

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 25, 2019 - 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Nairn, Schloss

**MEMBERS ABSENT:** Porter

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Solicitor Matheney

**VISITORS:** Ben and Harper Milroy; Eric and Ben Kimball;  
Kate Jacob McClain, Foxhall Dr.; Lisa Novak Antil, Bell Rd.

Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Fiscal Officer read the roll. Galicki stated he had a correction to the February 11, 2019 Council meeting minutes. The correction pertained to an omission in the motion to appoint Eric Kimball as a full-time South Russell Village police officer. The omission pertained to the appropriate level of hire and the waiving of the probation period for Kimball. Kimball currently serves as a part-time officer, and the full-time position he will assume is that of First-Class Patrolman. Galicki further indicated the motion should have included a waiving of the probation period associated with newly hired full-time officers in view that his part-time position satisfied probationary requirements. The Mayor asked Galicki to provide a copy of the correction to be included in the Council meeting minutes. The Solicitor concurred this would suffice. Carroll made a motion to approve the minutes from the February 11, 2019 Council meeting, seconded by Nairn. Voice vote - ayes, all. Motion carried.

Chief Rizzo introduced Officer Ben Milroy, a full-time Chester Township police officer, who will be working for the South Russell Village Police Department part-time. The Mayor swore in Officer Milroy.

Chief Rizzo then introduced Officer Eric Kimball and swore him in as a full-time South Russell Village police officer.

**MAYOR'S REPORT:** The Village is awaiting final approval by the Ohio Environmental Protection Agency (EPA) relative to the 319 grant involving the Village Hall property. Once approved, the Village will have two and one-half years to complete the project. He advised that the Village would contract with Chagrin River Watershed Partners (CRWP) to administer the project. The Mayor anticipated this would occur in the Summer of 2019.

Regarding the 319 grant involving the Manorbrook development, it was determined that the property on the corner of Manorbrook Dr. and Chillicothe Rd. is owned by Thomas and Thomas. The Mayor spoke to Bruce Thomas who was unaware of this. Council received a copy of the grant proposal. The Mayor advised that a motion would be required at the March 11, 2019 Council Meeting to allow the Mayor to sign and submit the grant application, and to sign the

agreements with Thomas and Thomas and Whitetail Homeowners Association (HOA). The decision for this grant might be received in July 2019, and once received, the Village would have three years to implement it. The Mayor stated that an issue the Village might encounter is that part of the selection criteria by the Ohio EPA is the successful completion of a previous 319 grant. The deadline for the grant application is March 15, 2019.

Carroll asked the status of the proposed contract revision submitted by the Whitetail HOA with the Village to replace trees on Manorbrook Dr. He noted it was still reflected on the proposal and added that tree replacement was not part of the stream restoration project. The Solicitor explained that this was proposed by the Whitetail HOA, and she left it in the contract for discussion by Council. She was aware it had been discussed but did not know if a decision had been made. Carroll asked if a cost was known, or what the purpose of this request was. The Solicitor was unaware of any costs given by the HOA and stated they just included it as a revision to the proposed agreement originally prepared by CRWP and revised by the Solicitor.

The Mayor stated he already told the Whitetail HOA it was a 'non-starter' and that he did not want to deal with trees. If they wanted financial compensation, that was something the Village would address once the grant was received. Carroll asked if this meant that outside of the project, the Village would deal with the trees. The Mayor stated he did not think so and would hope not. Carroll verified the tree issue would not be included in the 319 grant proposal. Galicki asked if a motion was needed to strike the revision. The Solicitor agreed because it had been proposed as a revision after the Village had already revised the agreement. She added that the proposed agreement for Thomas and Thomas was sent to Jim McSherry, the attorney for Bruce Thomas. McSherry would review the agreement, which is similar to the agreement with Whitetail, and pertains to three parcels. The tree revision is not included in the agreement. Additionally, McSherry is aware of the Village's timeline for submission of the proposal. The Solicitor further explained that by March 15, both property owners need to agree. Carroll asked if it would be helpful to simply strike the tree request from the proposal and let the HOA know that by action of Council this element would not be supported at this point. The Solicitor agreed.

Carroll made a motion that Council strike the "including trees" as part of this project for stormwater issues with the Manorbrook development. Galicki seconded. Voice vote – ayes, all.

The Mayor hoped to have the revised agreements by March 11<sup>th</sup>. The Solicitor stated she will remove the Whitetail HOA revision and send it on February 26, 2019 to Mayor and Council to then forward to Chris Berger. The Solicitor stated that Whitetail HOA is represented by Kaman and Cusimano, but no attorney from this practice has spoken to the Solicitor on the behalf of the HOA. She said she would contact Jim McSherry and indicate that the Village basically has a deal with Whitetail, pending the HOA's agreement with the remainder of the revisions. The Mayor stated that the removal of the HOA's revision would not come as a surprise to Manorbrook because they knew the tree replacement was a non-starter.

Assuming the Village is awarded the 319 grant, the Mayor added that the trees could come into play when the Village signs the contract for an easement on the property. He thought the HOA would want compensation or trees from the Village. The Mayor cautioned that the Village does

not want to go near the tree issue, but he thought this might be an issue Council will encounter in the future.

Nairn attempted to clarify the issue surrounding the Village obtaining appropriate signatures for the proposal. Specifically, she wanted to be certain that the other HOA's which exist in the Manorbrook development were not required to be involved in the decision and authorization process. The Mayor stated that the project is not a "go" at this point because of the revisions to the contract. The tree revision would be removed and then the contract would be provided to Chris Berger, whom the Mayor understood to have the authority to sign for all of the Manorbrook HOA's involved. The Solicitor clarified that Berger could sign for the one parcel of land, and Bruce Thomas of the Thomas and Thomas Manorbrook Gardens Development Company must sign for the other three parcels. Nairn expressed concern with the ambiguity of the ownership of the properties required for the proposed stream restoration project. The Mayor stated that Bruce Thomas was surprised that he was identified by county records as the owner of the properties and thought perhaps they were part of his Trust. He told the Mayor he would speak with his attorneys and gave the Village permission to speak to Jim McSherry. Carroll verified that the Solicitor would clarify who the authorized signers were for the 319 application. He added that Council did not want to revisit the situation with Kensington Green HOA where there were issues surrounding who was authorized to sign the contract with the Village. It was important that the issue be made as clear as possible before committing to the project. The Solicitor added that Thomas and Thomas was reflected in county records as owning the parcels, and if Bruce Thomas was the President/Chief Executive Officer (CEO) of this company and Jim McSherry was his representative, the Solicitor stated this approval was acceptable.

The Mayor was more concerned about who controlled the three HOA's of Manorbrook and whether Chris Berger was in fact authorized to sign the agreement(s) with the Village. The Mayor said that the Master Association Board gave Berger permission in writing, which the Mayor observed, for the three different Manorbrook entities. Carroll said it was his understanding that there was a Master HOA, which Chris Berger was a part of, and this entity had the power of approval. Nairn asked if it was the Coral Management Company to which Carroll and the Mayor were referring. They said it was. Canton stated that the group Chris Berger chairs will be having a meeting on March 19<sup>th</sup>, and he could address the Village's questions at that time. Carroll pointed out this would be after the deadline. The Mayor stated that the Coral Management Company had been notified that the Village was looking into the property ownership/control issue and that they should as well. The Solicitor verified that this had been done, and that there was no issue with Chris Berger signing on their behalf. This was the title owner of the largest parcel of land. Nairn again expressed concern with the notion of the Coral Management Company allowing someone to sign on their behalf.

The Mayor explained that the contract was just an agreement between the property owners and the Village to work together and no commitment was involved. Nairn stated she was in favor of the project but wanted to be sure it was executed correctly to prevent unforeseen difficulties in the future.

According to the Mayor, the yearly Stormwater Management Team meeting occurred on February 25, 2019, to prepare the required report which would be submitted April 1, 2019.

Attendees included representatives from CT Consultants, the Street Commissioner, Council Member Canton, resident Todd Kruse, and Kim Brewster, CRWP.

The Mayor reported that CRWP was utilized eight times last year, which cost the Village \$2,000.

The Ohio Emergency Management Agency would be having Webinars on February 26<sup>th</sup> and 27<sup>th</sup>.

On March 8<sup>th</sup>, the Mayor would be going to Brecksville for the grand opening of the City's Safety Center. It is one of the largest and newest members of Chagrin Valley Dispatch. Carroll added that it was called the Independence Center and Chagrin Valley Dispatch would be overseeing the operation.

The Mayor stated he received the grant application for the Stream Restoration Project on February 22<sup>nd</sup>, and Council was welcome to review it.

**FISCAL OFFICER:** The Fiscal Officer reported that the Village's property insurance renewal was due. As background, she explained that it had been decided last year to go with a public consortium. In 2017 the Village paid \$23,400 for insurance and in 2018 it was reduced to \$19,000 as part of the consortium. This year it was reduced to \$18,400. This constituted a savings of \$5,000. The Consortium also provided Safety grants. The Village received \$500 last year, and this year it would receive \$1,000, which would pay for safety equipment for the Village. The consortium also offers 90 minutes of free legal consultation, and the Village was offered a free appraisal of its largest piece of property. The free property appraisal was discussed at the Finance Committee meeting on February 22, 2019 and it was determined the Service Building, which had the most equipment in it, would be the best place to start. Considering the benefits and savings, the contract was renewed with the public consortium.

The Fiscal Officer advised that the Village currently did not have a contract with the Engineer. The contract would need to be updated, and Porter was looking into this. Fiscal Officer distributed to Council a handout provided to her by the Engineer which reflected price increases. The Finance Committee would be introducing legislation for this contract renewal at the March 11<sup>th</sup> Council meeting. Carroll asked when Council last considered a different engineering firm. The Fiscal Officer advised it predated her employment with the Village. Carroll asked if Council might want to obtain another proposal for comparison purposes. The Mayor said he did not want this. Carroll posed the question to Council. Schloss said he would. Carroll advised that although CT Consultants has done a great job, it would be beneficial to consider other possibilities. Canton stated he did not object to comparing although CT Consultants had done a great job. Nairn asked about the duration of the contract with CT Consultants, and the Fiscal Officer replied that it was 24 months. Galicki stated he was in favor of the competitive bid process. Carroll added that Council had a responsibility to the tax payers.

The Mayor stated that some of the dates on the Engineer's contract were incorrect.

The Fiscal Officer stated that she emailed Council a letter from the Geauga County Auditor regarding the Cents per Gallon findings. The Auditor would not be requesting the return of the

funds by the municipalities impacted. The Solicitor stated there was still an opportunity for the Geauga County Commissioners and the Geauga County Engineer to file suit, but she would be surprised if this occurred.

**FINANCE COMMITTEE:** Nairn made a motion verifying receipt and review of credit card detailed statements included in the Fiscal Officer's January report, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Mayor asked about the status of filling vacancies on the Tax Board of Review. The Fiscal Officer advised that aside from one inquiry, there had been no further interest expressed. The positions would be posted in the Village Newsletter and again in the newspaper.

**SOLICITOR:** The Solicitor recently attended a Municipal Law Update. She advised that on April 8<sup>th</sup>, the Public Records Law would be changed to address body camera video and dash cam video as public record, with certain exceptions. The subject would be in the statute as opposed to relying on case law.

**STREET COMMITTEE:** Galicki stated the Street Committee had nothing to report. The Mayor stated that he received an email of appreciation regarding the handling of a fallen tree by the Street Department personnel on the corner of Lakeview Lane and Leaview Lane.

**BUILDING COMMITTEE:** Schloss advised that he spoke to the Building Department secretary and to Dave Hocevar. He obtained data for February 2019 regarding building permits, zoning permits, and registrations. He planned to meet with Hocevar again to better understand the scope and details of his responsibilities with the Building Department. He added that Hocevar conveyed his willingness to provide his services to the Village through the decision process relative to the Building Department. Carroll suggested to Schloss that another meeting be organized to include Zoning Inspectors from Russell, Bainbridge, Geauga County, and Dave Hocevar. Schloss agreed.

Schloss also advised that he had citizen complaints to address. The Mayor stated that typically these things were not done in the public meeting. Schloss stated he received complaints from residents about the trailer issue at Mapleridge Rd. and Bell Rd. A second complaint of a neglected property was received for a home on Fernwood Rd. and Bell Rd. Schloss photographed both situations and provided the pictures for Council to view. He requested feedback from Council.

Carroll asked if there were fencing requirements that could be utilized. He was aware of zoning regulations pertaining to trailers. The Mayor stated there was nothing in the Village's Zoning Code that would apply to the trailers. There were provisions in the code to address the neglect on Fernwood Rd. and Bell Rd., however. Carroll suggested Council might want to consider adopting a Nuisance Abatement Ordinance to address these issues in the future.

Pertaining to the situation with the trailers, the residents in the area asked if the homeowner could landscape the area to shield it from view, and Schloss asked if the Village could enforce this. The Mayor said the Village could ask the homeowners to do this but could not force them.

Schloss asked the Mayor if the Mayor would do this, and the Mayor agreed. Carroll added that being nice is what Council would want to do, but at the end of the day, if zoning needs to be changed to prevent these situations in the future, Council should consider this.

The Mayor distributed a correction to a chart he had previously provided to Council reflecting Building Department revenues of \$53,000 instead of \$63,000. Carroll added that the Fiscal Auditor stated that these monies were not all actually revenue. Some of the funds were fees that were paid but then returned. The Mayor disagreed and said he had checked with the Building Department secretary and it was money that the Village received and kept. He added that in February, \$22,000 in construction deposits had been received, and most of them would be refunded. Carroll asked if the construction deposits were utilized to compensate residents who were not satisfied with the contractors' work.

**SAFETY COMMITTEE:** Galicki had nothing to report.

The Mayor stated that the School Resource Officer (SRO) would be attending the March 11<sup>th</sup> Council meeting and would provide a presentation. The Mayor asked if Council wanted Greg Kanzinger, Chagrin Falls School Board, to attend as well.

Carroll asked who was supposed to investigate the soft and hard billing issue discussed at the February 11, 2019 Council meeting. Galicki stated that it was the Safety Committee, but that there had not been the opportunity to do so.

**HUMAN RESOURCES COMMITTEE:** Galicki advised that Human Resources (HR) Committee met on February 12<sup>th</sup> to discuss job descriptions, pay scales, salary schedules, etc. provided by Clemans Nelson. Galicki stated that Clemans Nelson also conducts position analysis and audits. Galicki distributed correspondence from Clemans Nelson which described this process and provided an estimate for the work. Regarding the decisions surrounding the Building Department, Galicki stated that Clemans Nelson could provide impartial third-party input which would transcend feelings of Council or the Mayor with respect to the structure of the Building and/or Zoning Department. He was providing the information for Council to consider. The Mayor asked for clarification about the salary schedules, and the Fiscal Officer advised that those were not distributed because they contained the previous year's rates and required updating.

**PROPERTY COMMITTEE:** Canton stated he attended the annual Stormwater Meeting. He complimented the Street Commissioner on his thorough report. He also attended the CRWP meeting. Canton asked the Fiscal Officer to address the status of the playground finances. Fiscal Officer stated that the Village received the funds from the Tripps but added that the process was not as simple as just receiving a check. The donation was set up like a grant and required documentation. Because of the added complexity, the application was forwarded to the Solicitor, who spoke to the Tripp's funding source. The application was then reduced to a single document, which was then sent. The Village did not receive the funds until Friday, February 22, at 10:00. The deadline to submit it to the County Budget Commission was Friday, February 22, at 10:00, but it was necessary for the check to clear the bank first. As of the morning of February 25<sup>th</sup>, the check had cleared according to the bank. The Fiscal Officer then sent the necessary

paperwork to the County Auditor. She explained that there were three parts to the process. First, the Village was required to amend resources and next to amend the appropriations. After completing these steps, the transfer could be done. This was all sent to the County Budget Commission the morning of February 25<sup>th</sup>. It was communicated to the Fiscal Officer that the Commission would try to set up a special meeting for Wednesday, February 27, 2019. Once the budgetary items were reviewed, approved, and certified, she would then be able to cut the purchase order.

Canton attended the Jaycees Annual Banquet where he was presented with a \$500 check for the playground.

**PUBLIC UTILITIES:** Carroll stated that there was no report but that he and Schloss would be coordinating a meeting.

The Mayor added that Lorraine Sevich had been on the Agenda for the February 25<sup>th</sup> Council meeting and asked if she should be placed on the April 8<sup>th</sup> Agenda instead to discuss recycling and trash hauling. He asked Carroll to contact Sevich with this change.

**ORDINANCES:** Nairn provided a second reading of an Ordinance requesting the County Auditor to certify to the Taxing Authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of 2.75 Mills and declaring an emergency.

Galicki provided a second reading on an Ordinance amending appendix D, the job descriptions of the Village's Employee Handbook.

Carroll introduced an Ordinance amending chapter 1012 of the Codified Ordinance of the Village of South Russell "use of public ways and design guidelines for small cell wireless facilities and wireless support structures" and declaring an emergency.

The Solicitor stated that it was not necessary to declare an emergency and that the Ordinance could go through three readings. She explained that it would be amending what was done in July in response to a Federal Communications Commission (FCC) small cell order with changes that involved fees, shot clock, and other administrative rather than substantive issues. The small cell order was to go into effect January 14<sup>th</sup>, but the FCC decided that localities might not be able to accomplish this without an additional 90 days. As a result, the deadline was changed to April 14<sup>th</sup>.

**BILLS LIST:** Nairn made a motion to ratify the February 14, 2019 Bills List in the amount of \$12,922.52, Canton seconded. Voice vote – ayes, all. Motion carried.

**NEW OTHER:** Galicki, Nairn, Schloss, Canton had no new business.

At 8:26 p.m., Carroll made a motion to go to Executive Session to discuss employee compensation, seconded by Galicki. Roll call – ayes, all. Motion carried.

Carroll asked Galicki to clarify the amount of time proposed by Clemans Nelson for the time study. Galicki stated it could last three to four days depending on their findings, but included phone calls, analysis, records reviews, and interviews by a multi-person team. He added that it would be a beneficial independent analysis of activities and the needs of the Village. Galicki added that the individual and/or the department would know that the audit team was coming but would not know the exact date or time. Carroll stated that this might be helpful in determining whether the Village wanted to continue with a full-time Building Department, reduce it to part-time, or transition to zoning, etc.

Council reconvened from Executive Session at 8:59 p.m.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Canton. Voice vote – ayes, all. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer

Prepared by: Leslie Galicki