

**RECORD OF PROCEEDINGS
PUBLIC HEARING AND REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2017 – 7:00 P.M. & 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Ray Schloss, Mapleridge; Frank Kovach, Bell Road; Kim Brewster, Chagrin River Watershed Partnership; Eddie Patton, South Main Street; Dennis Galicki, Westover Drive;

At 7:00 p.m. the Mayor opened the public hearing to discuss the ordinance amending Sections 2.01, 4.01, 5.01, 6.01 and 7.01 of the zoning code in order to prohibit medical marijuana cultivators, processors or retail dispensaries in the Village of South Russell in accordance with ORC 3796.29.

There were no questions or comments.

At 7:02 Dishong made a motion to adjourn, seconded by Kostura. Voice vote – all in favor. Motion carried.

Mayor Koons called the Regular Council meeting to order at 7:30 p.m. He reflected on the actions taken on 9/11/01 and stressed the importance of remembering those who lost their lives that day. Fiscal Officer read the roll. Carroll made a motion to approve the minutes of the August 14, 2017 Regular Council meeting and the August 31, 2017 Special Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

Eddie Patton explained his Eagle Scout project where he made a kiosk for the south end of the South Russell Village Park. He raised money for the project through donations. Council congratulated him on a job well done. There was a brief discussion about the money Patton had remaining from his project and the possibility of donating it to a fund in the Village, perhaps the Park Fund. Mayor will hold the money and Patton will let the Mayor know what he wants done with the money.

Mayor showed Council a photo of a sign made by Mariola at the armory for his Eagle Scout project.

Kim Brewster from the Chagrin River Watershed Partnership explained the purpose of the organization. The Village received funding from a grant program to complete a conceptual plan for stormwater issues on the Village Hall campus. There was a bidding process for the conceptual planning report and EnviroScience won the bid. The plan includes photos, a narrative

report of suggestions as well as costs. Brewster explained the project and said the retention pond on the Village Hall campus would require excavation and then the area would be heavily planted with special plants. Once complete, this area would require some ongoing maintenance to keep it functioning properly and make sure it doesn't get overgrown. The study also recommended modifying the drainage from the Kensington pond; this would release the water slower. Additionally, the study suggested modifications to the turf grass in Kensington. Excavation of the area around Village Hall would help with erosion and flooding issues. The excess dirt taken from the excavation could be placed in different areas around the Village campus.

Mayor said he and Porter live in Kensington so he wants Council to be aware of that. He said in terms of obtaining a grant, it is helpful if the application shows public and private entities working together. Mayor has letters from Dr. Rosenthal and Kensington Homeowners' Association in support of the project.

Carroll asked if the Village were to obtain a grant for this project, would it impact the chance of getting a grant for further projects. Brewster said as long as the application is appealing there is a chance to get a grant and having the conceptual plan is beneficial with the application process. Carroll said he doesn't want to put a lot of money into something that won't have a good impact and address the two major issues which are Chagrin Lakes and the area north of Chillicothe and Bell Roads. Brewster explained the next step would be for the Village to get in contact with the Kensington Green Homeowners' Association (HOA) and see if they are interested in participating in the components of the project that were recommended. Beyond that, the Chagrin River Watershed Partnership (CRWP) could help the Village identify pending grant opportunities. Brewster said 100% grants are few and far between and most require some type of match from the entity.

Engineer Haibach said he is in favor of modifying Bullfrog Pond in Kensington and stated that would not only help a lot with water quality, but also water quantity that goes past Chillicothe Road.

Mayor told Property Committee members Dishong and Canton that when the West Creek Conservancy comes out to walk the "Krappe" property, they would like two members of Council present to come back to Council and report on the meeting.

Regarding the "Krappe" property, Brewster said if the Village wanted to maintain it in the current state, the two benefits would be the maintenance of green space, and since it is mostly forested, the property has stormwater benefits as well.

Building Inspector said current zoning requires houses to be no closer than 105 feet from the center line of the road. There is a 60-foot right-of-way and a house would have to be 75 feet back. They installed a stake at that point on the "Krappe" property and the house would have to be behind that stake. Carroll clarified with Building Inspector that a variance would be required to build closer to the road. Building Inspector said there are houses in that area that are much closer to the road. If someone wanted to build closer to the road, they would have to come to the Village with a proposed house drawing and then request a variance from the Zoning Board of Appeals (ZBA). There was brief discussion about the "Krappe" property previously having a

house on it. Mayor said Rob Royer, the Village's realtor on this property, said someone went through old records and found out that property was an old dump site. Street Commissioner said the old house that was there was found to be in disarray and the Village took action and had it condemned and torn down. That is when it became a dump site for hard surface material such as asphalt, concrete, etc.

VISITORS:

Frank Kovach was present to follow up on the Dominion pipeline project restoration work. Street Commissioner said he received a phone call earlier in the day that the contractor will be in tomorrow morning to start work on the restoration. He would like to start on the east end of Bell Road and work west. Kovach said he would like to be present when they do the work on his property to make sure it is done how he wants it. He also asked why the Village can't hire a landscaper from the area and take over the project to have the work done correctly. Mayor said the Village has a \$50,000 bond that can be used towards the repair work.

There was discussion about the bond the Village is holding on the project. Carroll said the Village has the bond and at some point the Village should pull the bond and get the work done. Ondrey said as long as the contractor is taking some type of new efforts to address the situation, the Village would be premature to step in now and say they don't have any more chances. Given how close it is for them to address the issue, the Village should give them a chance to play that out. Dishong said the Village should relay to the contractors that the elected officials are not happy and if repairs aren't done satisfactorily by the end of the week, they are not going to let the bond go. Carroll asked if the Village can give the contractor deadlines and if they don't meet them, then the Village would move forward in the process of going after the bond. Ondrey said the Village can give the contractor deadlines but Council would need to take action on that. He also stated if the Village were to do that, it should put the bonding company on alert. Engineer said the Village can write a letter to the bonding company and copy the contractor on it; this will usually get results quickly.

Dennis Galicki, who is a member of the Village's Emergency Operations Plan and is a write-in candidate in November, was in attendance.

Ray Schloss addressed Mayor and Council regarding the proposed ordinance pertaining to hard surface driveway aprons. He said the proposed ordinance is a great ordinance but it doesn't address the problems they are having in Chagrin Heights. It's great for new houses, but he doesn't see how it is going to help with the current problems they are experiencing in his neighborhood. Porter explained the Village doesn't have the means to make people replace their driveways or install new driveways with a hard surface; it is an issue of grandfathering. He said Council can pass legislation to make new driveways or replacement driveways conform to a hard surface. Schloss said he understood the grandfathering, but he believes there has to be some type of maintenance enforcement. Mayor said some people have financial difficulties and the Village doesn't want to make them fix up their driveway. Schloss replied that he works in all areas around Cleveland and in many areas such as Maple Hts, Garfield Hts., Cleveland Hts., there are ordinances in place that people have to maintain their driveway. Whatever type of driveway it is, gravel, asphalt, concrete - the homeowner has to maintain it. Dishong stated the Village has a

maintenance ordinance where when someone's grass gets too long they have to cut it or the Village has a company come out and cut it and the cost is assessed to the resident's tax bill. He doesn't understand how someone's driveway could be in such a state of disrepair and the Village doesn't have any recourse. Ondrey said the Village has a property maintenance ordinance, but he wasn't sure if it addressed driveways; Nairn replied that it doesn't. Dishong said it is a reasonable request to ask that driveways be maintained and asked if the current ordinance could be amended to cover driveways. Nairn said if it isn't spelled out, people won't do it. Dishong replied that is why he feels driveway maintenance should be added to the current property maintenance ordinance.

Schloss also addressed the elected officials about cargo vans and construction trailers parked in driveways. He referred to a property at Mapleridge and Bell Road. Kostura said that is the Boy Scout trailer they use once per month. Building Inspector said the Village has an ordinance that says it can't be in the front yard and it isn't. She said the address and the front door are on Bell Road, so those trailers are in the side to rear yard, and from her perspective, they are conforming. Mayor asked Building Inspector to check with other communities and see what can be done. Schloss said the owner of the recreational vehicle that sits on Mapleridge has no intention to move it. Porter said there will be new legislation coming up regarding recreational vehicles and boats proactively addressing those issues. Building Inspector said the owner has moved the recreational vehicle so his argument as far as being grandfathered is now thrown out of the water. Building Inspector said it was parallel to the house and now it is moved back about 6-8 feet. Solicitor said he doesn't know if that is conclusive that by moving it 6-8 feet that he lost his grandfathering.

Schloss asked if the Village would consider allowing people with large, recreational vehicles to store their vehicles on Village property for a fee. Council said they did not want to get into the liability for that and they weren't interested.

MAYOR'S REPORT: Mayor said since there have been some changes with the tenants of the rental house, he and the Building Inspector will meet with the tenant to talk about delivery of the payment. Carroll said it was stated at a previous meeting that one of the tenants is living in the basement of the rental house and he wanted to make sure the house is in compliance for that. Building Inspector said there is egress and they are compliant.

Mayor congratulated the Street Commissioner and Police Chief for their Geauga County Department on Aging award recognizing their work with senior citizens.

With all the changes with the Time Warner and Spectrum change, Mayor will be reviewing the Village's contract in hopes the Village can make some improvements in cable for the residents.

Carroll asked Mayor if he was able to schedule an advisory board meeting with the fire department and the other communities; Mayor replied he had not been able to.

FISCAL OFFICER'S REPORT: Fiscal Officer reminded everyone the budget work sessions are to take place October 2nd at 5:30 p.m. and October 9th at 6:45 p.m. at Village Hall.

Fiscal Officer reported that the Chagrin Valley Jaycees are having an event at the pavilion on Thursday, September 14th and are requesting they be allowed to have alcohol. Dishong made a motion to allow the Jaycees to have alcohol at the pavilion on September 14th, seconded by Canton. Voice vote – all in favor. Motion carried.

Mayor questioned the Tax Budget hearing paperwork distributed to Council and asked what HB49 was. Fiscal Officer replied for the General Fund, what the Village requested and what was approved by the county was reduced by 6% due to HB 49. This is the local government distribution and the State is reducing the distribution amount to use the money towards the State's opioid addiction fund.

ENGINEER'S REPORT: Engineer reported that on August 30th he met with the Ohio Department of Transportation's District Deputy Director Myron Pakesh to discuss the Village's local share on the Bell Road West project. The Village has a loan balance of approximately \$182,500 and the Ohio Department of Transportation (ODOT) is billing the Village an additional \$128,000. He said they didn't talk any specific dollars and cents but ODOT was very methodical and said they looked into everything and they think the charges are fair. In Engineer Haibach's opinion, there is an \$80,000 discrepancy with where he feels the number should come in at and what they are charging the Village. ODOT has not yet said the appeal is denied, but Haibach feels that is where it is going. Mayor asked Engineer about the delinquency letters the Village has been receiving and what should be done about those. Engineer stated that in his meeting with ODOT, they said not to worry about those until the appeal is finished. Fiscal Officer asked when/how the Village will know whether the appeal was granted or denied. Engineer replied that the Mayor could ask to meet with ODOT again or the Village can pay the bill. Dishong asked what would happen if the Village wrote ODOT a check for only what it felt it owed, what would happen. Kostura asked if this will affect the Village's ability to get funding in the future. Engineer asked ODOT that question, but they didn't answer it. He then asked some other engineers in his office and was told that ODOT may not directly say it will affect future funding, but he feels it can be taken into consideration on future projects. Engineer reminded Mayor and Council that the Village did get a lot of grant money and Federal and State assistance for the project. Mayor will have one final meeting with ODOT to discuss the bill.

Mayor asked Fiscal Officer to reach out to other communities to see if they have ever ran into this issue with ODOT and how they handled it. He looks to get this issue wrapped up in October. Fiscal Officer replied that she will see what she can find out, but when the State Auditors were in for the audit and she explained the issues the Village was having with ODOT, they were not surprised.

Carroll asked about change orders and whether ODOT had any. Engineer replied that they were good about the change orders for the contractor and they were very stringent with that, but it was the bill for ODOT's administration that was way over budget.

Engineer stated the 2017 Road Program is finishing up. The contract was for \$259,883. They went heavy on the asphalt for the apron transitions due to building up the road and he would like to do more of that in the future. Rather than mill and fill, he would like to build up the roads where possible and get more bang for the buck. He is still reviewing the project costs and expects the final invoice to be below the contract cost.

Engineer informed Council that the Cascades culvert project went out to bid. There are some good qualified plan holders and hopefully there will be good bidders. Eric called several suppliers of pre-cast box culverts that would be needed for the project and if the winning bidder orders a pre-cast within a week or two of the bid being awarded, the pre-cast won't be ready until November. Therefore, the original milestone completion date of December 15th will not work for most contractors so the Engineer and Street Commissioner agreed to change the project milestone date to January 19, 2018 to give contractors an extra few weeks to get it in. Engineer said an option would have been for the Village to order the pre-cast ahead of time so that it was already on order, however with the bid opening in a few days, it wouldn't really change the timeline and the bid specs would have to be changed as well; it's too late for that option now.

BUILDING INSPECTOR'S REPORT: Building Inspector reported that the International Code Council is meeting in Columbus. This is the organization that writes all the codes for fire, energy, building, etc. This year there was a Director-At-Large from the State of Ohio sworn in. Building Inspector said it is good to have a representative from this area on the international board.

POLICE CHIEF'S REPORT: Police Chief has been getting cost estimates for the most recent incident of lightning damage at the traffic light (4th one in 5 years). The preliminary costs for this damage is \$923.65. Chief stated that in the time between they brought back the repaired system for the traffic light, there was another malfunction of the light due to deteriorating wiring. They spliced and rewired the traffic box to get it working but this will have to be replaced. In discussing this issue with the Safety Committee, they are going to look into putting in a system similar to the one in Bainbridge Township where black poles are installed and the wiring is located in the pole which would help minimize deterioration. Signal Service did put in an additional ground to try to help reduce these instances and the Service Department employees are going to dig a ditch next to the underground vault that holds the wires and is currently holding water. All these things are being done to hopefully eliminate these damage issues. The only other suggestion Signal Service offered was to install a pole someplace nearby to attract the lightning and defer it from the intersection.

Chief reported that the Chagrin Falls Police Department is going to propose the idea of a school resource officer again. They are going to request 50% from Chagrin Falls Schools, 30% from Chagrin Falls Village and 20% from South Russell. He believes this would cost the Village about \$25,000. Chief said they said an officer would be at Gurney School once per week. Carroll said that 50% of the kids at the high school are South Russell residents and depending on what they are proposing with this, there could be some value to it. Dishong said he understands,

but the last time they proposed this, they sort of shamed the Village for not participating. He said in order for it to work, it has to be a partnership and the Village would need to know what exactly it will include. Chief said the total investment for an officer with medical benefits would be approximately \$110,000.

STREET COMMISSIONER'S REPORT: Street Commissioner reported that the crack sealing will start this week followed by road striping.

The Service Department employees have been doing upgrades and work on the pickup truck.

Street Commissioner reported that Lake Louise has been lowered and his employees will start the temporary support work on the bridge tomorrow. This is to reinforce the strength of the bridge for the upcoming work to be done on Cascades.

The Street Commissioner shared some photos of trees leaning on the fence at the Rarick Cemetery. He stated when these trees fall, they will do a lot of damage to the headstones. Due to the location of the trees, they will not be easy to access. Street Commissioner got a price from a contractor who would have to cut and drop one portion of a tree at a time for an estimated cost of \$2,400. This is not budgeted for and the appropriations will have to be amended to do the work.

SOLICITOR'S REPORT: Solicitor asked if they could go into executive session at the end of the meeting to discuss an issue relating to the potential sale of the Krappe property.

COMMITTEE REPORTS:

Canton said the Park Committee met and are over budget for the Fall Festival for two reasons. Last year they ran out of food at the end of the festival and they wanted to increase the budget for food and then they also had to purchase a new festival banner this year for \$750. The committee wants to keep the budget as is for the food and wanted to ask Council to increase their budget the cost of the banner. Fiscal Officer said she believed there was money in the fund to cover the expense as long as Council was okay with moving the expense from one line item to another. Porter said the budget has gone up dramatically and there was a brief discussion about the expenses increasing and if all the attractions are necessary. Carroll asked if the budget would be back in in under \$7,000 next year – brief discussion followed. Mayor asked if there was a rainout, how much money the Village would be out. There are contracts with all the vendors and the Village has to pay rain or shine, therefore the Village would be out the full cost. Canton made a motion to modify the Park budget to help pay for the banner this year, seconded by Dishong. Voice vote – all in favor. Motion carried.

Park Committee will be meeting September 12th at 6:30 p.m. at the pavilion to plan for the Fall Festival.

Carroll asked Solicitor to put together an ordinance to adopt the Village's Emergency Operations Plan.

Carroll said he, Nairn and the Chief met with John O'Donnell and friend who offered assistance to the Village with the Emergency Operation Plan. The Village has Geauga County EMA that will assist the Village so the Safety Committee would like to use John O'Donnell's friend as more of an outside observer and a resource for the Village. The Village could use this person as a resource or an evaluator, but that can be decided later. Carroll will look to introduce an ordinance adopting the Emergency Operations Plan at the next meeting.

Carroll asked to go into executive session at the end of the meeting to discuss personnel.

Dishong reported that Human Resources met and went through the comments and feedback pertaining to the employee handbook. The legislation to adopt the handbook is currently tabled and the Committee will look to have it adopted at the first meeting in October.

Kostura reported the Street Committee meeting is set for September 19th at 7:30 a.m.

Nairn reported that the Building Committee met and are in the process of modifying fees for building and zoning.

Building Committee will be meeting Friday, September 15th to further discuss the Building Department fee modification.

Porter said the Building Committee had also discussed limiting the number of people that can live in a residential home. Solicitor shared some case law with Porter and after doing some research it seems this is a very complicated issue that is hard to define.

ORDINANCES/RESOLUTIONS:

Mayor gave third reading on an ordinance amending Sections 2.01, 4.01, 5.01, 6.01 and 7.01 of the zoning code in order to prohibit medical marijuana cultivators, processors or retail dispensaries in the Village of South Russell in accordance with ORC 3796.29. Dishong made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2017-26.**

Porter introduced an ordinance amending Section 1482.01(a) and (c) of the Codified Ordinances of the Village of South Russell by requiring a hard surface of either asphalt or concrete for all new or replaced residential driveways and for all commercial aprons, driveways, and parking areas.

Kostura 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. Kostura moved to waive further readings and declaring an emergency, seconded by Dishong. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Resolution 2017-27.**

Kostura introduced an ordinance amending appropriations increasing Street Maintenance Fund expenses \$5,500, Building Fund salary & benefit expenses \$2,300, Safety Fund expenses \$2,500 and Operating Fund expenses \$1,200, and declaring an emergency. Kostura moved to waive further readings, seconded by Canton. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **Ordinance 2017-29.**

Kostura introduced an ordinance transferring from the Income Tax Fund to the Street Maintenance Fund \$50,000, Operating Fund \$50,000 and Safety Fund \$250,000 and declaring an emergency. Kostura made a motion to waive further readings, seconded by Canton. Roll call – ayes, all. Motion carried. Kostura made a motion to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **Ordinance 2017-30.**

BILLS LIST: Dishong made a motion to ratify the 8/30/17 Bills List in the amount of \$21,548.84 and approve the 9/14/17 Bills List in the amount of \$37,549.15, seconded by Kostura. Voice vote, ayes – all. Motion carried.

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

Kostura congratulated Fiscal Officer and Fiscal Auditor on a job well done on the Tax Budget; the County Budget Commission approved the budget without a problem.

Mayor informed Council that the Village is out of television service for the Police Department and Service Department. Fiscal Officer explained this was a free service previously provided by Time Warner, but now that Spectrum has taken over, this free service is no longer provided. In order to get cable, the Village would have to open an account and get the new cable boxes and pay a monthly fee.


At 9:30 p.m. Porter made a motion to go into executive session to discuss personnel issues and sale of property, seconded by Kostura. Roll call – ayes, all. Motion carried.

Council reconvened at 10:08 p.m.

ADJOURNMENT: Being that there was no further business before Council, at 10:08 p.m. Nairn moved to adjourn, seconded by Canton. Voice vote – all in favor. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer