

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 13, 2018 - 7:25 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Kostura, Porter. Nairn arrived at 7:35 p.m.

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

**VISITORS:** Pocek family and friends; Matt Hawk, Spring Valley Drive; Bob Reid, Johnson Cut Drive; Matt & Lindsay Gruber, Waverly Lane; Ed Lahoski, Boston Mills Road; Tom & Michelle Allen, Cassie Lane; Anthony Talarico, N. Spring Valley Park Drive; Paul Gordos, Eagle Scout; Ann Jacobson, Bell Road

Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Porter made a motion to approve the meeting minutes of the July 9, 2018 Council meeting, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Police Chief recommended that the Village promote police officer Todd Pocek. Mayor said he would like to appoint Todd Pocek to the position of Sergeant for the Village. Galicki made the motion to promote Todd Pocek to the position of Police Sergeant for the Village of South Russell, seconded by Kostura. Voice vote, ayes – all. Motion carried. Mayor swore Sergeant Pocek in to his new position.

Nairn arrived at 7:35 p.m.

Ann Jacobson said she and her husband were present to express their concerns about the proposal for development of soccer fields in the park. She asked to what extent the Village is beholden to solve problems that the Chagrin Soccer Association (CSA) has with soccer fields. It is her understanding the proposal is to convert 10 of the park's 87 acres into soccer fields. She said that represents more than 10% of the entire park and that is the maximum amount of parkland that can be developed according to the contract of the land conservancy. She and her husband question if installing soccer fields is the best use of the space. Jacobson said on the CSA website they have eight (8) games in the fall and there are already four (4) fields in the district as well as some that are on private land like the Family Life Center, so she doesn't understand why there is a need for the Village to convert part of the parkland into soccer fields. She has concerns about the financial and environmental impact of developing soccer fields on this land. She believes the costs are unacceptably high in contrast to any benefit as only a small portion of the community would be using the fields for a short season. Jacobson wanted to know what type of supporting structures would be included for the fields such as restrooms, picnic tables, observation stands, parking areas, etcetera, and said it is a lot of development for a constrained use. There would also be ongoing maintenance considerations such as cleaning

restrooms, responding to public safety emergencies, medical emergencies, and surveillance of the parking areas. Jacobson said the park has a strong local reputation as a place for conservation and passive recreation and it has a regional reputation for its role in hosting migrating birds. In 2015 the Geauga Park District did a survey of 905 Geauga County residents inquiring about outside activities people are interested in. According to Jacobson, the top activities were hiking and biking and the eight top-rated activities were all passive recreational interests. She said out of the 24 items listed, soccer/kickball came in dead last. Jacobson said this report is available on the "Protect Geauga Parks" website. She said the South Russell Village Park is the only park the Village has and quite possibly will ever have. The development of the park to date has preserved the pastoral character of the property as a place to enjoy nature and wildlife. Soccer fields and the activity and traffic they create would be an invasive disruption to the beauty of the park. Jacobson said she and her husband are asking that Council reject any proposal to develop soccer, or other sports fields, as incompatible with preservation. She asked that if the Village does consider any proposals to develop parkland, that they ask that the proposal be accompanied by an environmental impact study and also to solicit input from residents.

Mayor responded that the proposal for the fields came to the Village in 2007 and now it is back again. He said in general, officials would like to say there will be no Village money involved with the project, but that is never the case. If the Village has to go there and do something, that would involve labor and that is a cost. Ideally the fields would be built, paid for, and maintained by an outside group and the Village would maintain control of it. The Village talked to First Energy about using some of their land under the power lines for parking, but everything is still in the discussion stage.

Kostura said over the years different proposals have come to the Village, but none of them have taken shape. The Village listens to proposals and concerns. He thanked her for voicing her concerns and letting the Village know where she stands. The Village will listen to everyone and then ultimately decide based on what is best for the Village.

Porter said the Village is not inclined to consider a proposal that would be an enormous burden. He is a big fan of the bobolinks, but the Village will listen to proposals.

Lindsay Taylor from Waverly Lane addressed elected officials to bring concern and awareness about stormwater on her property. It is her understanding that the grading of the land was changed when the soccer fields were installed at Gurney School and that has caused a lot of stormwater runoff to enter her property. Engineer explained that when the soccer fields were installed, the school did meet all the requirements and did everything they needed to do at the time. If they were to do it today, there are more stringent requirements they would have to follow, but those requirements cannot be enforced retroactively. Mayor said this is an issue between the neighborhood and the school district; the Village cannot go on private property to address personal issues. Taylor has a meeting scheduled with the school district representatives. Carroll asked if there could possibly be any grants available for these types of issues. Engineer responded that there are some very limited grant funding opportunities available and suggested Taylor contact the Chagrin River Watershed Partnership (CRWP) because they are a great resource for public/private grant funding opportunities. Mayor said storm water will be discussed again at the September 24<sup>th</sup> Council meeting.

Eagle Scout Paul Gordos stated he is looking for an Eagle Scout project opportunity. He said there is a piece of land across from his house that the Village owns, and he would like to turn it into a little park and install 3-4 benches, a gravel path, and plant 3-4 trees. He has until May of 2019 to get the project done. He will meet with the Park Committee to discuss the proposed project.

**MAYOR'S REPORT:** Mayor said he would like to request an executive session at the end of the meeting to discuss personnel employment.

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

Fiscal Officer referred to the ballot language handout from the Geauga County Board of Elections that was distributed to elected officials. She asked them to proofread the language and if anyone found an error, to let her know.

Fiscal Officer stated if anyone had an article for the newsletter, they should get it to the Board Clerk as soon as possible.

**FINANCE COMMITTEE'S REPORT:** Porter referred to the Fiscal Officer's report distributed to elected officials regarding amending the Board Clerk's salary line item to be increased \$4,000 to cover the expenses for the remainder of the year. Another amendment was needed for certain budget items that arose from work the Street Department employees did on the Toncheff property. The work was partially completed but the line item for that set of projects is almost completely depleted. Therefore, the Village needs to ensure it pays the bills incurred to date for that project.

Carroll asked for clarity on the project. Porter replied it was his understanding that the Village enclosed the ditch and changed the pipe size. There was a moderate debate between the joint property owners as to who owed what to whom. He said the Finance Committee's concern is that the Village bought various items for this project and the bills are outstanding, and no matter what the homeowners come up with, if anything, the Village needs to pay its bills.

Carroll said the Village just got done saying it doesn't do private property issues. Mayor explained that the Village didn't enclose the ditch, it was already enclosed. He said the pipe was screwed up, so the Village removed all the pipes that were put in by the homeowner and put in new pipes and then put the yard back in. The Village also installed three drains to catch the water coming down their yard, so it does not go onto the road. Also installed was a concrete headwall at the end so when the new house is complete they can tie into that if they wish. Mayor said it was the decision of the Street Commissioner, Engineer along with himself to do the project and they told the homeowners this was what was going to be done.

Galicki said it was his understanding that this was an unfunded requirement. Porter explained the line item has approximately \$900 remaining in funds, and invoices are totaling approximately

\$6,000 for this particular project. The Finance Committee met with the Street Committee and Street Commissioner to discuss what would be done about the money owed. The Mayor is working with the homeowners trying to get some contribution from them, but the Finance Committee's concern is the Village owes the money and it pays its bills.

Galicki said he wanted to point out that prior to the last Street Committee meeting he approached the Street Commissioner and asked him to be prepared to discuss where the unfunded expense would come out of his own budget. He received no response prior to the Street Committee meeting and he again repeated that request at the Street Committee meeting and still received no response from the Street Commissioner. Galicki said in former government service and in industry, generally speaking, it is an expectation of a department head that if he is about to exceed his budget or he has an unfunded requirement, that he either makes people aware of it prior to the conduct of work or looks to areas in his own budget for which he can recoup some of the overages. When he asked the Street Commissioner about it, he didn't know where the money was coming from and stated that he was told to do the project. Galicki said when someone is dealing with public money and a budget, there should have been discussion prior to the conduct of the work.

Carroll asked why this project couldn't have waited until the Council meeting to discuss it because he would have liked to discuss whether the ditch should be enclosed. While the homeowners enclosed the ditch themselves originally, he would have liked to know if the recommendation would have been to re-close it or would an open ditch have been better as it seems they usually present less problems. Carroll said it seems the Village spent a lot of money on a project he is not convinced the Village should have done in such a manner.

Kostura wanted to know if this was something that the Village normally does for other homeowners in other situations and if it is not, then why was it done this time. Engineer said generally he is always in favor of an open ditch because they are usually maintenance free other than cleaning them out every twenty years. However, there are some situations where ditches are more of a hazard than a benefit. In this particular case it was his opinion, along with the Street Commissioner, that an open ditch would be pretty deep, and it is kind of close to the edge of the pavement. The prior property owner filled the ditch in at some point in time, but they didn't put in any inlets and the water would pool off the edge of Bell Road and freeze in the winter. It has been an ongoing issue and has become increasingly dangerous in the wintertime, so it was decided to go ahead and fix it.

Mayor said this was not done for the Toncheffs, it was done to them; they greatly objected to having their yard torn up. They had a yard and a driveway, and the Village returned their property with a yard and a driveway with three 15" drains to catch the water that comes off their yard. The Village did not ask them to pay for the culvert under their driveway because they didn't ask to have that done. The Village will put in culverts for residents; the residents pay for the culvert pipe and the Village does the digging. The Mayor met with the Toncheffs three different times and they opposed this project. Finally, he just told them how the Village was

going to fix the culvert/ditch and that their yard would be restored just the way it was. It will keep the water off Bell Road, and the water coming from the neighbor to the immediate west can go into the headwall. When the Village employees took out the piping that was in the Toncheff's front yard, another pipe was found underneath it, so that had to be replaced as well and it doubled the material cost. Mayor said the Toncheff's property is back to the way it was, the water is captured before it goes onto Bell Road, and the people west of them can tie in and the problem is solved.

Nairn said it was stated this was talked about since last fall, but she didn't remember Council discussing this project. They could have possibly discussed some alternative approach to address this problem.

Carroll said this is the sort of dialogue that needs to happen when the Village spends money on an issue. He referred to a gentleman that approached the Village last year about an issue with the gas line restoration that was put in, and the Village told him it didn't want to get involved in it because it wouldn't be the right thing to do, but now the Village is doing this for one resident. Carroll also said a resident approached the elected officials earlier in the meeting about concerns about water coming off Gurney School and the Village arbitrarily said it is a private issue. This stormwater ditch/culvert issue was not discussed and brought to Council. It was not an emergency situation, and it wasn't urgent.

Mayor said when the Village has to send a snowplow out to that spot to work on the ice it is a safety issue. He stated again that the project wasn't done for the homeowner, it was done to the homeowner. They did not want it and they asked the Village not to do it. Carroll said this is something that could have come to Council ahead of time especially when the Village is spending funds that were not budgeted.

Kostura said his biggest issue with all of this is that it was in the right-of-way (ROW) and he understands there are some responsibilities of the Village to remedy those situations, especially when it deals with health and safety. However, nothing was freezing right now. It wasn't a safety issue right now and the work was done within the past two months, so why wasn't it brought to Council's attention within the past two months and it could have been easily remedied. Council could have easily said, "yes, this is money we want to spend", "yes, this is a health and safety issue", "yes, we will transfer the money". Now the Village is amending the budget after the fact because there are bills to be paid that are now due and owing. This issue was not addressed in the proper order. Ultimately, the Village will pay for this, but this is a learning point in that there is a proper method and timeline for which things need to be asked for and approved, and after the fact is not the proper way. Kostura said what upsets him the most is that Village officials are all responsible individuals and know when things are supposed to be done, and this is not how it is supposed to be done.

Nairn said not only is she concerned that Council didn't weigh in on this issue, she attended the Street Committee meeting and asked the Street Commissioner if he put in a purchase order for

the work and he said “No”. Nairn said the Finance Committee worked very hard last year on getting a purchase order policy in place and Department Heads are the head of the department and therefore they need to follow the procedure with a purchase order. She realizes the safety issue was important, but this is another example where a purchase order wasn’t even considered.

Mayor said he believes they talked with the homeowner since last fall. He didn’t look to see if there was a purchase order and he didn’t know why it didn’t get budgeted. Mayor said they just wanted to get the project done. He doesn’t know if something like this should come to Council. He said a gentleman came to the Village a few weeks ago, before the paving of Garden Park and showed them a failed culvert. Mayor told them to put in a new culvert – so they dug up the road and put in a culvert across Garden Park and Morningside a couple days before the pavers came in for the road program. Several members of Council asked where the money for that repair came from, no one knew.

Carroll said there is an emergency process in place in the purchase order policy so emergency purchases can take place. Porter stated the issue was that there wasn’t enough money in the line item for that project. Kostura explained that all it would have taken at that point was a phone call to the Chair of the Finance Committee to explain the situation and get approval for the expense. Then there would have been consultation by a Council member of the expense of funds prior to incurring the expense.

Canton asked Solicitor if the Mayor has some flexibility to make the decision without Council. Solicitor replied, “Sure”. Galicki asked, “For unfunded requisitions for line items that exceed a budget?” Solicitor stated, “Yes”. Kostura asked, “In contravene with the ordinances in place?” Solicitor replied, “No, you can’t contravene an ordinance in place.” Galicki asked what was the legal citation that would allow the Mayor that authority. Solicitor said he would have to dig that up. Galicki said, “Then it isn’t known if it is an opinion founded in fact, legal precedence or an opinion.” Solicitor replied, “What I know is that it is the powers of the Mayor to be the administrative head of the Village that give rather broad authority to be able to make last minute certain decisions for what are perceived to be safety issues.” He said he could do better with some time but off the top of his head there are certain tasks within his discretion that allow him to spend money.

Kostura said he would agree there are circumstances in which the Mayor can act, and should act, and the Mayor has the authority to do so. But when those actions are not an emergency and don’t fall within the emergency powers of the Mayor, they should be authorized by that of Council if the Village is going to spend money. Solicitor said he doesn’t think the Mayor’s powers are restricted to strictly emergency situations. Carroll asked, “Then why do we have to budget? Why is Council involved in it at all?” Solicitor said, “Obviously there is a point where it is a political problem for the Mayor, but I can’t sit here and tell you X amount of dollars is where you cross the line. It’s whether or not you consider this to be major expenditures or not”.

Mayor said in an attempt to get this solved for the future, he wanted to walk through the steps of what should have been done. If \$5,000 was in the budget, they could have gotten a purchase order for the \$5,000. If they started the project and found more problems which would increase the expense to \$8,000 by the time the project was done, he asked if they should have left the ditch open until they could get approval or continue and finish the project. Fiscal Officer explained the way the purchase order policy was written, if it was considered an emergency, the Department Head would have called the Chair of the Finance Committee to get his approval and then the purchase order would be processed. At the next Council meeting, Council would formally approve the expense. Mayor explained they ran into culvert issues that needed to be addressed before the road program started and they had to get them done, so the Street Department employees did them. He didn't know what was in the budget and he didn't worry about the purchase orders, he had to get it done. Kostura said it was up to the Street Commissioner to be aware of it. Mayor replied that the culvert issues related to the road program were found when the Street Commissioner was on vacation. Kostura said the Street Commissioner knew what was in the budget and if he was going to spend money he should have gone to the Mayor and the Chair of Finance. Kostura said at the end of the day the Village is going to pay the bill, but he just wants the process to be done correctly so when asked to verify why this happened, the Village can say it abided by the regulation.

Porter said in a situation like this, he felt the Mayor acted promptly to correct the problem and a phone call to the Finance Chair would have been the appropriate thing for the Street Commissioner to do because the Mayor doesn't have the budget figures off the top of his head. This could be a lesson learned and should this occur in the future, that is the way to handle it. Porter said an alternative is the Mayor can commit the Mayor's discretionary fund to cover the expense. Carroll said he would consider transferring \$3,700 from the Mayor's discretionary fund to help cover part of this expense. Carroll said if the project was that important to decide to do it, the Mayor's discretionary fund could be used. Historically in the past, Mayor Brett used that fund to get dumpsters when there was flooding, or chippers after storm damage from downed trees. He said he felt \$3,700 was an appropriate amount to take from the Mayor's discretionary line item and then if the Mayor needs additional funds before the end of the year, he could approach Council to request more funds.

Mayor said in his opinion the project was that important. He doesn't do the budget and never thought about the budget, he wanted to get the work done. He said he talked about the project with the Street Commissioner and Engineer, he didn't think he needed to consult Council. Galicki said the fact of the matter is that the Street Commissioner had a responsibility. If the Mayor directed him to do the work, he should have gone to the Mayor and explained that he didn't have money in his budget to do it. Then he could have approached the Finance Committee or Council to request money. But the response was the Street Commissioner didn't know where the money was coming from, but he was told to do the project, so he did it. Nobody should expect the cavalry to run over the hill to save him because he didn't exercise good fiscal responsibility in the budget or didn't recommend where the expense could be taken out of the budget; that is sound management of a budget and sound management of a Department Head.

Galicki said if the recommendation is not to take it out of the Mayor's budget, then the Street Commissioner needs to take it out of his budget. Carroll said for lack of clarification, he would still stand with his proposal that part of the Mayor's discretionary fund is used to cover part of the expense and the Street Committee and Finance Committee can sit down with the Street Commissioner and figure out how to replenish the Mayor's discretionary fund.

The Engineer said he may have a way to cover the costs for the culvert replacement. He thought the Village was bumping close to the \$350,000 budget for the road program; however, right now, he thinks the total cost will be approximately \$330,000 which is \$20,000 under budget.

Mayor explained the "Arnold culvert" on Garden Park was done in about three days' time. The same thing happened on Belmeadow and the same thing happened on Manorbrook. A guy walked by and there was a hole. The catch basin was rotting out and it took two days and a couple thousand dollars to fix the issue on Manorbrook. Mayor said he didn't know the cost of putting in the culvert under Garden Park, but those decisions are just made spur of the moment because they have to be done. Kostura said those are emergency decisions and that is okay. He said he didn't think there was a person on Council that would disagree that those things have to be done and have to be done quickly. But the Toncheff property wasn't something that had to be done quickly. This issue could have gone to Council, or a call could have been made to the Finance Chair to get the expense approved. Kostura said the Village just has to make sure it is fulfilling its obligations under the ordinance.

Mayor said another thing to consider for all the department heads is to have some sort of fund for emergencies. Nairn said the problem with that is if an individual knows there is an emergency fund there, nine times out of ten, that emergency fund will be spent. She said she is not comfortable with the lack of accountability and it needs to change. Carroll said he has a \$3 million budget at the Lyndhurst Fire Department that he is responsible for. He doesn't have an emergency fund and he can't go over budget. He watches his budget like a hawk. If he were told to do something by his Mayor, the first thing he would do is go to the Finance Director in Lyndhurst and explain what he had to do and find out how to make it happen. Carroll said the Village already has something in place to allow for emergency appropriations which is pretty flexible. Kostura said he is not a fan of slush funds. They are an easy way for dollars to be spent that have not been properly vetted by the people who are responsible for vetting them. He said he is all for spending money on things the Village needs and are in the best interest of the residents, and there is a process in place for that. He is not in favor of giving people carte blanche to spend because something wasn't budgeted for.

Mayor clarified the issue is that no purchase order was requested for the Toncheff job. Even if it had been written for \$5,000-\$6,000, the costs would have still gone over. The second mistake was when the second pipe was found underneath the first one, there should have also been action there. Kostura said the second part where they found the additional piping was an emergency because the ditch was already open, and the repair had to be finished - but the Village needs to abide by the policy. Mayor said another thing that cost more money with the project was that the



homeowners had a nice green lawn and the Village couldn't just put a ditch in, they returned the property to the way it was, or maybe a little better. Mayor wasn't comfortable saying the Village would tear out the front yard and put a ditch in; that is not how the Village treats its residents.

**SOLICITOR'S REPORT:** Solicitor reminded everyone he wasn't at the last meeting, and he thinks there was a breakdown in communication regarding the park procedure ordinance. There were two versions of the ordinance, a "blue line" version and a version the Solicitor revised. He said the substance of the ordinance wasn't changed but the title as well as some slight corrections were made. Fiscal Officer made copies of the up-to-date revised version from the Solicitor and distributed to Council.

Kostura asked about the cell towers poles and how it is affecting villages since the legislation was passed. Solicitor said Council passed the legislation, so it is in place. If someone made an application today for a small cell tower, they would have to go through all of the new regulatory standards. Over time a lot of communities are going to develop a little more sophisticated design standards and make some decisions about a wooden pole versus a metal pole, but none of that has to be in place immediately unless someone wants to start focusing on it. Solicitor said the Village cannot prohibit the monopoles, but the Village has created sufficient standards and guidelines so when they come to the Village there are fees to be paid, there is a timetable of how fast the Village has to respond, and the requestor has to comply with design guidelines and standards – so the Village is protected.

Regarding the Memorandum of Understanding (MOU) for the School Resource Officer, the Solicitor said it was drawn up so that the Village of Chagrin Falls Police Department and the Village of South Russell Police Department are entering into these contracts, but he doesn't think police departments can enter into contracts - the Village would enter into the contract. Solicitor said the MOU states it is a three-year contract, but it is confusing because it says, "unless terminated, the agreement will renew annually". Solicitor said it won't renew annually, it is a three-year contract. The Village could draw a line through that verbiage to solve that problem. Kostura said there is no fee statement in the MOU and that bothered him because if the Village signs it, the Village is in the agreement for up for to three years, but nothing states how much the Village will have to pay. Galicki said in the August 9<sup>th</sup> Chagrin Valley Times, there was an article about Governor Kasich signing a bill funding school resource officer training programs. HB 318 requires resource officers to have 40 hours of specialized training among other requirements and it also allocates \$12 million in grant funding for districts wishing to establish a School Resource Officer (SRO) position or other school safety programs. Given that, part of the Village's due diligence should be to ask the school district if they have a desire to submit for part of that funding and if they do get that grant money, how does that effect the Village's contribution.

Carroll asked if there is termination language in the MOU. Kostura read the termination language and stated that if the Village was in it this year, it would have to provide notice by February that it wants out for the following year.

Porter said it seems like the SRO is not required to do much in terms of communicating with South Russell. There should be some provision in the Chain of Command paragraph that the SRO communicate with the Village when they are at Gurney School. Chief said that is one of the criticisms from the past SRO where the Village was not kept up to speed on what they were doing in the school. Chief said Safety Town recently took place at Gurney School, but South Russell was not notified it was taking place. Canton asked if South Russell officers will continue going to Gurney School in the morning and afternoon. Chief replied that they will be there for arrival and dismissal as always. Nairn stated South Russell police presence doesn't excuse the SRO from being at Gurney School. She stated she doesn't see where the MOU states the SRO will be at the school a certain number of times per week. Chief replied that it is going to be random and they claimed they would be there at least once a week generally, but he is supposed to get a report of what they have been engaged in with the kids. Kostura said it was discussed that they have to defer to the South Russell Police Department for all criminal activity.

Porter offered an amendment to the Chain of Command section. In the second line, "While at specific school buildings, the SRO will also report to the building principal or his/her designee". Porter said it should also say, "Chief of Police or his/her designee for the Village of South Russell or Chagrin Falls". He said if the SRO is in the building, somebody in the department should know that.

Solicitor said the experiences with the SRO have rarely, if ever, involved his office. The criticisms about the way it ran in the past is not necessarily something that he knows about. It was decided Council members with concerns or proposed changes to the MOU would forward them to Nairn who would meet with the Chief and Solicitor to discuss.

Mayor declared a restroom break at 9:00 p.m. Meeting reconvened at 9:08 p.m.

**FINANCE COMMITTEE:** On behalf of the Finance Committee, Porter made a motion to approve the fund balances submitted by the Fiscal Auditor that match the Fiscal Officer's report, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Porter made a motion to transfer \$6,000 from the road maintenance line item to the storm sewer line item, seconded by Kostura. Carroll asked if that is enough to which Porter replied it was not, but the Finance Committee didn't know all the expenses that have been generated since the information was submitted. When that information is known, the Street Commissioner will contact the Finance Chair and get that approved and Council can ratify the expense at the next meeting. Voice vote – ayes, all. Motion carried.

**POLICE CHIEF'S REPORT:** Police Chief referred to his month-end report that included the Safety Committee minutes and a copy of a sample ordinance regarding engine brakes. Chief distributed another piece of sample legislation regarding engine brakes at the meeting. Solicitor

will draft legislation using pieces of both Chardon and Burton's legislation. Once drafted, it will be distributed to Council prior to the next Council meeting for review.

**ENGINEER'S REPORT:** Engineer stated the road program should come in at about \$330,000 plus the additional spot repairs. He said Burton Scot did a wonderful job. They had multiple crews working and he was trying to keep up with estimated costs, so he would know when they had to stop with repairs to stay within budget. He thought they were close to the budget, but now that he has had time to go through the calculations, he is comfortable with saying the total will be approximately \$330,000.

Engineer distributed an 11" x 17" map of the area being considered for the 36" culvert to go under Chillicothe Road just north of Bell Road. The Manorbrook properties to the west have enclosed that ditch with a 15" culvert so it goes all the way to the main creek line. A new 36" culvert doesn't drain into a 15" culvert effectively. The Village is going to have to partner with the Manorbrook Homeowners' Association (HOA) to either increase the culvert size, so it matches the Village's, or his preference would be to take the culvert out and restore it to a street channel through there.

Engineer stated in the North Central Drainage Report they looked at a couple different options that involved some pretty high dollar retention basins which were recommended. The Mayor approached him and said that it is imperative that the 15" culvert that goes under Chillicothe Road is replaced with an appropriately sized 36" culvert and he is working on the design for that. Since there isn't a funding source for hundreds of thousands of dollars, approaching a million dollars for construction of a retention basin that would hold all that flow back and buffer it going downstream, he is looking to see if anything could be done as part of the smaller 36" culvert replacement to buffer that flow and ease it away from the people downstream. He distributed a map as an exhibit that provides a talking point to approach the Manorbrook residents and let them know the Village will be doing the 36" culvert. The Village will need some buy in, assistance, and cooperation from the Manorbrook HOA to make sure the job has the most desirable result possible. Engineer believes stream restoration and stream enhancement on their property can be a neat landscape feature. Engineer said there may be some 319 grants available that are designed specifically for restoration of streams. He said the Manorbrook HOA could apply for that, it doesn't have to be a municipality. South Russell could apply for that on behalf of the HOA with a memorandum of understanding (MOU) agreement. Engineer said at minimum the Village needs to open the 15" enclosed culvert, however it should look to do something beyond the minimum because there are people downstream that will continue to be effected by all the water.

Mayor has contacted the Chagrin River Watershed Partnership (CRWP) and they would like to get involved in going for the 319-grant money.

Kostura said he is in a group and received an email the other day in respect to FEMA having \$393 million for flood mitigation and pre-mitigation. Engineer said that is separate from the

319-grant money. Kostura asked if the FEMA money is something that South Russell could get behind; Engineer replied that it should. Engineer said there needs to be comprehensive drainage studies to identify the problems and the Village has those studies and is ahead of the curve. FEMA requires those studies and if you are going to ask for money, you have to demonstrate that it is a perennial problem. Kostura asked what the process is to apply for this money because the longer the Village waits, the money will most likely run out. Engineer said he is not yet well-versed on the process and the availability of the FEMA money, but he is getting himself up to speed. Engineer and Kostura agreed that it seems like the grant would be a good fit for the Village and if there is free money out there, the Village should cast its nets and see what it can get.

Canton asked the Engineer if there could be a pond on Chillicothe Road to hold the water. Engineer said he would love to do that, but that has fallen out of fashion with the Environmental Protection Agency (EPA). What has replaced that is restoring a stream to its natural habitat and widening out the flood plains, so the stream can widen out but still continue to flow.

Engineer said there were a lot of repairs necessary in Lake Louise for the pavement program, but he has full confidence that what was done there will last a long time. The road itself was not terrible. Chip sealing and putting a couple more inches of pavement over the top to build the road thickness up was definitely the right call. This is a strategy that he believes the Village should continue to employ where it's applicable.

**STREET COMMITTEE'S REPORT:** Canton reported the school flashing lights are in working order.

The next Street Committee meeting is August 24<sup>th</sup> at 7:30 a.m.

**BUILDING INSPECTOR'S REPORT:** Building Inspector submitted her month-end report. Porter asked about the Gurney School outdoor classroom with an outdoor theatre, teepee, etc. He asked if the school needs any permits from the Village to do that. Building Inspector said they will be going to the Planning Commission for that. Porter said perhaps the Village could use this as an opportunity to discuss stormwater in connection with their requests for assistance in the project. Solicitor said this is a murky legal area where there is a separate political subdivision and whether they have to comply with the Village's zoning. Solicitor said it was his understanding that Kenston Schools got into a dispute with the Bainbridge Township Trustees and ultimately the Kenston Schools said they will not be able to comply with everything the Trustees said they needed. The Park District is the same. Solicitor said it can become something of a negotiation.

The Zoning Board of Appeals (ZBA) will be meeting to hear a variance for a shed that the homeowner wants to put in the front yard because they say there are woods in the backyard and this is the only appropriate place for them to put the shed. The homeowner claims it is

surrounded by woods and so it is well hidden and that is the argument. There are a few sheds in the front yards in the Village.

**BUILDING COMMITTEE'S REPORT:** Kostura reported there was a Building Committee meeting on August 10<sup>th</sup>. There are some issues with the new home that was built on Chillicothe Road and they are waiting for an as-built design to come out of that but it has not been provided yet.

The Building Committee also discussed the issue of signage. There are signage requirements in the I-1 and B-1 districts which are primarily off of Washington Street. Unfortunately, there are no signage restrictions any place else in the Village including the R-3 location at The Lantern. This is something that is being discussed to be reviewed and ultimately a decision will probably come out of Planning Commission as to how to overlay signage requirements on the Village as a whole.

Kostura reported that the Village received the Northeast Ohio Public Energy Council (NOPEC) grant and was able to side the Village Hall and put gutters on the building for just under \$15,000; the Village budgeted \$20,000 to side the building alone. The Building Committee is looking at other projects that have been delayed to determine if they can be done this year and what the cost of those would be.

Building Inspector said the new Building Department sign will be installed once she receives the proper anchors to get them into the mortar.

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

Police Chief said the asphalt company did a fantastic job. They were easy to work with and user friendly. The Service Department employees deserve kudos as well for saw cutting the concrete in front of the garage to give the asphalt company a smooth surface to abut to.

Police Chief said his department is still concentrating on Fairview Road and running radar mornings and afternoons. Chief said he examined the speed stats a little further and when looking at the raw data that provides the average vehicle speeds he wanted to see how accurate the average of 22 MPH is. He also determined that he has some speeds included that were erroneous readings. A radar unit can pick up a leaf blower, a motor and things of that nature. When a landscaper comes in with a leaf blower, it can be picked up at about 80 MPH. Even with the erroneous speeds up in the 80 MPH range, they are included in the 22 MPH average. He is working with the speed box company on the sensitivity of the unit.

**SAFETY COMMITTEE'S REPORT:** Nairn made a motion to accept the \$100 donation from Dry Insurance for the Shop with a Cop, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Lampion, the company that programs the school zone flashers, trained the Chief how to do the programming. The Chief will now be doing that programming for the Village.

There was a resident concerned about speeding on Chillicothe Road and the possibility of the speeding causing accidents and with all the data collected, the accidents on the Village portion of Chillicothe Road are caused by improper turning or rear-end crashes, not speeding.

The next Safety Committee meeting is Tuesday, September 4<sup>th</sup> at 8 am.

**HUMAN RESOURCE COMMITTEE REPORT:** Carroll said employees are turning in their Position Analysis Questionnaires (PAQ) for their job descriptions.

In Carroll's recent temporary unavailability, Kostura reported that he went through all the resumes received for the part-time Administrative Assistant and coordinated with the Fiscal Officer and Carroll to determine the top choices. The committee put out requests for interviews to the top three. One of the top three rejected the Village because she wanted more hours than what is being offered. Two candidates were interviewed, and one was selected to move forward with a second interview. They and are very pleased with what they have seen so far.

**PROPERTIES COMMITTEE REPORT:** Porter said the property committee met to discuss the cemetery scattering garden and the potential for installing benches. The group is thinking of installing five benches. The front of the bench would have the family name all in the same font, and the family would work with a monument company to do personalized artwork on the seat. The cost is approximately \$1,160 for the bench without the foundation. There is one family currently interested in purchasing a bench and the others would be purchased as families desire to do that. Over time the benches will pay for themselves. Installing all the benches at one time would allow them to weather the same. When the families would purchase the benches from the Village, they would pay the cost the Village paid, regardless of when they buy it. If the last one is sold 20 years from now, it would be the \$1,160, not what Sheffield is charging at the time. Porter said this will be inserted in the budget for 2019 and then do the purchases in 2019, the Street Department employees would install the foundations and Sheffield Monument would install the benches.

Additionally, when meeting to discuss the cemetery, the group talked about landscaping and tree maintenance. Nairn said she spent 90 minutes at the cemetery with Craig Cawrse to look at the landscaping. She said when she attended a funeral at the cemetery in 2017, the cemetery was gorgeous and now there was a weed that was as tall as she is in the scattering garden. Nairn said it is her understanding the Service Department is no longer spraying weed killer and the weeds are taking over. She said there is a black slime which is now growing on the surface of the cemetery lawn as well and the trees need a lot of attention; they need to be sprayed and fertilized.

Canton said he met with Craig Cawrse to discuss landscaping around Village Hall. The main thing that came out of the meeting was maintenance, just like the cemetery. Canton said Cawrse suggested two stages. Stage 1: Regarding the north and south wall below the siding - When it rains the dirt splashes up all over the walls, so he suggested having those two walls power

washed and painted. To keep that from happening again, he suggested the base of the north and south walls extend outwards about 2 feet and then put pebbles there so when it does rain, dirt won't splash up. The downspouts for the gutters on the northeast side need to be extended. He suggested the landscaping on the north side should be a complete pull out. On the west by the front door, the boxwood should be pulled out. On the southwest side, keep the crab apple tree. On the south side keep the pines. The beds below the pines are a huge maintenance issue and he feels that should go back to lawn. There are a number of dead trees that should be taken care of. On the southeast side, remove the lilacs and keep the pear tree. Remove the hemlock and on the east side and pull out the ornamental grass.

After all of that is done and Cawrse can see what is left, then would come Stage 2 and he will determine what should be planted in the fall. Mayor said essentially all the way around the building there are five things that should be kept and everything else needs to go.

Canton said Cawrse wants everything cleaned out and then go from there. He feels the best time to do this would be the fall. Cawrse really emphasized maintenance. The Village only has so many employees and so much time in the day to do maintenance, but if the Village is going to do all this work, it has to maintain it. Nairn said the Village has a landscaper that is on contract with the Village, a full-time summer employee, and the regular Street Department employees - this stuff should have been taken care of. Canton said there are financial budgets and there are time budgets as well and to be able to sit down and budget how much time should be allocated to maintaining properties might be a way to go. There will be emergencies where the road crew may have to do X, Y & Z, but the Village should budget time.

Regarding the United States Geological Survey (USGS), the Mayor said he doesn't know what the County is doing. The County pays \$22,000 for USGS and the Village pays \$7,000 and the Mayor feels the Village should be getting more service out of the County.

Mayor is going to meet with the people from Spectrum to hear what they are doing and share concerns.

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

Porter introduced an ordinance to amend the annual appropriations increasing the Building Department salary expenses by \$4,000 and Income Tax Fund transfers \$4,000 and declaring an emergency. Porter made a motion to waive further readings, seconded by Canton. Kostura asked what would be done to reign this expense in. Mayor replied to get the committees to accept less in the minutes from the Board Clerk. She is doing a great job, but it is over the top. A 27-minute meeting ended up with six pages of minutes. Some things needed to be done and she has been very busy but there are some things that can be done to get the job done without the effort it is taking. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **Ordinance 2018-34**

Porter introduced an ordinance transferring from the Income Tax Fund to the General Fund \$13,350 and to the Building Fund \$4,000, and declaring an emergency. Porter made 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 2018-35**

Carroll referred to the revised park pavilion legislation from the Solicitor distributed earlier in the meeting. There are no significant changes from the blue line copy that was included in the Council packets. After his meeting with the Park Committee, some thought was to tweak the number from 40 to 50. The notification period is five business days, not three business days as noted in the Mayor's report. The other point was the alcohol use. Carroll said currently Council is to approve all alcohol use when someone uses the pavilion and asked if perhaps Porter, Kostura or the Mayor could shed the historical perspective on that decision. Carroll said the Geauga Park District does not require a permit for alcohol. He said Kostura had a good idea that if there is going to be alcohol, that the Village notify the Police Department, so they can stop by. Carroll said he would be inclined to waive the requirement to have Council approve the use of alcohol. The other stipulations would be triggering events; 50 or more people, the food trucks, bouncy houses, and bands. Canton said he appreciated the fact that Carroll went to the Park Committee meeting and discussed this with the committee members. He thanked him for modifying his initial proposal. Canton said the committee still wants to keep it simple.

Kostura said right now the violation is scheduled as a 1<sup>st</sup> degree misdemeanor. He felt at maximum it should be an M3 and that is the most he would ask for. Canton said if any department should be notified of park usage, it should be the Police Department. They could be the ambassadors and stop in and let the people know they will be in the area.

Carroll said for the Concert in the Park, people bring alcohol. Fiscal Officer said currently alcohol is prohibited in the park by the park rules that were adopted years ago. She asked if alcohol is permitted, would that be for the whole park and a change to the park rules, or would alcohol be permitted only if someone reserves the pavilion. Carroll wants to change the park rules to be in line with what the Geauga Park District does. Solicitor said the Geauga Park District only allows alcohol if someone reserves a shelter. Someone can't go into a Geauga Park and just drink alcohol while looking at the lake, they have to have reserved one of the shelters. Carroll said he thought at the Frohring Meadows Park, alcohol is permitted in the pavilion only. Fiscal Officer clarified that alcohol is only permitted with the pavilion rental. Carroll said third reading could be done with the amended changes.

Porter asked how far in advance people should submit their reservation request. If someone is having ten people, that is not a big deal. But if there are going to be 300 people and they are going to have music and beer and such, it seems like the Village should have some advance notice for a crowd that large. The concerts that the Village has had have been pretty well attended, so it could get larger. He asked if a large group is going to rent the pavilion, should they do it at least a week in advance of the date they want it. Solicitor replied if someone wants to have a large group, they are taking a chance waiting that long because if the Mayor says no or if it goes through the proposed process, they may have to wait until the next Council meeting to get Council's approval. Carroll said if they don't reserve it and just show up, they can do it. Porter said if they want to do it tomorrow, and they pay their \$25 and submit an application for 400 people tomorrow with no alcohol, could they do it. Solicitor said under this ordinance they can't do it because it will be the Mayor's decision first and then word goes out that he made this



decision and then Council has five days to respond and if there is a stalemate, it goes to Council. Anybody that wants 400 people better get it in. Or, they could not reserve the pavilion and just show up. Porter said it may not be an issue, but if it is, Council could amend the ordinance.

Carroll said he feels the Village needs to implement something and try it and move on. If issues are found, then it can be adjusted accordingly.

Mayor said he wanted to try the permit he prepared with the Department Heads.

Porter said the changes to the ordinance are 50 people, change Section 5 from a misdemeanor of the 1<sup>st</sup> degree to a misdemeanor of the 3<sup>rd</sup> degree. Carroll agreed and said at the 3<sup>rd</sup> bullet point “no alcoholic beverages” could say “alcohol shall be permitted to pavilion use only”. Where it says check if the following apply, “will alcohol be consumed”, they may or may not answer that.

Carroll said regarding catering and food trucks, the State of Ohio passed a new fire code and food trucks are required to be inspected. However, some cities are providing documentation of the requirement that are supposed to be met to the food truck vendors so when they come, they know what the standard they are supposed to meet is. Carroll said he can talk to the fire inspector about that part of it.

Carroll will provide a clean copy with the changes and get it to Council prior to the next Council meeting in September to consider for passage.

Mayor said he can't believe the Village spent this much time and money on this issue. The Fiscal Officer has done a great job with this for four years, but he would like to take the responsibility off her shoulders. The Village has talked for 27 months of the Fiscal Officer needing help and he asked that Council take this off her shoulders and give it to the Building Inspector who deals with people and permits.

Mayor referred to a note he sent Council. He said the police discharge their weapons, euthanize animals and Council isn't made aware of these things or a gas leak. He asked why Council cares who has the park for their birthday party or soccer party. This is a waste of their valuable time on an issue that is not a problem and he is embarrassed that this is being discussed and has wasted this much time. If Council wants to go ahead with this, he thinks they are making a big mistake. Mayor asked Council to look at the form they are using, “chalking is prohibited”, and said that is a ridiculous statement. One time a couple of kids chaked the pavilion fireplace so now the rules say you can't chalk. Mayor said 12 people came to the Village and poured their hearts out about storm water and nothing was done. But hours have been spent on the park. The Village has a chance to take this off the Fiscal Officer's shoulders. Mayor said he thinks the whole thing is ridiculous and is a power situation; a control situation. Let the people in charge do their jobs.

Carroll thanked the Mayor for his comments.

Nairn asked Fiscal Officer if the pavilion permit process is a burden to her. She replied that it is not a burden, but what she struggles with is knowing when to “advertise” events and when not

to. She gave the example of the Concert in the Park and notices went out in the newsletter, e-blast and website. However, for the Pilates in the Park, nothing was supposed to go out for that. She doesn't know how to decipher which is a Village sponsored event, who gets charged and who doesn't get charged. As Fiscal Officer she is worried about waiving fees for some and not for others and she feels Council should weigh in on that or have something in place to say when fees aren't charged. Porter said it was his understanding that everybody gets charged \$25 for the pavilion. Fiscal Officer said Council agreed to waive the fee for the first concert this year, but there was a second one with no fees paid. Mayor said the Village is a member of the Chamber of Commerce and that is the right thing to do. Carroll said that Council decided the Village was going to charge everyone and this is why there has to be an ordinance. Porter said the Village only charges for the pavilion. If they are doing pilates on the hill, that is not the pavilion. Canton said he drove by one week and they were using the pavilion. As long as the pavilion isn't being used, anyone can use it. Nairn said pilates uses music and they may need the power source in there.

Porter recommended in Section 1 instead of the verbiage stating the "Village Fiscal Officer", it be changed to the "Village Official designated by the Mayor".

Carroll made a motion to table the park permit ordinance until the September 10, 2018 meeting, seconded by Kostura. Voice vote – ayes, all. Motion carried.

**BILLS LIST:** Porter made a motion to ratify the 7/13/18 Bills List in the amount of \$67,850.91, the 7/30/18 Bills List for \$10,130.85, the 8/9/19 Bills List for \$6,866.00 and approve the 8/15/18 Bills List for \$15,443.26, seconded by Canton. Voice vote, ayes – all. Motion carried.

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

Canton referred to the Eagle Scout project idea presented earlier in the meeting. Canton wanted to know the status of the "Krappe" property because the scout could have a great idea, but if the Village is going to sell the property, what is the use of doing the project. Carroll said his personal opinion is to do the project in the official park versus the "Krappe" property because while it may not be sold today, if you put the Eagle Scout project there, it is locked up. Unless Council wants to designate the "Krappe" property as a park, he personally would suggest the Eagle Scout project be done at the South Russell Village Park; Porter agreed.

Canton asked if there is an outside area designated where employees can have their lunch and thought that could possibly be a project idea. Another idea was having the scout address some of the landscaping issues around Village Hall. Porter suggested this go to the Park Committee as they always have ideas for the park.

Canton asked whose responsibility it was to maintain the trees in Manorbrook. Some members of their HOA believe the trees are the Village's responsibility because they are in the right-of-way (ROW). Solicitor said you could reach the conclusion that if they are in the ROW they are the Village's responsibility, but there is no obligation on the Village to do anything with them; they can cut them all down. It is a question whether Council is inclined to take on the

maintenance going forward, but there is nothing that forces the Village to do it. Galicki explained that in communities that have tree lawns, generally that tree lawn territory is the municipality's responsibility. They often plant trees there and then take care of them and cut them down when they die; sometimes replace them, sometimes not. The Village doesn't have tree lawn equivalents. Solicitor said he doesn't believe the Village is responsible for the trees. It could take responsibility for them, but it is not obligated to.

Galicki stated he wanted to bring attention to a discussion at the County level about the Geauga County Health District's tax renewal. He suggested everyone take a look at what is going on and educate themselves. There is a lot of discussion among the County Commissioners whether it would take the form of an inside assessment which hasn't been used in 20 years, and/or a levy. Ultimately, he believes the Village should have a representative to the Geauga County Health District. As proceedings go forward, he said the Village needs to be engaged because it could affect, depending on the decision that is made, the money the Village receives from the County because it would be taken off up front from the Village's distribution. Porter said he thought they could assess townships but not cities and villages. Galicki said he understands it could be villages. Some of the discussion is townships bear the responsibility and one of the commissioners feels the townships should pony up, but he doesn't think the Village is exempt. Solicitor said he believes Galicki is correct. Solicitor said he thinks every political subdivision in the county bears its own particular ratio for it. South Russell sued over it about 30-35 years ago. In order to avoid a second lawsuit several years later, there was an agreement informally reached between townships and villages and how they were going to do it. Galicki said there is a question about whether this can appear on the 2019 ballot or the 2020 ballot. He said this may have an impact on the funds the Village receives from the County and he is inviting attention to it and if there is a meeting and the Village has a representative to the Health District, he would encourage that representative and/or other Council members to go. Mayor said he has never been invited to a County Health meeting, but he will look into it.

At 10:34 p.m. Kostura made a motion to go into Executive Session for a personnel contract. Galicki said if the discussion is going to involve the Fiscal Officer's assistant, then he would recommend that the Fiscal Officer remain for that portion of the Executive Session. Since it doesn't, then that is not needed. Carroll said if the discussion is going to involve the part-time administrative assistant, Galicki can't be part of it, and the Fiscal Officer and Solicitor should be part of that conversation. Mayor said he was not going to deal with that. Porter seconded the motion. Roll call – ayes, all. Motion carried.

Council reconvened at 11:08 p.m.

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

  
William G. Koons, Mayor

  
Danielle Romanowski, Fiscal Officer