

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 14, 2018 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Canton, Kostura, Nairn, Porter
Carroll arrived at 8:30 p.m.

MEMBERS ABSENT: Galicki

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

VISITORS: Dick Howard, Manorbrook; Matt Marting, Boy Scout; Holly O'Connor, Club Pilates; Sabrina McClellan, Kenston High School student

Mayor Koons called the Regular Council meeting to order. In honor of the upcoming Memorial Day, he asked for a moment of silence for those that have passed. Fiscal Officer read the roll. Nairn made a motion to approve the minutes of the Regular Council meeting on April 23, 2018, seconded by Kostura. Voice vote, ayes – all. Motion carried.

VISITORS: Resident Dick Howard spoke regarding Memorial Day and honoring those that protect our country. He presented the Village with flags; a P.O.W flag and a Blue Line flag for the Police Department.

Resident Holly O'Connor from Club Pilates said she would like to offer Pilates in the Park which would be like the Yoga by the Falls in Chagrin Falls and offered on dates opposite the yoga classes. She would like to offer this on six Saturdays, two each in June, July, and August. It would consist of an hour-long class given by certified instructors. Mayor told O'Connor that she should filter this idea to the Parks Committee.

Matthew Marting informed the elected officials that he has installed the bees and beehives behind the police station building. He will hang signs on the twined fence area around the hives.

MAYOR'S REPORT: Mayor referred to his report and list of goals he distributed to Council prior to the meeting.

FISCAL OFFICER'S REPORT: Kostura asked why the income tax collections seem lower this year than last year. Fiscal Officer replied that the May distribution, which is typically for the April collection, was estimated due to April being the income tax filing deadline. Fiscal Officer

said she will also check with the Central Collection Agency to find out how the Net Profit tax collections are being distributed now that businesses can file through the State's website. Mayor gave compliments to the Fiscal Officer and Building Inspector for working through the issue of the Ohio Municipal League's change from Comp Management to Care Works as a third-party administrator.

Fiscal Officer said Council will need to amend the appropriations for the Road Levy. She explained that when the Village receives the tax levy revenue from the county, they charge fees for processing those revenues. Now that the Village is receiving the Road Levy revenue, the appropriations will need to be amended to account for those expenses.

FISCAL AUDITOR'S REPORT: Fiscal Auditor reviewed his monthly report distributed to the elected officials. He said he balances with the Fiscal Officer to the penny on all funds.

Fiscal Auditor reported that the interest rate increased and is nearing 2%. For the month of April, there was a decrease in fund balances of approximately \$25,000, but the total bank balance is still up for the year.

In regard to the concern about income tax revenue being slightly lower than usual, Fiscal Auditor said he is confident that the Village will see the revenues increase.

Porter made a motion to approve the fund balances of the Fiscal Auditor and Fiscal Officer, seconded by Nairn. Voice vote – ayes, all. Motion carried.

FINANCE COMMITTEE'S REPORT: Porter introduced an ordinance amending the appropriations increasing Road Fund expenses \$6,000 for auditing fees charged by the County with regards to real estate tax revenue received by the Village and declaring an emergency.

Porter made a motion to provide Chagrin Falls Exempted Schools with \$5,000 for the purpose of sharing some of the cost of a School Resource Officer (SRO). Chief clarified that the \$5,000 contribution is for the January 1st to December 31st of 2019. He said there is another issue with the remainder of the 2018 school year SRO expense not yet covered. He said the \$5,000 donation previously discussed does not cover the school period from September 1st through December 31st of 2018. Chagrin Falls Schools is asking South Russell Village to contribute \$3,336 for the September through December 2018 period. He said that request was based on the original \$10,000 request, so Council must decide how they want to handle the expense for the remainder of 2018. Porter amended his motion to provide \$5,000 for January 1st to December 31st, 2019 and for \$3,336 to cover the period of September 1st through December 31st, 2018, thereby covering 1 ½ years towards the SRO, seconded by Nairn. Kostura said he didn't understand the \$3,336 and asked where that amount came from since it wasn't part of the original "ask". Police Chief explained that he and the Fiscal Officer looked at the 2019 calendar year to figure out where the school district was coming up with their numbers. He said if

Council looks at the \$3,336 that is about 30% of the \$10,000 that the Village was originally asked to contribute. He said it is up to Council whether they want to go with the original number or if they want to do what was done with the \$5,000 and consider a portion of the requested amount. Kostura asked if anyone could explain how the school district came up with the \$3,336 because last time South Russell went through the numbers, South Russell was subsidizing Chagrin Falls Village's police officer. Chief explained the \$10,000 was going to be broken up with \$5,000 going to the school district for the SRO and \$5,000 was going to go Chagrin Falls Village to offset their costs and South Russell felt that was not fair. That is why the recommendation was \$5,000 for the full calendar year. He said the request for \$3,336 was based on the original \$10,000 number from Chagrin Falls Schools. He said to compare apples to apples, the \$3,336 should be cut 50% of the original request to \$1,668; that would be considered a fair share and not supplementing for the Chagrin Falls Police Officer. Porter said he looks at this as an insurance policy of having an officer in the schools every day during the year. He said for three semesters it comes out to about \$2,800 per semester and he thinks it is well worth the money. Kostura said it rubs him the wrong way because the school district didn't have the numbers together when they came to the Village and the Village had to go through the action of figuring out and coming up with what the proper amount should be. Kostura said he doesn't like fuzzy numbers and he doesn't like that the school district is asking the Village again to pay \$3,336 for something that is not the Village's to pay. He is not in favor of giving the school district \$3,336 but would be happy to give them the \$1,668 to cover the Village's fair share. Mayor said he does not like fuzzy numbers and he gave kudos to the Police Chief and Fiscal Officer for digging through and making sense of the numbers. Nairn said she is concerned that in 2019 and 2020 something is going to come up and the Village will have to cover it. She asked if there is a guarantee that the numbers aren't going to change. Police Chief said the school district is going to re-write the Memorandum of Understanding (MOU) based on what Council decides. He said if Council agrees to pay \$5,000 for 2019, then they will be expected to pay \$5,000 for 2020. The Village can get out of the agreement any year, but they must notify the school district by February; a 10-month notice. Mayor said the Village has a little bit of breathing room in the fact that if the motion is passed, he is going to let the school district know. The school district will come back with an MOU for the June meeting and it will all be in writing and that is when the Village is going to decide whether they agree with it. Porter said if Council passes the motion, it is in the agreement. Mayor said the total for the motion is \$8,336 which covers the remainder of 2018 and all of 2019. Nairn said she was very torn on the motion. Voice vote – Aye: Nairn, Porter, Canton. Nay: Kostura. Motion passed.

ENGINEER'S REPORT: Engineer updated Mayor and Council on the 2018 Road Program to include Cascades Drive, Morningside Drive, Green Valley Drive, Wolfpen Drive and Annandale Drive along with some repairs and resurfacing of the police station parking lot and a large full-depth repair at the Manorbrook/Alderwood intersection and adding in Louise Drive as an alternate. The whole project is estimated to cost \$490,000 including the alternate. Since Louise Drive is an alternate, (estimated to cost \$140,000), it doesn't have to be awarded if Council so chooses. Engineer can start advertising on May 16th and have a bid opening date of May 30th.

Engineer said he has taken a comprehensive look at everything and is still putting together the charts, calculations and exhibits for the storm water study. He said typically culverts are sized for a 25-year storm event. The large culvert under Chillicothe Road is properly sized for a 25-year storm. When that culvert is flowing full, the water is close to the door of the red ranch. There is not a lot of elevation difference between the top of the culvert and the finished floor level of the red ranch; it's less than 1 foot. He had two engineers look at the storm water plans and use two different calculation methodologies and they both came in with the same results. He said when another engineer from his office came in for the preliminary storm water discussion, he showed a sketch of a pond that was in the rear yards that would buffer the flows for a 50-year storm. To build a pond of sufficient size to buffer a 50-year storm, it will cost approximately \$750,000; to buffer a 100-year storm would cost approximately \$1,000,000. The red ranch is the lowest finished floor elevation of all the houses in that 119-acre drainage area by about 2 feet. Engineer said he will have a report summary he will email out during the week along with the exhibits, attachments and diagrams for the report. Mayor said on the west side of Chillicothe Road there is a lot of vacant land, some of it is owned by the county and some of it is owned by the Manorbrook Association. If the Village can get the water across Chillicothe Road they could possibly hold it on the west side of Chillicothe Road.

Engineer explained the definition of a 25-year storm and 100-year storm stating that a 25-year storm means that you have a 25% chance each year that you will experience a 25-year storm. A 100-year storm, if it is statistically amortized out, should happen once every 100 years. But if you look at it the other way, every year you have a 1% chance of experiencing a 100-year storm; same with a 50-year storm. Therefore, multiple 25-year storms can happen in one year as well as multiple 100-year storms; it's just the statistical average. Kostura asked about the storm in 2014 and what that storm was rated. Engineer replied that he has heard everything from 300-year to 500-year; it exceeded a 100-year storm event.

STREET COMMISSIONER'S REPORT: Street Commissioner said Council needs to address the salt ordinance because it must be filed by Friday to participate in the Ohio Department of Transportation (ODOT) contract for next winter season.

The Street Department employees are working on storm water issues including driveway culvert pipes and ditches. There was also a road culvert pipe failure at Morningside Drive and Cascades Drive that has been replaced in preparation for this year's paving program.

Street Commissioner said the new contractor for outsourced lawn care has been working out very well.

STREET COMMITTEE'S REPORT: Canton said the Street Committee will meet Friday, May 25th at 7:30 a.m. in the Street Commissioner's office.

Street Commissioner reported that the 1992 International Dump Truck was re-advertised on GovDeals. There was a reserve on it of \$10,500, and the Village received one bid for \$9,600.

The Village has two options, it can accept the \$9,600 or change the reserve and re-auction it. The Street Commissioner said he felt it would be wise to accept the bid. The Mayor said the Street Committee will come with an opinion at the next Council meeting in June.

BUILDING INSPECTOR'S REPORT: Building Inspector reported that she received a couple of bids to side village hall as well as the service building. The bids were from Unique Siding and Cleveland Remodelers and were very close. Cleveland Remodelers sided the police department building a few years ago. Their bid, which includes the front of the service building offices, the gable end, and village hall was \$13,140. She is asking Council to approve up to \$14,000 in case there are contingencies. Unique Siding bid was about \$200 less.

Building Inspector said the hot water tank at the rental house broke. She said every time P.K. Wadsworth came out, they informed the Village that the hot water tank at the rental house was going to go and they proposed \$1,650 to replace it. The Village opted to wait until it broke and now it has. The bill from the plumber who replaced it is \$1,150.

Building Inspector said the carpet in Village Hall will be stretched at a cost of \$425.

Building Inspector said she received bids on a heating contract from four different contractors including P.K. Wadsworth, Integrity, W.F. Hann and Auburn Heating. The lowest bid was Auburn Heating which will come out twice per year and service all the units at all four buildings. The contract includes the filters and there is no overtime charge if they need to come out on nights or weekends. The cost for the contract is \$1,800 for a calendar year.

Building Inspector referred to the change with the Managed Care Organization (MCO) for workers' compensation. The Village previously approved payment to Comp Management, but the Ohio Municipal League has changed providers to Care Works. Care Works will cover 2018 free of charge, so the Village can destroy the check that was cut for Comp Management. Additionally, Care Works has promised not to increase the rate for two years. She is asking Council to approve changing over to Care Works.

BUILDING COMMITTEE'S REPORT: Kostura made a motion approving: 1) Mayor and Building Inspector to enter into a contract with Cleveland Remodelers in the amount of \$14,000 for the siding of Village Hall, the gable end of the service department building and side garage area and building department front, 2) Pay Al's Plumbing \$1,150 for the replacement of the hot water tank at the rental house, 3) Pay the Carpet Company \$450 for the stretching of the carpet in Village Hall, 4) Mayor and Building Inspector to enter into a contract with Auburn Heating and Cooling for \$1,800 for a full year of air conditioning and heating service contract to include all the Village buildings, 5) Mayor and Building Inspector to enter into a contract with Care Works and to allow them to go into the open enrollment that is to take place no later than May 25, 2018, 6) Repeal the motion to go with Comp Management. Motion was seconded by Porter. Porter said the siding quote is lower than the \$15,000 NOPEC grant for energy efficiency. The Village had budgeted \$20,000 for maintenance to the Village properties, so this will save the Village money. Kostura asked if the siding is insulated, Building Inspector was not sure. Kostura asked

if they are putting insulation on the building to qualify for the NOPEC grant; Porter said the siding has a low R value, but it still counts. Voice vote – ayes, all. Motion carried.

Carroll arrived at 8:30 p.m.

Kostura said the Tame Rabbit was approved by the Planning Commission for an outdoor patio that takes up two parking spaces. There was also a height variance for the Bell Road property located next to Paw Paw Lake which was approved.

Kostura introduced 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.

POLICE CHIEF’S REPORT: Police Chief said he was contacted by a movie producer who asked for permission to use the police station for a movie they are filming in the area.

SAFETY COMMITTEE’S REPORT: Nairn reported that the Safety Committee met on May 3rd. The Safety Committee and the Mayor met with some County officials at the Geauga emergency facility and they are working towards a tabletop.

Nairn reminded Council that the police radio network is getting older and the entire project to replace the radios will cost approximately \$100,000 and that is not including the installation. The Committee is recommending that the radios are done over a 4-year period which would cost about \$25,000 per year.

Nairn said the Cops and Kids Fishing event will be held Sunday, June 10th at Lake Louise from 9 a.m. until 2 p.m.

COMMITTEE REPORTS:

Canton said the Park Committee had an open meeting prior to the Council meeting for a Q&A session. Everything went well, and things are looking good for the proposed playground.

SOLICITOR’S REPORT: Solicitor said the issue of monopolies came up again and the Ohio General Assembly has passed legislation that goes into effect in July and controls the Village’s ability to regulate these monopolies. There is an extensive long list of what the regulations are. He is hoping to have model legislation to the Village for the June meeting so there is something in place by the time the new law goes into effect. Walter Haverfield is a big law firm in Cleveland that has a public law department and they have taken the lead in helping craft the legislation. They are offering some model legislation, so he is going to take advantage of that and will have something for the Village soon. Kostura asked if the legislation the State passed is a benefit or is it making it more difficult to regulate. Solicitor replied that it is definitely making

it more difficult. The General Assembly wanted the technology because they don't want to see Ohio get left behind when there is so much demand on this technology. The Village will be allowed to create some design standards, height limitations, and some spacing issues. There will be time deadlines that will have to be met for approval and there will be restrictions on where the Village can and cannot say "No". Solicitor said the bottom line is there are likely going to be more poles coming to the right-of-way. Kostura asked if the Village could create internal zoning requirements that could make it more difficult. Solicitor replied "No". He said just like the State took over oil and gas well regulations, local municipalities couldn't regulate it anymore and that is pretty much the same with this. They don't want cities to be able to create their own set of regulations and every company has to jump through all types of hoops. On the one hand it is an easier entry for the companies to get in with less paperwork for them, however the Village will still have some ability to talk about design, landscaping and locations. Mayor said the Mayor's group met last week and 35 of them are going to take a bus to Columbus to comment on the lack of Home Rule where they see local powers are being lost. Solicitor said the Ohio Municipal League (OML) took a big role in helping to craft this legislation because they saw the writing on the wall that it was going to be worse if the municipalities didn't have some say in how the legislation would go.

ORDINANCES/RESOLUTIONS:

Kostura gave third reading on a resolution of appreciation for John E. Dishong. Kostura made a motion to adopt, seconded by Porter. Voice vote – ayes, all. Motion carried.

Ordinance 2018-18

Canton introduced a resolution authorizing participation in the ODOT winter contract (018-19) for road salt. Carroll made a motion to waive further readings and declare an emergency, seconded by Nairn. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-19**

Porter revised the appropriation amendment introduced in the Finance Committee report to \$9,336. Porter made a motion to waive further readings and declare an emergency, 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 2018-20.**

Carroll introduced a resolution authorizing Councilman Gerald Canton to execute and file an application with ODNR for a NatureWorks grant and declaring an emergency. Carroll made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried.

Ordinance 2018-21

Porter introduced an ordinance to approve the current replacement pages of the South Russell Codified Ordinances 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 2018-22**

BILLS LIST: Porter made a motion to ratify the 4/29/18 Bills List in the amount of \$52,493.90 and approve the 5/14/18 Bills List in the amount of \$35,685.87, seconded by Carroll. Voice vote, ayes – all. Motion carried.

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

Mayor said there are two concerts coming to the park, one on Tuesday, June 12th and one on Tuesday, July 10th.

At 8:53 p.m. Kostura made a motion to go into Executive Session to discuss employee compensation, evaluation, and disciplinary action, seconded by Porter. Roll call – ayes, all. Motion carried.

Council reconvened at 9:23 p.m.

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

William G. Koons, Mayor

Danielle Romanowski, Fiscal Officer