

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 10, 2018 - 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Kostura, Naim, Porter

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Building Inspector Heilman, Police Chief Rizzo, Street Commissioner Johnson, Engineer Haibach

**OFFICIALS ABSENT:** Solicitor Ondrey

**VISITORS:** Paul Gordos, Eagle Scout

Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Kostura made a motion to approve the meeting minutes of the August 13, 2018 Council meeting, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Eagle Scout Paul Gordos said he talked to Canton about a project to create a recreational area for the Village staff to include some landscape and a picnic table around the Village Hall. Canton understands Gordos is on a time schedule and will get in contact with him in the next couple days. Gordos will have plans to present to Council at the next Council meeting.

**MAYOR'S REPORT:** Mayor said he and the Fiscal Officer attended the Tax Budget Hearing at the County last month. There were no issues and the budget was unanimously approved.

Mayor referred to a Section 319 grant notice the Village received which describes what needs to be done to receive those funds. A representative from the Chagrin River Watershed Partners (CRWP) will be present at the 9/24/18 Council meeting to explain what needs to be done. At the 10/8/18 Council meeting, Council needs to vote to say if the Village wants to move forward or decline the project. The bottom line is the Village will spend \$75,248 to do the project.

The Health District will be having a meeting on 9/25/18 and they are looking for people to serve on their advisory council.

Mayor said he was encouraged by the local mayors to meet with Spectrum officials and discuss cable issues. He will set up a meeting with them in the near future.

Mayor met with the Sugarbush residents. Their opinion is that Sugarbush has existed since 1957 and every 25-30 years they have cleaned out their pond but now after three years, they have to clean it out again. Their contention is water and silt from the north comes to Chillicothe Road, flows under the road and runs through Fox Run to Sugarbush. They say they get a lot of silt and their silt pond now is almost non-existent.

Mayor met with Mr. Jacobson from the Chagrin Soccer Association (CSA) who came before Council about building athletic fields in the park. He asked what the Village was doing; the Mayor's response was the Village isn't doing anything until it sees CSA do something. The next step is to go through the process that was started in 2010 which was to get the pieces of the triangle relocated so the Village has the 10 acres close to East Washington Street. After that, the next step would be to talk to the Western Reserve Land Conservancy (WRLC) about switching the Conservancy properties. That would involve some fees, so the Village will hold off on that until CSA does their fundraising.

Kostura asked if the Village is going to incur fees, should it require CSA to pay them because the Village would not incur the costs if not for CSA wanting to build the fields. Kostura said the Village shouldn't be putting up any cash for what ultimately may be a wash. Mayor replied that WRLC will give him an estimate and he would tell Mr. Jacobson from CSA that he wants to see the money in an escrow account for the Village before it will take that step.

Carroll asked if it would make sense for the Village to get the pieces switched because that is free and then wait on the Conservancy part; Mayor agreed.

**FISCAL OFFICER'S REPORT:** Fiscal Officer distributed her monthly report to Mayor and Council; there were no questions.

The November 12<sup>th</sup> Council meeting will still take place on the Veteran's Day holiday and Department Heads will attend the November 26<sup>th</sup> Council meeting to give their reports.

Fiscal Officer reported that the Chagrin Valley Jaycees want to use the pavilion on September 27<sup>th</sup> and are requesting alcohol. She said she knows part of the pavilion permit discussion has been the fees, but since some Council members are newer, she wanted to remind everyone that years ago when the pavilion was built, the Jaycees donated \$25,000 to build it. The first time they asked to reserve it, Council at that time decided they shouldn't have to pay the permit fee because they paid half the cost of building the pavilion. She wanted to know if given all the park pavilion discussion recently, was Council still in favor of that line of thinking. Carroll said if that was the opinion of Council back then, he had no issue with it. Mayor said as an old Jaycee, he will pay the \$25 and that will be his contribution to the Jaycees. Porter clarified that Council addressed the situation two months ago agreeing that everybody pays the \$25 reservation fee.

Mayor said Bainbridge Township has the toughest facility-use policy, it is a 3-page form and people pay \$200 to have a concert. However, on the other hand, when you read their minutes, they waive fees for almost everything, the Boy Scouts, the Girl Scouts, the Historical Society, so they take formal action to waive the fee. It is something to think about.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor distributed the July 31<sup>st</sup> report and at the next meeting, he will have the report for August 31<sup>st</sup>.

Fiscal Auditor reviewed the July 31, 2018 report with a balance of approximately \$3.2 million. His fund balances match the Fiscal Officer's to the penny. The money is in Huntington Bank and the Star Plus account. The interest rate is 2.1% which seems to be leveling out. For the

month of July, the balance is up \$400,000 and for YTD about \$570,000. That is due to the fact that July is when the Village gets the rest of the real estate revenue, so it is a better time of year in terms of fund balances. Other notable receipts for the month include cemetery fees, a Shop with a Cop donation, and a grant from the Department of Justice for a vest. The refund and reimbursement was a Bureau of Workers' Compensation rebate which is sizeable.

Fiscal Auditor stated that as the Village heads towards the second half of the year, the balances will start decreasing.

Porter asked about the tenant at the rental house and if he paid the July rent. Building Inspector said he did pay, but he has been running behind; she will be having a face-to-face conversation with him. Fiscal Officer said the due date used to be the 15<sup>th</sup> of the month, and the Village recently changed it to the 22<sup>nd</sup>, but we got the last payment on the 31<sup>st</sup> of August.

**FINANCE COMMITTEE'S REPORT:** Porter reminded Council about the conversation at the last meeting about putting benches around the scattering garden in the cemetery. The property committee would like to approve that course of action by motion. Kostura asked if this is something that people have asked about or is this just one family's request. Fiscal Officer said the Wise family has asked but there could possibly be someone else interested. She said benches were planned when the cemetery was initially built, but under the premise that people would purchase them for \$5,000 and they would be engraved and installed as purchased. Porter said having the benches in the scattering garden would look nice and be a benefit to the scattering garden for those who use it. Kostura said he doesn't want this to be one of those things where the Village puts it in and no one will know it is available. Porter and Nairn said it will be advertised and put in the newsletter.

Street Commissioner said cemeteries around the area are getting more requests for benches rather than just the headstone. A lot of places are limiting their quantity of benches in selected areas so as not to have a lot of benches in a congregated area. He said the thinking in talking to Sheffield Monument is if the Village picks out the stone and the style, buy them all at the same time from one supplier with the same grade of stone, they will all weather the same other than the engraving approved by the Property/Cemetery committee. The gray benches would look better. Porter made a motion to allow the Street Commissioner and the Mayor to enter into an agreement to buy the five benches necessary to put around the scattering garden at the cemetery, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Porter said regarding the Cascades Culvert Project there was a shortage of \$4,531.82 because the bid came in a bit higher than was anticipated and money needs to be moved either by motion or by an amendment to the appropriations by ordinance. Porter made a motion to moved \$4,531.82 from the Road Maintenance line item to the storm sewer line item, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Porter made a motion to accept the fund balances for the period ending July 31, 2018 as submitted by the Fiscal Officer and Fiscal Auditor, seconded by Kostura. Voice vote – ayes, all. Motion carried.

**SOLICITOR'S REPORT:** In Solicitor's absence, Mayor reported that he met with the Chagrin Falls Schools Superintendent and talked about the Memorandum of Understanding (MOU) process. Solicitor Ondrey and the Solicitor of Chagrin Falls got together and worked it out.

Chief said he has not received any reports from the School Resource Officer (SRO) about when the SRO worked at Gurney School. Kostura said he doesn't see any language in the MOU regarding the requirement to submit a report to the Village of when the SRO works at Gurney. Council members still had some concerns about some of the language in the MOU. They will forward those questions to the Solicitor and it will be reviewed and discussed at the next Council meeting.

Chief said he talked to the Chagrin Falls Police Department about not being notified about Safety Town this year. They said it was a mis-communication and the Village will be notified next year.

**ENGINEER'S REPORT:** Engineer reported he has been working on the design for putting together the bid specs for the culvert to go under Chillicothe Road south of the red ranch. That 12"-15" pipe drains across Manorbrook's property, and over the years they have enclosed a lot of it, and that will no longer be sufficient. In order for that project to be bid out and constructed, the Village needs to have a formal conversation with the Manorbrook Homeowners' Association (HOA) Board members – more than just sharing some casual ideas. The Village can't do its project until Manorbrook does their part of the project first. In a perfect world, the 15" culvert would be removed and then converted to an open ditch, so the Village can do its work and install a larger culvert under the road. Engineer said the Manorbrook ditch area is a great area to look at doing some sort of stream enhancement project, but that can be done down the road. The Village needs to get something going so the culvert can be replaced.

Porter asked who would pay to open the ditch; Engineer replied Manorbrook would because it is on private property. The Mayor said he would look to go for another Section 319 grant. Engineer said it would not cost a lot of money to remove the existing culvert and just leave it an open ditch. Engineer said if the Village is looking to spend public money to do the Manorbrook part of the project, it needs to get an easement on that property, so it is not spending public money on private property. He said opening the ditch/culvert area needs to happen at the same time or before the Village's culvert project. Mayor said Manorbrook HOA and Thomas & Thomas own the pieces of the property. Engineer stated again that in order to get the project design together and keep moving forward with the project, the conversation with the Manorbrook HOA needs to happen and he would like to be a part of that conversation. Engineer said he cannot give a project timetable until the conversation happens with Manorbrook HOA. Tearing out the Manorbrook culvert pipe would probably take two days. They would tear it out,

reshape the swale, stabilize it and it would be done. Engineer said once the culvert replacement project begins, it will probably take a couple days – maybe a week to complete. During the daily construction hours, one lane would be closed and then at the end of the day, both lanes would be open.

Engineer said the longer the Village waits, it is taking a risk of another big rain event that will flood the whole east side of Chillicothe Road like it has historically done. This improvement will go a long way in getting water from the east to the west side of Chillicothe Road. He said moving the water is the more critical issue; the speed and quality of the water is secondary to that.

Engineer reported that he forwarded a bunch of information to the new resident on the far cul-de-sac end of Waverly Lane. She thought it would be worthwhile to have a site meeting with the Engineer and the CRWP to give her the history of what was looked at there and discuss some of the options moving forward. He is fine with that but is waiting on dates from CRWP when they would be available to meet.

**STREET COMMISSIONER'S REPORT:** Street Commissioner submitted his month-end reports for both July and August.

Street Commissioner said the most recent newsletter had an announcement that the Village does assist residents with driveway culvert pipe replacement. He said the timing was probably not the best and it probably should have been in a spring newsletter because he received seven more requests. He has had to cut off the program for this year because his department has other work to do and residents need to get their driveways repaired following the culvert replacement before winter sets in.

The Street Department employees are working on storm sewer problems with castings and catch basin repairs throughout the Village; one on Manorbrook and another one on Kensington Circle.

Now that the road program is done, the Street Department employees will be going into the Lake Louise neighborhood and doing the road berming.

Street Commissioner said there was some discussion about property enhancement around Village Hall, so his department will be working on that.

Kostura asked about a grate in Chagrin Lakes that got blown out during the July 4<sup>th</sup> rainstorm. Street Commissioner stated there is a grate located in the Village right-of-way (ROW) that got blown out and forced down into the hole and bent. The material it was made out of is not a good solid construction material. His employees removed the grate and put some fencing around the area for the time being. He has received inquiries from the residents if the Village would replace it, but there was a question if it was the Village's responsibility since it is in the ROW. The cost to make a new one of better quality in-house will be approximately \$1,000. It will require some

minor concrete work on the one headwall to give it stability on all four sides. He said they could do the whole project in-house for approximately \$1,500. Street Commissioner said he is confident the \$1,500 can come out of the stormwater line item that is in place since some of the previous items were moved to the road program line item. Kostura made a motion to approve the cost for the repair for the Maple Springs road culvert grate in the amount of \$1,500, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Street Commissioner apologized to Council that appropriate action wasn't taken or policies followed on the ditch repair on Bell Road. He said he will take credit for the improvement they made there because they corrected a problem without creating a problem with a much deeper ditch. Street Commissioner said he will take a long look at how the Village responds to some of the residents' concerns and complaints about water issues.

**STREET COMMITTEE'S REPORT:** Canton reported the committee met on August 24<sup>th</sup>. The Committee was looking into a possible grant for the old snowplow truck but unfortunately it is not eligible. Therefore, the committee still recommends posting the truck on GovDeals.com which was approved by motion of Council on July 9<sup>th</sup>.

**BUILDING INSPECTOR'S REPORT:** Building Inspector submitted her month end report; there were no questions.

Building Inspector said the scheduled ZBA meetings are working well and the attendance is much better. There is no ZBA meeting in September due to nothing on the agenda.

Building Inspector said the Village budgeted \$20,000 for siding of Village Hall and that project came in just under \$15,000 and the Fiscal Officer applied for a grant from the Northeast Ohio Public Energy Council (NOPEC) so in a sense, that money is now available. With that in mind, she looked into other projects needed in the Village. She got a price of just under \$7,000 to re-roof Village Hall. There has been a leak in the roof of the service building and the contractor has agreed to do that repair for free because the repair they previously did didn't hold up. Once the Village Hall is re-roofed, it will match the police building and maybe eventually the service building will be done to match as well.

Carroll asked if the Building Department sends out certified letters when people don't pump their septic tank; Building Inspector replied they are not certified. Her department sends two letters, both of which were approved by Council in 1996. The first letter goes out and she waits for the compliance deadline and then sends a second letter. Carroll asked if there was any merit in sending those letters certified mail if the Village is going to issue a bench warrant for someone not pumping their septic tank. Building Inspector said two people have gone to court this year and this is the first time that has happened. Carroll asked if at least one of those letters could go certified mail and the homeowner sign off that they received it before they go through the court process. Police Chief said it is hard to put a warrant in the computer for someone that didn't pump their septic system out and then have to pull them over and arrest them for that. He would

rather not get to that level, so transitioning that to a certified letter would probably be more appropriate. Mayor asked the Building Committee to look into this issue and discuss it at the next Council meeting.

**BUILDING COMMITTEE'S REPORT:** Kostura reported that the Building Inspector is having a hard time finding a contractor that has enough time to get out to Village Hall and get a new basement door installed. The door is not a standard door so that is what is causing some problems. Building Inspector is still working on trying to get that done this year.

**POLICE CHIEF'S REPORT:** Police Chief distributed a month-end report.

Chief met with the residents of Fairview Road regarding the traffic issues down there from the road construction taking place in Chagrin Falls. Three representatives from Mr. Excavator were present and spoke to the group. His staff is patrolling the area morning, noon and night. The contractor claims they should be finished with the project around October 15<sup>th</sup>.

Police Chief said his department is looking to do a trial run of a 12-hour schedule. Most departments in the area have gone to 12-hour shifts and with this change, there will always be at least two (2) men minimum around the clock with the exception of vacation time by the officers where they will supplement that with a part-time officer. They will start in January as a trial and if it doesn't work, they will go back to a 10-hour schedule. Mayor asked Chief to add the schematics of the 12-hour schedule to his next report.

Chief spoke to Drew Esposito from Clemans Nelson who said a number of police departments are on 12-hour schedules and it worked out well. The only thing the Village will have to do if it chooses to implement the new schedule would be to add a line to the Employee Handbook that the Police Department employees would incur overtime at anything over 160 hours in a 28-day period. There is an exemption for law enforcement in the Federal Labor Standard Act (FLSA) that allows them to do this.

The tornado siren is having some malfunction issues and Chief will continue to work with dispatch to get the issue fixed.

**SAFETY COMMITTEE'S REPORT:** Nairn reported the Safety Committee met on September 4<sup>th</sup> where they discussed the proposed engine brake ordinance and reviewed some of the items for the 2019 Budget.

The Safety Committee will meet again on October 2<sup>nd</sup> at 8 a.m.

**HUMAN RESOURCE COMMITTEE REPORT:** Carroll reported that the HR Committee met last week and reviewed the Position Analysis Questionnaire (PAQ). The next step is to sit down with the representative from Clemans Nelson.

**PROPERTIES COMMITTEE REPORT:** Canton said the Park Committee met on September 4<sup>th</sup>. They are looking forward to a successful Fall Festival on September 23<sup>rd</sup>. The committee would like a permanent recycling container at the park. Canton said he will be out of town the day after the Fall Festival and won't be able to attend a post festival luncheon.

Carroll asked how often the portable toilet at the park gets pumped out; the answer was weekly. He said maybe the Village could look into getting it cleaned out after bigger events.

**PUBLIC UTILITIES COMMITTEE:** Mayor will let the committee know when he has his meeting with Spectrum so they can attend.

### **ORDINANCES/RESOLUTIONS:**

Carroll made a motion to untable the ordinance establishing procedures governing the use of the Village Park for events as determined by Village Council, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Carroll referred to the final draft of the ordinance that was distributed to Council. Some of the items discussed at the Park Committee meeting, Council's feedback and the Mayor's feedback were addressed such as: Alcohol was withdrawn. A line was added about the promotion of private business. It was changed from a 1<sup>st</sup> degree to a 3<sup>rd</sup> degree misdemeanor and permits will be handled through the Building Department. Exhibit A is the actual park use permit which is one page and incorporates everything discussed. The last item was changed about cleanup of Village property and damage or defacing of public property is the responsibility of the applicant. At the very bottom of the form is information on what they are to do with the trash. Exhibit B is the agreement which the Solicitor wrote up last year and that has not changed at all. Mayor asked if the Village wants to change Exhibit A or B in the future, would that be done through an ordinance or motion or if it is an administrative function. Kostura read from the ordinance, "under Section 4, it reads, The "Application" (Exhibit A) and the "User Agreement" (Exhibit B) may be amended by Council after the effective date of this ordinance by motion." Mayor clarified if he wants to put the agreement on letterhead, Council has to pass a motion.; Council agreed.

Carroll made a motion to adopt the ordinance establishing procedures governing the use of the Village Park for events as determined by Village Council, seconded by Kostura. Roll call – ayes; Carroll, Galicki, Kostura, Nairn. Nay; Canton and Porter. Motion passed. **Ordinance 2018-36**

Porter introduced a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. 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. **Ordinance 2018-37**

Nairn introduced an ordinance prohibiting loud, cracking or chattering noise from



exhaust systems of trucks weighing more than 8,000 lbs and further prohibiting the use of engine retarders on such trucks and establishing penalties for the violation of such prohibitions.

Porter introduced an ordinance to amend the appropriations to permit the Fiscal Officer, Building Inspector and/or the Mayor to enter into a contract for the purposes of re-roofing Village Hall for an amount not to exceed \$7,500. Porter made a motion to waive further readings, seconded by Carroll. Roll call – ayes, Canton, Carroll, Galicki, Nairn and Porter. Abstain, Kostura. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, Canton, Carroll, Galicki, Nairn and Porter. Abstain, Kostura. Motion carried. **Ordinance 2018-38**

**BILLS LIST:** Porter made a motion to ratify the 8/30/18 Bills List in the amount of \$54,303.58, and approve the 9/11/18 Bills List for \$336,723.31, seconded by Nairn. Voice vote, ayes – all. Motion carried.

**NEW/OTHER:** Porter, Carroll, Galicki and Nairn had no new business.

Canton will not be at the next Council meeting.

Kostura wanted to let everyone know that as of October 9<sup>th</sup>, 2018, he will be resigning his position for the Village of South Russell as he is moving out of the Village. He will put in his resignation as of that date. In the meantime, he asked everyone to keep in mind that it is Council's responsibility to replace him within 30 days of his resignation. He also asked that Council keep in mind that there are several responsibilities that he has as Pro Tem and he would like to have that in place before he leaves. He also encouraged everyone to keep in mind that there are a lot of very qualified people out there and that Council should get something in place sooner than later. Kostura said serving on Council was one of his favorite jobs and it meant a lot to him but there are certain things people have to do for their family and this is one of them.

Carroll made a motion that the Village advertise for the open Council seat as it has done in the past, seconded by Nairn. Voice vote, ayes, all. Motion carried.

At 9:21, Kostura made a motion to discuss hiring personnel and for potential employee discipline, seconded by Carroll. Roll call – ayes, all. Motion carried.

Galicki was excused from Executive Session at 9:50 p.m. following the employee discipline discussion.

Fiscal Officer joined the Executive Session from 9:51-9:53 p.m. for the hiring personnel discussion.

Council reconvened at 10:15 p.m.

Mayor said he would like to appoint Leslie Galicki as the Assistant to the Fiscal Officer pending a successful drug test and provision of three reference checks to start employment on September

24, 2018. Carroll made a motion to accept the Mayor's appointment, seconded by Nairn. Voice vote – ayes, Canton, Carroll, Kostura, Nairn and Porter. Abstained – Galicki, not present. Motion carried.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Porter. Roll call - Canton, Carroll, Kostura, Nairn and Porter. Abstained – Galicki, not present. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer