

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 27, 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, Solicitor Ondrey, Engineer Haibach

**VISITORS:** Gary Dole, Maple Hill; Dennis Galicki, Westover Drive; Rich Haber, Paw Paw Lake Drive; Ruth Cavanagh, Paw Paw Lake Drive; Bob Guzik, Paw Paw Lake Drive

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Dishong made a motion to approve the minutes of the November 6, 2017 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

**VISITORS:** Rich Haber explained that Paw Paw Lake has a silt pond that catches silt that comes down from Silver Creek before it gets to Paw Paw Lake. He said 2-3 years ago the homeowners' association spent about \$22,000 dredging the silt pond. The following year Dominion did the gas line project along Bell Road east and in doing so, a significant amount of silt flowed into Silver Creek and then into the Paw Paw Lake silt pond and undid that dredging. He said there is an island of silt that has developed in the "mouth" of their silt pond. He said he sent a letter to Mayor Koons along with some soundings that were done by Aqua Doc which is the contractor that maintains the lake. The report shows that the silt has reaccumulated and Paw Paw Lake HOA believes it is because of the project on Bell Road. Paw Paw HOA is looking for some assistance from the Village to resolve the issue by either having the contractor assist Paw Paw in resolving the issue or for the Village to help resolve the issue. Mayor replied that Dominion had a \$50,000 bond filed with the Building Department for that project, but he wasn't sure if that has been returned yet. Haber said that resolving the issue should be substantially less than \$50,000 if someone has the right equipment.

Dennis Galicki introduced himself as being one of the write-in candidates for the open Council seat in the recent election. He said he appreciated the support of the community as well as members of Council and the Mayor.

**MAYOR'S REPORT:** Mayor reported that the Village passed the new road levy that was on the recent ballot.

Mayor stated that two different people looked at the "Krappe" property over the Thanksgiving weekend. He told the realtor that if anyone is interested in the property, it is being sold "as is".

Mayor met with the Solicitor for lunch where they discussed the alternates to the Zoning Board of Appeals (ZBA) and the Planning Commission (PC). He said he would like to pass an ordinance in January and appoint Dishong to be an alternate. He is looking to have two alternates for the ZBA and the same two for the Planning Commission. He would ask that between January and June 2018 the alternates would attend at least two Planning Commission meetings or ZBA meetings to see the committees in action and meet the members. Starting in January, the alternates would receive all the information that goes out to the ZBA and Planning Commission so they know what is being discussed. He talked to other communities about what they do and he believes the Village will be in good shape.

Mayor said the Village sent letters to four or five residents who have huge recreational vehicles; some of them in residents' front yards. The Village's ordinance says recreational vehicles cannot be in front of the house, they must be 10 feet from the property line, and they need to be shielded so that they can't be seen. One person has already moved his vehicle, a couple said, "no problem"; another party said they would not move their vehicle. Solicitor said the Village will want to review this carefully because the issue is whether recreational vehicles, trailers, boats, and things that are stored on the property are grandfathered when the zoning is changed. Solicitor said the Village has known this might be an issue since the time the ordinance was adopted four to five years ago. He will take a careful look at the issue and report back to Council about what type of enforcement action the Village can pursue with anyone that refuses to comply. If a resident refuses to comply, the Village would have to take them to court and obviously the Village wants to know what the chances of winning are before it would go that far.

Mayor stated that the Council of Governments (COG) from the sixteen communities that make up the COG will be meeting to discuss the SWAT team. Some members want a nice SWAT team and some people want a large, Level 1 SWAT team. Carroll said the Mayor should ask about merging with the Suburban Police Anti-Crime Network (SPAN) SWAT team. Cuyahoga County is really pushing consolidation of services and there is no need for seven SWAT teams in Cuyahoga County. Mayor said the SWAT team was called out six times last year, so it is necessary, but how many are necessary is the question. There was brief discussion about the current SWAT team consisting of 19 members and some members of the COG would like to increase that to 26 members. It costs approximately \$10,000 to uniform each member with equipment that lasts five years.

The Turkey Trot took place on Thanksgiving morning with approximately 1,600 runners.

Mayor reported that the Ohio Municipal League has filed an injunction against the State of Ohio and HB 49 where the State is going to start collecting the municipal income taxes.

Mayor said some of the residents at the end of Alderwood are having flooding issues and they will meet with the Village at the end of January.

The Mayor will be meeting with Barry Jacobson to talk about putting in a soccer field on the East Washington side of the park.

**FISCAL OFFICER'S REPORT:** Fiscal Officer reported that the Village did receive a \$100 donation for Shop with a Cop. Additionally, with the recent article for flag donations in the newsletter, the Village has received \$335 in donations as well as a flag that was dropped off for that program. She stated the residents of this Village are very responsive.

Fiscal Officer said Street Commissioner wanted Mayor and Council's opinion on the Pure Water tank in Council chambers and whether they wanted to switch to that company or stay with Sunrise Springs as the bottled water vendor. After brief discussion of costs and Sunrise Springs cleaning the tanks once per year at no cost, it was decided to stay with the current vendor, Sunrise Springs.

Fiscal Officer also reported that property insurance will be due the end of February. She has started to reach out to insurance companies to get some quotes.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor reviewed his October monthly report. His fund balances match the Fiscal Officer's to the penny on all funds.

The total of all funds is \$3.1 million dollars; that is \$77,000 less than the previous month. The Village received some donations for Shop with a Cop and flag donations in October.

Regarding Income Tax collections, the Village should exceed expectations for the year.

Fiscal Auditor will complete the paperwork with Huntington Bank that Council approved at the last meeting.

**ENGINEER'S REPORT:** The Engineer had questions about the water issues at the end of Alderwood in terms of the private subdivision lots. Engineer stated he has talked to the homeowners' management company about cleaning out a channel through there because it is so clogged and that may be the attributing to the draining issues.

Engineer said he is working on putting together the Pavement Condition Index (PCI) rating report and he should have that to the Street Committee in the very near future.

Engineer stated the gentleman putting together the storm water study has done a great job, but he would like to meet with the Village before the final report is complete to make sure everything is covered appropriately. Engineer will send out a calendar invite to the Street Commissioner and Mayor for a meeting. Anyone else who is interested is welcome to attend.

Engineer said he reached out to S.E.T., Inc. regarding the Cascades culvert replacement project. The pre-cast structure is in production and they will let him know as soon as it is out of production so that the Village can send out a final notice to the residents with the date the project will start. Engineer said the milestone date for substantial completion of getting the culvert in is

January 19, 2018 and the restoration completion date is May 25, 2018. Engineer said he estimates it will take approximately two weeks to get everything done.

Regarding the 2017 Road Program, the Village is holding \$10,000 of retainage which will be paid once the Engineer gets all the final contract documents.

Regarding the Cotesworth easement, Engineer will coordinate the legal document with the Solicitor.

**SOLICITOR'S REPORT:** Solicitor stated that the two ordinances that were prepared a few months ago regarding alternates for the boards stated there would be one alternate for each board and now the suggestion is to make that two. Solicitor said he is concerned that an alternate would sit in on a Planning Commission decision on a zoning regulation and then two months later sit on the board when somebody asks for a variance. He questions whether a person who participated in creating the legislation also be on the board that considers whether or not to grant a variance; he wants to think that through. Solicitor asked if it would be a major obstacle if there had to be four people instead of two people. Mayor said that isn't an issue because he has a list of people that he would like to get involved in the Village.

**COMMITTEE REPORTS:** Porter, Nairn, and Carroll had no report.

Canton said there will be a Property Committee meeting Monday, December 11<sup>th</sup> at 6:30 p.m. with Mr. & Mrs. Tripp who will be donating up to \$50,000 for a playground at the park.

Canton said the Park Committee will be meeting Tuesday, December 12<sup>th</sup> at 6:30 p.m. at which time Matt Marting will review his Eagle Scout project and logistics.

Dishong said Mayor and Council received the final copy of the proposed Employee Handbook and he would like to have that adopted at this meeting.

Kostura said the Street Committee met and it looks like the pickup truck will pass an E-check.

Kostura said the ground of the "Krappe" property is solid 4 feet down.

Kostura said it has been approximately five years since the Village has gone out for quotes for mowing the properties and the Street Committee felt it is best to go through that process again for next year. Street Commissioner has put together a packet of what the Village is looking for with a contract that would run May through September and quotes to be in by March of 2018. The cost would fall below the required bid amount, so the Village will send the packets to contractors in the area to get quotes.

For the Finance Committee, Kostura stated the budget was distributed to Council and includes a 2.5% increase in employee salaries, 24 hours per week for the part-time Building Department Secretary, \$350,000 for the 2018 Road Program, two new cruisers for the Police Department, the Seasonal Summer Help to continue at the current rate he was hired at in 2017 with no increase (Carroll clarified with Kostura that the 2.5% increase would not impact to the Seasonal Summer

Help). Outsourced lawncare was previously considered to be moved from the Operating Fund to the Park Fund so that it can be tracked under the park; however, if the Village does that, it will be over the Certificate of Estimated Resources in the Park Fund, which means the Village would have to do an immediate amendment in January 2018. If the cost is kept in the Operating Fund, no amendment will need to be made. Village Hall siding is in the budget at \$20,000; it would cost \$12,000 to re-paint again or \$20,000 to side. Painting of the Village Hall basement, Service Building painting of the exterior, Service Building repairs due to birds and miscellaneous issues also need to be addressed. The budget also includes a new snowplow truck of \$150,000.

Kostura said the Village needs to pay the Ohio Department of Transportation (ODOT) invoice for Bell Road West, but the question is whether the Village should take the loan or pay it off. Coming out of Finance, the initial inclination was to take the loan at least for 2018. The reason being that there is an open Purchase Order (PO) of \$151,000, so that would cover the ODOT invoice of approximately \$127,900 and then the Village would have an additional approximate \$23,900 in that PO. The first loan payment of \$4,563 would be due in January 2018 and it is billed twice yearly, so it has to be paid in January and June; a total of about \$9,000 per year. Since there is money remaining on the PO, that would be enough to cover all next year's payments. This would give Council time to decide if they want to continue with the loan for 20 years or just pay it all off. Doing it this way, that decision doesn't have to be decided right away because the money has already been allocated previously and is on the open PO.

Nairn clarified with Kostura that if the Village decided to pay a year at a time and then decided to pay it off in a few years from now, there is no early payment penalty. Kostura responded that there is no penalty and no interest so at this point it is free money. If the Village continues paying on the loan, it would allow the Village to float some things that it may not otherwise be able to do because it won't be as big of a hit all at one time. The Finance Committee's recommendation, at least for the near term, is to take the loan, pay off the ODOT bill, and pay the initial payment in January and probably the June payment off the open PO and then make a decision on the loan later. Kostura said the Village can pay \$4,562.54 every January and June for the next 20 years with 0% interest and no pre-payment penalties. The only issue it creates is more paperwork for the financial reporting and audit.

Kostura said since the Village passed the new Road Levy, Council needs to pass legislation at this meeting accepting the amended amounts and rates as approved by the County Auditor.

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

Dishong made a motion to untable the ordinance adopting the Employee Handbook, seconded by Carroll. Roll call, ayes – all. Motion carried.

Dishong gave third reading on an ordinance adopting the Employee Handbook for the Village of South Russell dated November 16, 2017. Dishong made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2017-39.**

Kostura introduced a Resolution accepting the amended amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County

Auditor. Kostura made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Kostura made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2017-40.**

Kostura introduced an ordinance amending the appropriations increasing Fiduciary Fund expenses \$13,000 and Safety Fund expenses \$4,000. Kostura made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Kostura made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2017-41.**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Thrasher, Dinsmore & Dolon to act as the Village's Solicitor for the time period of January 1, 2018 through December 31, 2019 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 Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2017-42.**

Carroll introduced an ordinance opposing the proposed House Bill number 267, introduced into the 132<sup>nd</sup> General Assembly, which proposes to eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and declaring an emergency. Carroll explained this is for emergency response for police, fire and EMS vehicles. Currently the Village has immunity and this legislation would expose the Village to more liability. He said the Ohio Fire Chiefs have taken a position to oppose the legislation but it is recommended that anything the entities can do to help and post some resolutions from Council's standpoint would help. Chagrin Falls Village passed it and Moreland Hills is considering passing it as well. Solicitor said the legislation makes it riskier for emergency operations that currently enjoy immunity. Kostura clarified with Solicitor that the current bill as proposed would limit governmental immunity in emergency responses. Solicitor explained that if a fire truck went through an intersection and crashed into another vehicle and someone then sued the fire department for that type of crash, they used to enjoy immunity – but this proposed bill would eliminate that. It will still be a negligence question of who is at fault, but it will have an effect, and everyone will have to be more cautious when going into an emergency situation. Carroll said this will protect the Village and the Fire Department, police officers and EMS workers. Carroll made a motion to waive further readings, seconded by Dishong. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2017-43.**

#### **BILLS LIST:**

Kostura made a motion to ratify the 11/14/17 Bills list in the amount of \$41,274.68 and approve the 11/29/17 Bills List in the amount of \$243,585.50, seconded by Nairn. Voice vote, all in favor. Motion carried.

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

Given that Kostura will not be at the next meeting which is Dishong's last meeting, Kostura stated, "John, you have been a steadfast fixture on this Council with a singular focus of doing

what is right and proper for the residents of South Russell Village. For me, John has been a great sounding board and he is a rational decision maker. John has the ability to take the contrary position without being a contrarian. Yet, despite having alternate views, John's opinion could be changed if you provided him clear, empirical evidence which would justify a change in course. John, since I will not see you at the last meeting, I simply wanted to say thank you. I want to thank you for your time, your dedication, your service to the Village and most especially, I want to thank you for your friendship."

Mayor wanted to know what needed to be done so that he and the Fiscal Officer can start negotiating with Craig Cawrse to hire him as a landscape architect for the Village. Fiscal Officer said that is not in the budget, so if the Village is going to do that, it needs to be added to the budget. Solicitor said if the fee is not greater than \$50,000, it can be done by motion, and for professional services, he is not sure bidding would apply anyway.

At 8:28 p.m. Dishong made a motion to go into Executive Session to discuss possible property acquisition and employee compensation, seconded by Nairn. Roll call, ayes, all. Motion carried.

Council reconvened at 8:53 p.m.

Regarding the Ohio Public Works Commission loan, Porter said he is in favor of paying it off. He understands the Finance Committee's thoughts on the 0% loan and it is only \$9,000 per year for twenty years but this has been going on for about four years. He is glad the Village is paying off the ODOT part of the bill, but as a municipality, it hasn't carried debt very often, if ever. Porter said he is favor of paying the public works loan off now when the Village has the money rather than stretching it out for 20 years, or even two years.

Canton clarified that a lump sum payment would be approximately \$182,000. To pay \$9,000 per year, the money that the Village is not using to pay off the loan in full can be earning interest.

Kostura said the way the current proposed budget is drafted with the raises, doesn't include the \$17/hour, it does include \$350,000 for the road program. This puts the Village at a 2018 budget deficit of \$519,000. With the additional revenue the Village will receive in 2018 from the Road Levy of \$235,000, that adjusted deficit will be \$283,000. Paying off the OPWC loan would add \$182,000 to that deficit as opposed to the \$9,000 that the Village already has an open PO on, so the Village isn't adding to the deficit.

Porter said he agrees with what Kostura said, and there is some great logic to it and there are benefits to stretching it out. However, the projected deficit for 2017 was \$229,000 and the Village will run a surplus of approximately \$350,000. He said soon the County will wonder what the Village is doing with the large balances they are carrying year to year. Porter said the Village has projected deficits for years and future performance is not guaranteed, but with excellent management and adding proper tax revenues when the Village needed them, those deficits became surpluses.

Carroll said he is in favor of stretching out loan payments for at least a year or two; it is not costing the Village anything. It gives the Village flexibility with storm water issues that it still

doesn't have its head wrapped around. This is an opportunity to use money or at least hold onto some funds. Carroll said he doesn't want to carry debt, but the Village doesn't have any huge upcoming issues that it needs to go out for a bond where debt could impact the Village getting a good bond rating. Carroll said if it makes sense to pay off the loan in a couple years, than the Village should pay it off. However, he is in favor and encourages Council to consider not paying it off and at least stretch it out for a couple of years until the Village gets its head wrapped around storm water issues and some other expenses that aren't known today.

Dishong said he agrees with taking the loan and he likes the flexibility it gives the Village.

Kostura said the Village will go from roughly a \$180,000 loan and pay the \$9,000 in 2018 and will then owe approximately \$171,000. If the Village paid the \$171,000 right now, it decreases the ability to pay for a larger road program and to deal with storm water issues. Kostura said he does not like having debt and agreed with Porter wholeheartedly. He is not of the mindset that the Village should be in the debt business, but he believes the loan will give the Village some flexibility. The Village has some major expenses coming up like two cruisers which is \$80,000 in police equipment in one year and a \$150,000 truck. The loan would give the Village some flexibility for a year and he said maybe next year the Village will decide to pay it off and be done with it. But at this point, it makes the most fiscal sense to give the Village some flexibility.

Canton said he feels the same and would like to pay \$9,000 per year for 2-3 years and then go from there.

Nairn said she doesn't really think of it as debt. It is money that is owed, but the only one that has to deal with it is the Fiscal Officer. She will make the payments in January and June and maybe in 2-3 years everyone will start feeling like Porter and decide to pay it off. If the Village isn't going to be penalized for paying off the loan early, then she is for making payments for two to three years and then reevaluate.

Porter said the Village will always have something that costs a lot of money. The Village can say in good faith today we are going to pay off the loan; he hopes the Village does.

Dishong said the Village has been kicking the can of a new snowplow truck down the road for 4-5 years and it is time to pay the piper. If the Village doesn't have to pay off the loan and buy the truck in the same year, then there is no sense to do it.

Mayor summarized that the loan is a 0% loan for 20 years and Council wants to keep the loan and make the two payments per year; Council agreed.

Kostura made a motion to pay the ODOT invoice of \$127,926.53, seconded by Nairn. Voice vote – all in favor. Motion carried.

Kostura reviewed the budget and clarified the following:

- 2.5% raises for all employees except for Seasonal Summer Help which will remain at the current 2017 rate



- Building Department Secretary and Board Clerk will be raised to a flat rate of \$17/hour exclusive of the 2.5% raise. They do not get a 2.5% raise on top of the \$17/hour. Their new rate is \$17/hour.
- 3.5% raises for Mayor and Council
- 24-hour work week for the part-time Building Department Secretary
- \$350,000 road program for 2018
- Purchasing two new cruisers for the Police Department
- Outsourced lawncare will be moved to the Operating Fund
- Village Hall siding stays in the budget for \$20,000 (Carroll requested that the Village develop a plan for painting, siding and roofing so that everything matches – Council agreed)
- Painting Village Hall basement to be done in-house
- The painting of the Service Building remains in the budget, but Council will discuss before anything is done.
- Service Building repairs for birds and miscellaneous issues
- New snowplow truck for \$150,000
- Payments on the loan will be made as discussed earlier in meeting

Kostura made a motion to introduce an ordinance adopting the 2018 Annual Appropriations with the amendments above and declaring an emergency. Kostura made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2017-44.**

Mayor questioned the whole process of trucks, cruisers and cars and if elected officials were getting out of their league with making decisions with what should be kept and what should be gotten rid of. He asked if the Village should consider having someone like Reggie Williams look at the 1991 dump truck, the police cruisers, Building Inspector's truck and the Street Commissioner's truck and look at what should be trickled down. He feels the elected officials are amateurs at making decisions on vehicles saying that a police cruiser should go to the Building Inspector and the Village should get rid of her truck. Mayor said perhaps the Chief would think a fair price for the Pontiac would be \$2,000 but maybe someone else would say it was worth \$4,000.

Canton said it was his belief that the individuals who operate the vehicles would know what needs to be replaced.

Mayor said in January, the Village should look at the whole process of buying and selling cars. He doesn't know if things should be trickled down or should go out. Maybe someone would say don't give one of those police cruisers to the Building Inspector, sell it, it is worth much more and she could keep what she has.

Porter said it doesn't hurt to get an outside expert to look at the vehicles, but he agreed with Canton that the operators know what needs to go.

Canton said he agreed that the Village doesn't have the expertise to put a price or a value on a vehicle. However, the people that operate the vehicles know how the vehicles run and what they can or cannot do.

**ADJOURNMENT:** Being that there was no further business before Council, at 9:16 p.m. Nairn moved to adjourn, seconded by Canton. Roll call, ayes, all. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer