review those and sign off on them. The Mayor and the HR Committee will review the department heads' questionnaires. Those get submitted to Clemans Nelson who will put together a draft job description. After the draft descriptions are done, Clemans Nelson will come out and meet with the department heads and review those drafts and make sure everything makes sense. Carroll said this will make things more defensible. If there is an issue with an employee not doing a job, there is a third party who specializes in this area and can make sure everything is complete and accurate.

Clemans Nelson will also be doing a salary survey to create a pay scale process. They will compare the Village employees' salaries to those of similar municipalities. By having a 3rd party standard, instead of the Village shooting from the hip on raises and where people should be, this would put more substance to it. Clemans Nelson has 150-160 clients in Ohio that they have done this type of work for. They will also provide an employee evaluation template which he thinks is very beneficial because the Village doesn't have a village-wide evaluation system tailored to specific jobs.

Carroll said the HR Committee is recommending the retainer option of the Clemans Nelson proposal because they then act as a consultant for issues, inquiries, etc. Carroll said for job descriptions, salary survey and the employee evaluations it is well worth the cost. Carroll said the employees are the most important thing in the Village. The salary survey would be very valuable. Clemans Nelson said they can get this done prior to the Village starting the 2019 budget and that would be very beneficial.

Canton said he thinks this is a long time coming. Galicki said the take away is fair compensation across the board. The process will try to get the Village in line with similar villages and neighboring municipalities. The Village will want to retain good employees and oftentimes when people jump jobs from one municipality to another, the reason is compensation. This is an attempt to make sure the Village is fair and can be defensible in explaining why compensations are what they are. Carroll said this is Clemans Nelson's wheelhouse, this is what they do and several communities in the area use them.

Kostura asked about the compensation review that costs approximately \$5,000 and said he appreciates the fact that it is good to have a baseline, but if the Village gets this done and it comes back and says the Village pays too much or too little, what is the end state as a Village. He asked if the Village will attempt to readjust this immediately or over time. Galicki replied that it depends what the survey says and then the Village has to elect how they want to handle it.

Mayor asked if this will handcuff the Village. He said now the Village has freedom to do whatever it wants and asked if this will stick the Village in the corner. Galicki said it provides more discipline in the process than is in the process currently. It is too arbitrary right now and he questions if it is defensible. Kostura asked what the Village would be gaining by using Clemans Nelson rather than the Village Solicitor. Carroll said this is Clemans Nelson specialty. Galicki said if there were an administrative hearing, they would handle that. They would be an HR specialist that advises the Village. Their whole business is advising municipalities.

Porter said the Village has job descriptions and asked what makes the new job descriptions different. Carroll explained this would update the job descriptions and make sure they are valid. The job descriptions would also include percentages of the amount of time specific areas of the job take of the whole. For example, to be a supervisor, at least 50% of the job has to be supervision in order to be exempt for taxes; this would be included in the job description. Porter said the Police Department has job evaluations. He asked what Clemans Nelson is going to do

for the Village that the Village can't do for itself. Galicki replied and said if the Village can do it for itself, why hasn't it been done. He said Council recently adopted the employee handbook, but it is not all inclusive. It took Council members a long time to put it together and they did the best they could, but they are not HR experts. They were a group of people who did the best job they could but he wondered if the end product is defensible. If someone were to challenge it in court, could the Village stand up to the scrutiny. He said in his experience, he questions whether the Village is defensible on any policy; discrimination, sexual harassment, improper behavior, etc. Galicki stated Clemans Nelson is an HR government professional specialty resource that can guide the Village. Porter said he is not opposed to an outside consultant coming in and taking a look at HR practices. He said the Cardaman matter was resolved favorably for the Village despite the HR policies, and there was a prior workers' compensation issue. Both of those were handled by Solicitor Ondrey.

Solicitor said he doesn't think the Village lost any cases and he respectfully disagreed with Galicki. Solicitor said the Village has policies in place that prohibit discrimination and the normal issues you would want to see in the employee handbook. Porter said the Village has hired consultants in the past who were less than helpful so he doesn't have unbounded faith in all consultants. Mayor said this information was distributed Thursday night and he thinks the committee is rushing. He said they need time to think about it and consider it. Carroll made a motion to allow the Mayor and Fiscal Officer to enter into an agreement with Clemans Nelson for evaluating and modifying position descriptions, compensation study and the retainer not to exceed \$10,750, seconded by Galicki. Voice vote – ayes, Galicki, Nairn, Kostura, Carroll and Canton. Nay - Porter. Motion carried.

PROPERTIES COMMITTEE REPORT:

On behalf of the Building Department Committee, Canton reported the Village Hall carpet repair is complete. The siding project for village hall and the service building is to be done during June or July. Repairs to the vent pipe in the woman's restroom in the service building is complete; the drywall still needs to be repaired.

PROPERTIES COMMITTEE: On behalf of the Properties Committee, Porter said he met with the members of the Cemetery Committee, Street Commissioner and Fiscal Officer to discuss things such as height of benches and proposals for benches. The Street Commissioner is going to get some costs which will be followed up with another meeting.

COMMITTEES:

Kostura reported that the Planning Commission will be meeting June 14th to discuss riparian rights. They received a 91-page report from the Chagrin River Watershed Partners (CRWP). They are discussing whether to go forward with an ordinance regarding riparian rights.

Mayor excused department heads, Engineer and Fiscal Auditor at 10:00 p.m. and called a ten-minute recess. Council reconvened at 10:10 p.m.

ORDINANCES/RESOLUTIONS:

Kostura gave second reading on an ordinance amending Section 264.09(a) of the codified ordinances of the Village of South Russell by increasing the compensation paid to each member of the ABR from \$20 per review of each application to \$30 and increasing the fee to be paid by each applicant from \$60 to \$90.

Porter introduced a resolution requesting an advance of taxes from the County Auditor and declaring an emergency. Porter made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Resolution 2018-23**

Porter introduced an ordinance requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency. Porter made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2018-24**

Porter introduced an ordinance de-certifying \$220,000 transfer of funds and declaring an emergency. Porter made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-25**

Porter introduced an ordinance transferring \$650,000 from the Income Tax Fund to the General Fund \$200,000, Safety Fund \$300,000 and Operating Fund \$150,000 and declaring an emergency. Porter made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-26**

Porter introduced an ordinance amending appropriations decreasing Street Fund expenses \$220,000, decreasing Income Tax Transfers \$220,000 and increasing Road Fund \$220,000 and declaring an emergency. Porter made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2018-27**

Canton introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Burton Scot Contractors to perform the 2018 Village Road Program in the amount of \$312,830 and declaring an emergency. Canton made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **Ordinance 2018-28**

Carroll introduced an ordinance establishing procedures governing the use of the Village Park for events as determined by Village Council.

Porter stated he didn't see anything in the ordinance that required the permit applicants to submit the application a certain number of days prior to the event. Carroll said if the Mayor approves or denies it with 3-5 business days and nobody responds to it, it is done. Kostura asked what happens if someone comes in today and wants to use it tomorrow. Solicitor said the way it is written, that would be denied because they didn't come in soon enough. He said Carroll wanted to amend some of the provisions he originally proposed and he is working on those changes. Council will have the full text of it within the next week so they have time to read it.

Solicitor said Carroll also asked him to insert a requirement for a user's agreement. If the request gets approved through the procedure, then the users agreement would be executed. Carroll explained how the process would work and that unless one of the triggers is set, (over 40 people, having alcohol, etc.), then the process would continue as it currently is handled. Carroll said he will attend the next Park Committee meeting to discuss this proposed legislation. Canton said the committee realizes they are an advisory committee.

Porter said initially he didn't think the Village needed to do this, but when people want to have a 100-person graduation event with alcohol, a concert, or a party with bouncy houses, etc., an agreement is a good thing. As the park gets more use, there are bigger uses of it and his concern is someone comes in and says they want to do a metal festival with 5,000 people and one police officer, that wouldn't be good. He said he thinks the Village is on the right track and 40 is a good number. The Village has to look forward because the park is getting more and more use.

Carroll said he doesn't want to have a burdensome process. Mayor said his thought was to give the task to the Building Department, they handle permits and money. The Building Inspector would bring it to the Monday morning department head meeting who will talk it over. To ask for 3-5 business days' notice, he thinks is too short of a period of time. Carroll explained that when the request is submitted, it then would go to Council. If two Council members don't agree with the Mayor's decision on whether the event can be held or not, then it is on hold until the next Council meeting where it can be discussed.

Mayor said the other thing the Village should be prepared for is someone can show up unannounced. Mayor said he would like this to go through three readings so some issues can be worked out. Carroll said Section 5 addresses what happens if a group gathers without a permit, the Police Chief has the authority to stop it. Kostura said it is a first-degree misdemeanor and said that is really harsh. Solicitor said he wasn't advocating any specific penalty but there should be some penalty. Kostura agreed that there needed to be some type of penalty that had some teeth, but felt a first-degree misdemeanor is really tough. Nairn said the Safety Committee discussed this issue and they thought there should be a police officer present for gatherings of over 75 people.

Mayor said there are still a lot of things to work out. Bainbridge is considering waiving

fees and maybe Council would decide to say this 100-person event will cost \$25 but the Boy Scouts only get charged \$1. He would like to wait to see what Bainbridge does. Galicki said there is no need to see what anybody does. South Russell is an individual municipality and Bainbridge is their own township. Their parks may be unique from South Russell's. He doesn't want to wait to see what other municipalities do because that may not be in the best interest of South Russell. Porter said the Village should charge everyone \$25, the Boy Scouts can afford it, and then there is no discrimination against anybody for anything. Everybody pays \$25, that's it. It doesn't matter if you are the Boy Scouts, Girl Scouts or the head bangers. Galicki agreed and said because then who determines who pays and who doesn't. Nairn agreed and said waiving fees would get messy.

BILLS LIST: Porter made a motion to ratify the 5/30/18 Bills List in the amount of \$43,583.86 and approve the 6/14/18 Bills List in the amount of \$32,853.48, seconded by Kostura. Voice vote, ayes – all. Motion carried.

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

Nairn made a motion to allow the Police Chief to advertise for the part-time vacancy in the Police Department, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Canton said the Fall Festival is September 23rd. Pony Ride Express will cost \$1,050; the face painters \$1,200, Bubble Wanda is \$350 for a total of \$2,600 which is a savings of \$375. The Fire Department has been notified and will be present. The Tiger Bounce is \$235, the 22-foot slide is \$600, the climbing wall is \$1,200, delivery and pickup \$200 for a total of \$2,235 which is a little less because they are only going with one bouncy house. Lolly the Trolley is \$875. The Grand Total is \$5,710. Life Flight will be contacted, as well as the vendors for caramel corn and popcorn.

Carroll made a motion to amend the Clemans Nelson amount – he looked at the cost incorrectly. The total amount will be \$13,350, seconded by Galicki. Voice vote – ayes, Galicki, Nairn, Kostura, Carroll and Canton. Nay – Porter. Motion carried.

At 10:35 p.m. Kostura made a motion to go into Executive Session to discuss employee discipline, possible sale of property, and threatened or pending litigation, seconded by Carroll. Roll call – ayes, all. Motion carried.

Council reconvened at 10:57 p.m.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer