

**RECORD OF PROCEEDINGS  
SPECIAL COUNCIL MEETING  
MONDAY, JANUARY 28, 2019 – 6:00 P.M.**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Porter, Schloss, Nairn (arrived 6:35 p.m.)

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Street Commissioner Johnson, Police Chief Rizzo, Solicitor Matheney, Engineer Haibach, Craig Cawrse, CT Consultants; Architectural Board of Review: Gary Neola, Ryan Parsons, Denis Marino

**VISITORS:** Heidi Baumgart, Paw Paw Lake; Gary Dole, Maple Hill Dr.; Shane Wrench, West Bel Meadow; Joan Demirjian, Chagrin Valley Times

Porter stated the purpose of the meeting concerned the resignation of the Building Inspector and the resulting questions by Council about whether the Village should replace the Building Inspector and keep the Building Department open or transition it to a Zoning Department. Currently, the part-time Building Secretary was at the Building Department and Dave Hocevar was on contract with the Village until the end of March to provide Building Official services. After March 31<sup>st</sup>, the question would be what would happen to the Building Department. The Council wanted to have a public meeting and solicit input from residents and other interested parties. Porter stated the Building Department expenses were about \$125,000 to \$130,000 per year and it generated revenues approximating \$50,000 per year based on permits and inspections. The net cost to the Village was \$75,000 to \$80,000 per year. Porter stated that the previous year, the Building Department had a record year for permits, inspections and revenue generated. There was a question about the Building Department in terms of the 2020 budget. The goal of the meeting would be to obtain input from residents and interested parties and how they feel the Building Department was serving them.

Schloss opened the meeting for comments from the attendees. Gary Neola, Chairman of the Architectural Board of Review (ABR), presented three issues. If all the planning review would be deferred to the county, the Village would still need a zoning inspector. He felt there are currently adequate funds from inspection fees and review fees that justify having a Building Department. Without a Building Department, there would be no Architectural Review Board (ABR), and without an ABR, the Village would be compromising the integrity of maintaining the aesthetic quality of the homes and businesses in South Russell. He said he was in favor of keeping the Building Department.

Denis Marino stated he was both a builder and a member of the ABR and has dealt with both Geauga County and South Russell. As a resident of South Russell, he felt it was a plus for the Village to have its own Building Department, especially as it related to architectural review. ABR works with the residents, which has been helpful. His concern was with the financial side of the issue, specifically if the Village would need a Zoning Inspector, in lieu of the Building

Department. He stated he did not know the additional costs associated with using Geauga County services, but if the Village was competitive, it was a plus for the community to have.

Ryan Parsons said he would echo what Marino and Neola said in support of keeping the Building Department. He understood that there was a cost with everything. It was unusual for a small community like South Russell to have its own Building Department, but it also was a great thing to have the convenience. Porter asked him to explain. Parsons stated that it helped with having control and made South Russell Village a more desirable community to build and live in. Taking cost out of the equation, he asked why the department was established in 1980. He said he knew there was a large amount of building on the east side of the Village in 1980; these houses are now being renovated. As was previously mentioned, the Village saw an increase in the last three years in the amount of work coming through ABR and the Building Department. He thought it was a great thing for a small community to have both a Building Department and an ABR. Schloss asked whether Parsons thought it was to the Village's advantage to go to Geauga County for building department services. He added that most residents did not come to the Building Department but rather the builders, who go to the county pull permits anyway. Parsons explained that when people go to the county to get a permit, they walk in with a set of plans, get a review and walk out - there is no regard for what it looks like. He said Geauga County does not look at the aesthetic quality. The ABR spends time with the residents to make minor adjustments and help them to come up with a better appearance. This helps the home values in the community. Schloss stated that Russell and Bainbridge Townships do not have Building Departments and asked why South Russell was so unique that the Village could not do the same thing. He asked if Parsons worked in Russell or Bainbridge. Parsons said he had done work in Russell but not Bainbridge. He said there was no control over what was built and added that there were no architectural gems. The South Russell ABR was not like Shaker Heights that controlled the style of architecture, but just tried to improve what would come before the Board and there is significant value to that.

Carroll stated that Burton Village had its own ABR, and he thought this could be maintained if the Village went to a Zoning Department. He added that South Russell had the only certified Building Department in the county other than Geauga County itself. Carroll clarified that in 2018, total Building Department expenses were \$169,000. Revenue brought in through fees and permits was about \$49,000. Therefore, there was a net loss of \$120,000 by having a full time Building Department. Expenses for 2019 would be projected at \$189,000, and assuming the revenues would be as they are now there would be a net loss of \$150,000. He relayed that the Human Resources (HR) Committee brought in a firm to do a salary survey. They looked for comparable rates for a full-time inspector for a municipality the size of the Village and had a difficult time finding this information. In the 1980's there was a lot of residential building, but currently South Russell was basically built out. Carroll said several Council members and the Mayor recently spoke to the Geauga County Building Department and he felt this was a good time for the Village to look at options. He questioned whether the Village needed a full-time Building Inspector, or if a part-time inspector could do the job. He also questioned if the Village should do strictly zoning and have the County do the building inspections. Carroll stated the Village has strong and complicated zoning rules, which drove the quality reflected in the Village. It would be beneficial to keep ABR, as other communities in the county have even though they do not have a Building Department. If the Village chose to use a part-time Building Inspector,

there would still be certain expenses. He said there were a lot of strong communities like Bainbridge and Russell with good, attractive housing that do not have a full-time Building Inspector.

Schloss stated that since 2009, the Building Department had a loss of over \$1,000,000. He posed the question of whether the Village should continue to have a full-time Building Department or look at alternatives like a part-time Building Inspector or sharing services with other communities. Marino asked for clarification of the \$1,000,000 and added that having a Zoning Inspector would cost as well. Carroll stated this figure was based on the model the Village has had over the last ten years with a full-time Building Inspector with a part-time or full-time assistant. The Village was still collecting zoning permit fees, which was something the Solicitor would need to look at in terms of keeping the ABR and what those fees were. Every resident of the community is paying taxes toward the county for services they are not using. Carroll said he has not been able to figure out the amount yet, but a service is being paid for at the Village level and also at the County level. Additionally, some of the registration fees that builders are paying, are being paid twice; they pay in Geauga County, and if they want to work in South Russell they have to pay again. He said the Village needs to look at the whole picture and what the options are. Carroll stated there was a rumor that Council decided to close the Building Department but that is not the case and there was no vote taken. Council wants to look at and consider all options available including whether, through strict zoning, the Village could maintain having an ABR. Carroll stated Hocevar is on retainer with the Village and is filling in for the Building Inspector.

Porter asked what a Zoning Inspector would cost. Carroll stated Clemans Nelson was going to provide this information. February 12<sup>th</sup> there will be another HR Committee meeting with Clemans Nelson, and Carroll hoped a quote based on South Russell's size and make-up would be provided. Porter stated that his recollection was that the Russell Zoning Inspector was \$50,000 - \$52,000. There was an idea of sharing services between the two communities. He suspected that the shared Zoning Inspector would want as much money as possible from the second community. Porter questioned if that was the case, how much money the Village would be saving. He added that Building Inspectors were becoming difficult to find. Carroll said he asked Hocevar if the Village could work with a part-time inspector, and Hocevar said it could be attempted. Carroll then asked if one could be found, and Hocevar told him he believed the Village could find someone interested in part-time work doing building inspections and zoning. Carroll said that if the monetary difference were minimal, then it would not be worth the Village pursuing changing. However, if it were a larger amount, it would be important for the Village to consider because the funds could be put to better use with storm water issues or the road program. Carroll stated that through meeting with the Geauga County Building Department, Council members and the Mayor were told that if someone called by 9:30 a.m., there could be same-day service for inspections.

Galicki stated that he did not think the issue was a black and white issue; it was not an issue of either closing the Building Department or changing to a Zoning Department, or if the Village kept any of it open whether it is full-time or part-time - there are a lot of options. Although the Village was the only municipality in the County with a Building Department, everyone had a Zoning Department. Throughout the county, there was a variety of full and part-time Zoning

Inspectors. Galicki wanted to encourage robust discussion and not be locked into a full-time Zoning Inspector, for example. There could be a full-time or part-time Building Inspector. He said he feels it is important for the Council and the Village to do due diligence and determine what is the best cost benefit to the Village. With respect to some of the registration fees that the contractors pay for the privilege of doing business in South Russell, it might be foolish to think that the contractors are paying these fees out of the kindness of their heart and not passing them along to the South Russell client. Galicki further explained that there had been a similar discussion of closing the Building Department some years ago, but that discussion did not continue because of the possibility of forcing individuals out of jobs. With the Building Inspector leaving for a better opportunity, it presented the opportunity to revisit the issue.

Carroll stated that Hunting Valley had a Service Director who did building inspections and Gates Mills had a part-time inspector. There are other models to look at in terms of keeping the Building Department and explore other options.

Canton added that more and more communities were moving towards regionalism. Carroll said in the past, consideration was given to keeping the Building Inspector or asking the county about putting an inspector on the west end of the county that could work Chester, Bainbridge, Russell, and South Russell. The Village could provide the office space for this. Again, he said this was a good opportunity to look at other options and do it in a reasonable amount of time. Although Hocevar submitted a letter of resignation, Carroll determined that the only reason Hocevar submitted it was because he was told the Building Department was going to be closed. Hocevar told Carroll he would be willing to revoke his resignation and he would need to send a letter to Council to verify this. Hocevar had offered to stay through the end of his contract, and if the Village decided to go to strictly Zoning, Hocevar said he would do whatever was needed to help. Galicki added that if the Village decided to keep some semblance of a Building Department, Hocevar offered to help with that as well.

A question was asked what would happen in the interim with reviewing plans. Galicki answered that this would be done by Hocevar. It was clarified that he was not only doing inspections but planning too. Mayor added that he was doing everything and was on contract with the Village for 5 hours a week but had put in 25 to 30 hours during the past weeks. The Mayor added that the Village was limping along and was lucky it was January.

Porter asked when the contract is up. Nairn stated it was May 31. Porter stated that presently Hocevar was not under contract because he revoked it. Galicki stated that the Village had not revoked the contract. Porter stated he had submitted a termination letter and that terminated the contract per its terms. He said Hocevar was working without a contract presently. The Mayor deferred to the Solicitor. Solicitor stated the letter did not have to be accepted by Council because either side could terminate with 90 days' notice. She added that Hocevar gave the Village until the end of March. The Mayor added that Hocevar said he would not leave the Village hanging. Porter said he would feel better if Hocevar were under contract. The Mayor said he would feel better if the Village were actually paying him for his work.

Schloss called on Shane Wrench as a resident of South Russell and the Zoning Inspector for Russell Township to give his point of view. Wrench said it was an odd position to be in. He

said he works full-time in Russell Township splitting duties between Zoning Inspector and working in the Road Department. Currently he was doing zoning and project management. He said that even if someone was not needed for zoning full-time, there could be other duties assigned to the person to make it a full-time job. Several townships in the area have a 20-hour a week Zoning Inspector who are able to get the job done - it depends on the needs of the community. The Mayor asked how this was determined – by calls, activity, or money. Wrench said it was by calls and activity. He added that the Russell Trustees wanted more presence out on the road, not necessarily doing project inspections, but keeping an eye on the township for violations, etc. It might mean doing more than sitting at the desk issuing permits for eight hours but getting out and keeping an eye on the Village. It could always be a full-time job, but this was where money would come into play, and it was community dependent. Looking at the pattern of the Village's Building Department where there was record growth, this could be an indication of what it needed. He has only worked with Geauga County in his position and said they are pretty good and responsive in what they do.

The Mayor asked Marino how many permits would be issued and how many inspections would occur on a \$400,000 house. The Mayor stated that there was a time when the Village was known as "South Russia" because the Building Code is so tough. Marino said there was still involvement with the County sanitary department for sewer. He thought with foundation, rough-ins, and insulation, there might be four or five inspections for a house. The Mayor asked if the County inspected plumbing. Marino said locally, the Village had conducted all the building inspections. With sanitary permits, if there was a septic system involved, the County would do this. But if it was plumbing tied into a sewer, once the permit was paid, it was locally inspected. Porter said that the county has five inspectors, including the head of the department, who was retiring, so they would then have four for the entire county. They were all Electrical Safety Inspector (ESI) certified. Porter asked Wrench if he was an Electrical Safety Inspector. Wrench said he was not. Porter said that the ESI certification and the 24-hour turn around sounded good to Porter, but he was not waiting on poured concrete. There was an added comment that if there were an open trench and rain was expected, the timing made a difference. Porter said there were 300 inspections last year. Carroll said that the actual fees collected were \$6,000 less than the year before. The fees depended on the type of permit. Registrations go up and down and depend on the work being done. When The Lantern was being built, there were a lot of fees collected. Fees were increased in 2010 and 2017, which ultimately increased the cost of getting the work done.

Porter asked Wrench how many inspections he conducted in Russell last year, and Wrench replied that it was about 100 zoning inspections. The Mayor stated that Wrench stole Jennell from South Russell and she was making \$42,000, so there was \$90,000 in salaries for Russell Zoning Department, which was normal for the size of the Department. He added Karen in Bainbridge was paid \$68,000, and he did not know how many people she had working in the office. Galicki offered there were two, the Inspector and the Administrator. The Mayor asked what their cost was to run the office. Galicki did not know but offered both were full-time. The Mayor estimated that two full-time people earned \$40,000 each and Karen earned \$68,000. The Solicitor thought the salary was higher. He said it would be \$150,000 to run the Bainbridge Zoning Office, but they were double the size of South Russell. The Mayor said he considered Moreland Hills an equal to the Village. There are 3,500 people and they issued over 400

building permits last year. Their Building Department budget was \$261,000. They shared a Building Commissioner and Building Inspector and an Administrator. Galicki offered that this person also served as the Board Secretary/Clerk for Zoning Board of Appeals (ZBA) and Planning Commission. Galicki stated building permits and zoning permits should not be cross pollinated. The zoning permits would always remain. He offered an excellent structure of building permits could be observed on Bainbridge's Website which outlined the permit costs to do business within Bainbridge. He offered that no matter what iteration the Village decided on, there would still be fees associated with the cost of doing business in the Village, whether it was zoning or building inspections.

The Mayor stated there was about \$1,000 in zoning fees. His concern was that South Russell was formed about one hundred years ago when it broke off from the bottom of Russell. The people formed the Village because of a desire to control the school system. He stated that the Village of South Russell "faces and thinks west." If someone from South Russell were asked where they live, they would not say "next to Newbury." They would say "I'm from Chagrin Falls." The Village's colleagues are Chagrin Falls, Moreland Hills, and Pepper Pike. All those Villages have their own Building Departments. The most important thing the Mayor heard while visiting the county was the question of why would the Village want to give up control? The Village did not think east, it thinks west. The Mayor also met with four builders, Alexander Homes, Premier in Chagrin Falls, Ted Otero in Bainbridge, and Rob Meyer. They reiterated that it would be giving up control of the Village. The service from the County is good, but the Village would lose control. He believes the residents want to control the Village. If the Village wanted to turn east to the County, this would be a big change. The Mayor felt the cost should be looked at carefully considering the costs of \$150,000 and \$100,000 for Bainbridge and Russell to run the Zoning Department. Heilman's salary was \$75,000 and Hocevar \$24,000, totaling \$100,000, and there was a \$22,000 secretary. If the Village had to pay \$100,000 for a secretary and a Zoning inspector, and the Village had already been paying \$120,000 for the Building Department, he did not know that the comparison was apples to apples.

Galicki suggested that the Mayor may not have been comparing apples to apples, because the full-time positions illustrated by the Mayor may not be the ones reflective of the costs if the Village were to go to a part-time construct. The Mayor stated that if there were a need for a Zoning Department and the Building Department was eliminated, it had not been determined why the Village thought it did not need a Building Department. Saving money, according to the Mayor, was not a good enough reason. Galicki stated he did not think this was the reason that had been proffered. Porter stated all he heard about was the cost of the Building Department compared to not having a Building Department. Carroll stated he had not yet heard the true value added. Nairn stated when she went to the meeting with the Geauga County Building Department on January 4<sup>th</sup> she was stunned to learn that the Village was the only entity in the County with a Building Department. She understood what the Mayor was saying, but she advised that he was making it seem that if the Village did not have a Building Department, the Village had lost its control. She asked what had happened in Burton, Munson, and Claridon and places that had never had a Building Department and how they were suffering. Canton added that he lived in Burton, and that there was a high percentage of rentals. He felt that Burton Village was not taking care of things very well. Nairn asked if Burton had zoning, and Canton stated he thought it did, but there were a lot of run-down homes in the Village of Burton. Nairn

referenced Wrench's statement about having someone out in the community looking for compliance with zoning regulations. Galicki offered that this was a zoning issue. Porter stated a full-time person would be out and about more than a part-time person. The Mayor stated that the meeting discussion had turned internal and offered that the attendees could leave.

Neola stated that there were a lot of unknowns, and it would need to be determined what would make sense financially for the Village while bringing value. The current Building Department in his opinion had been stellar in taking care of the residents. He had received positive feedback and felt the Village would lose the ability to service the residents as closely as it had in the past.

Carroll said there is a need to look critically at the situation, and he has not yet been sold on the value added by keeping the Building Department in its current state. He questioned whether the work could be accomplished with a 30-hour per week inspector? Russell and Bainbridge are growing, much more than South Russell. South Russell has strict zoning, and some of the issues voiced at the meeting were zoning issues, which a Zoning Inspector could enforce and follow. The only person who could get into a commercial building after it is built is a fire inspector, which South Russell has and who would be able to communicate issues to the County if the Village chose to take that direction. Carroll added that he wanted to look at all the possibilities.

Schloss questioned the Mayor's statement that Hocevar had been working 20 hours per week without compensation. Porter added that Hocevar was under contract until March 31<sup>st</sup>. Schloss asked if he was exceeding what he was supposed to be paid. The Mayor said Hocevar had been doing this for a year and a half, working 10 to 20 hours for the Village. He was paid for 20 hours per month. Nairn added that the hours were also to cover Heilman's vacation time and when Heilman would go to class. Heilman was not at the Building Department all the time, and Hocevar came to help.

The Mayor said one of the next steps would be to have Hocevar and Heilman meet to discuss the position. Carroll stated he would like to bring in the Zoning Inspector from Bainbridge to discuss challenges and opportunities. He also wanted to examine partnering with Russell. Carroll questioned if the Village went with a part-time inspector for the Village, whether Bainbridge would want to partner with a full-time inspector. He said there are opportunities and options to consider, whether regional or a County approach. It would be beneficial to have Heilman, Hocevar, the Bainbridge Zoning Department staff, and a County Inspector to speak to Council. He was not willing to make a knee-jerk reaction. Nairn added that during the two-week Ohio Bootcamp Training she attended as a new Council Member several years ago, one pertinent point was, 'don't work more expensively, and don't work harder.' She added that the Village should work smarter and avoid reverting to the idea, 'this is the way it has always been done.' Nairn said it is a difficult idea to break away from having a Building Department which has existed for decades, but just because 'this was the way it has always been done' does not mean that this should be the way the Village needs to keep doing it. Nairn wanted to look at the possibility of having a part-time Building Inspector with a varied schedule to accommodate all the contractors. There are many ideas that the Village has never considered before because the Department has always been there. Porter stated that the Village considered shutting down the Building Department previously but decided against it. The Department was created in 1980. For 57 years the Village did not have one. The reason for moving away from the County was for

control. Nairn identified all the neighborhoods and the considerable amount of building that occurred during the 1980's. The Mayor said that there were two-and-a-half inspectors and a secretary at that time. Now, looking at the activity, the Village is well over 300 again, and he did not know that the Village could get by with one person.

Galicki stated that any of those issues should not be based on conjecture or opinion. Council needed to look at empirical data to say how many real building inspections the department conducts. He felt it was ill advised to choose a direction at that time. Council did not have good data, and just examining the data for the past four years, it was all over the place and was not valid. He added that the Village had an airport for many years but then there was no longer an airport. The Department was needed in the 1980's, but these were the halcyon days of construction of all kinds of housing projects in the Village which no longer exists today.

Carroll stated that he lives in South Russell, in Geauga County, for a reason. Part of what makes South Russell great is that it is in Geauga County - not Cuyahoga County with Cuyahoga County taxes and Cuyahoga County issues. It is the best of both worlds. Carroll said he does not agree with the statement that the "Village looks to the west." He looks for opportunities in Geauga County. The west does have certain aspects with its dispatch and sharing a school district, but holistically he does not look to the west.

Heidi Baumgart stated she was a resident of Munson for seven to eight years and moved to South Russell almost two years ago. Her question would be whether the residents were actually saving money because there was oversight with the Building Department. Personally, she found out that she had to pump her septic tank because of a rule that it must be pumped every two years. She initially thought it did not have to be pumped that often. She also was required to get a permit for HVAC work. This oversight provided in these instances helped her as a resident to keep on track. It had also been helpful to have someone to call to ask how different things work, and she found Heilman a lovely person with whom to work. She saw this as a value added to have someone trustworthy to contact. Porter asked if she had this sort of service in the last place she lived, and she replied she did not.

Neola added that with a lot of territory to cover, the County has difficulty providing this kind of service.

The Mayor verified with Marino that the County does not inspect roofs, drainage, windows, and sidewalks. Mayor was concerned about inspection of the roof. Marino said the County was not capable, and Porter interjected that the County did not inspect roofs. The Mayor stated that in the Village, a permit, registration, and inspection were required. Marino stated this process guaranteed that this was a reputable contractor. Carroll asked about the leak in the new roof of Village Hall that had just been put on. Galicki asked if the roof was inspected. The Mayor said it was. Carroll said the point was that it does not guarantee there will be no issues. Marino said it does not guarantee it, but there was someone the resident could go back to and get it resolved. He said the county can't oversee a roofing job. Galicki asked what would preclude a disreputable contractor from blowing in and doing a roof in a day whether the Village had a Building Department or not, if a resident chose to contract with this individual. Porter said that it was less likely and that Heilman caught a lot of fly-by-nights. If there was a problem with the



roof, there was a construction deposit that could be accessed to fix the problem. Schloss asked what Heilman did when she caught these people. Porter said one was a concrete driveway where the contractor was about to pour wet cement and she stopped them and made them get a permit. Nairn asked who from the Village climbed on the roof to inspect. Porter stated that Heilman climbed on the roof and inspected from the inside. Nairn offered that her roof was never inspected. Porter stated that he hoped the statute of limitations had expired. She stated there was a leak that was repaired immediately and that she called Heilman for this. Nairn clarified it was repaired but not inspected. To Heilman's credit, she provided a list of roofers she recommended. Galicki verified he also had a roof installed that was not inspected despite proper permits being pulled. He added that the only inspection he had received was after putting in a whole house generator, and Hocevar inspected the work. Galicki had windows, hot water heaters, and a roof, and never saw an inspector on his property.

Baumgart offered that she had HVAC done, and her contractor communicated directly with the Building Department. She questioned whether the inspection had to be in person. Galicki offered that without a physical inspection, you get what you inspect not what you expect. For a disreputable contractor, a verbal inspection would not be a problem. The Mayor stated that there was a big issue if permits were pulled and inspections were not conducted. Galicki questioned what was considered an inspection, a drive-by or seeing if any building material was left on site. No one had gone up on the roof to inspect the work. Porter stated he, too, had a roof installed, and did not know whether Heilman or Hocevar came by to inspect it. He added, however, that he was at work.

Gary Dole said the Village did not know the cost of getting rid or changing the format of the Building Department, or whether money would be saved. He compared shopping at Chagrin Hardware versus Home Depot where at Chagrin Hardware there were people to help you get what you needed because they were part of the community and Home Depot was less personal. There were ideas discussed but no idea of the cost.

Schloss thanked the participants.

Carroll asked Solicitor if the Village went to strict zoning, could the Village keep the ABR. He thought there was value and it would be necessary information if the Village were to change any fees. Solicitor explained that if the Village eliminated the Building Department, there were certain aspects of the Zoning Code that would be stripped. She did not know what the ABR's role would necessarily be. Burton's ABR did not meet very often. They also have a historic district. Carroll said he was sure zoning had to have been established prior to 1980, so if it was going to be stripped down, he would want to make sure the zoning stayed tight. Solicitor thought the Village would lose Planning Commission if they closed the Building Department.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Galicki. Roll call – ayes, all.

  
\_\_\_\_\_  
William G. Koons, Mayor

  
\_\_\_\_\_  
Danielle Romanowski, Fiscal Officer

Prepared by: Leslie Galicki