

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 13, 2019 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Canton, Galicki, Nairn, Porter, Schloss, Carroll (arrived 8:54 p.m.)

OFFICIALS PRESENT: Fiscal Officer Romanowski, Fiscal Auditor Lechman, Police Chief Rizzo, Street Commissioner Johnson, Solicitor Matheney, Engineer Haibach

VISITORS: Joan Demirjian, Chagrin Valley Times

Schloss provided Council with a Memorial Day presentation.

Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Fiscal Officer read the roll. The Mayor advised Carroll would arrive late. Porter made a motion to approve the minutes from the April 22, 2019 Council meeting, seconded by Nairn. Voice vote – ayes, all. Motion carried. Porter made a motion to approve the minutes from the April 29, 2019 Special Council meeting, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Mayor referenced the Northeast Ohio Area Coordination Agency (NOACA) as an agency that assisted with the Bell Rd. West project. He stated the Village needed to get in line to get on the NOACA agenda for possible funding, specifically for possibly putting a bike path on Bell Road east.

The Mayor also stated he would be gone to Alaska from May 24th through June 2nd, and stated he hoped Council would delay any Special Council meetings until his return.

The Mayor met with residents from Paw Paw Lake who wanted to discuss their private road. The Mayor said he told them the Village had no plan for them. The residents were inquiring about having their private road become a South Russell road. The Mayor speculated it would cost \$750,000 because they have a gas line on one side of the road, and a bridge that is not within standards. He thought the residents would attend the July or August Council meeting. The Mayor provided them with the standards for a road from the Building Department, and they will be having their paver consider them.

The Chagrin Valley Mayors met with the State Senators and Representatives. Recycling was discussed, as well as changes to the conceal carry laws. He also met with the Northeast Ohio Mayors and reported that there is a shortage of Finance Directors.

FISCAL OFFICER: The Fiscal Officer explained that at the April 22, 2019 meeting, Canton indicated the need to correct the minutes to read that the donations for the trees in the park is \$650. She determined the original minutes were correct, verifying with Ike Tripp that the trees cost \$600.

Fiscal Officer stated that the Public Records training will be offered August 19th at Mayfield Village at 10:00 a.m. for any interested Council members. Ethics training would be held June 19th at Lakeland Community College.

The Fiscal Officer asked if the required Tax Budget Hearing could be held immediately before the July 8th Council meeting at 7:25 p.m. Council agreed.

She also explained that the two proposed ordinances distributed to Council pertained to the legislation from the April 29th Special Council meeting transferring grant money into special funds.

FISCAL AUDITOR: The Fiscal Auditor distributed his report for the month ending April 30, 2019. The fund balances matched the Fiscal Officer's to the penny. The balances were just over 3 million and the interest rates flattened out at 2.55%. The balances are level at this point. For April, the balances were down \$45,000, which he said was not unusual because the Village did not receive real estate taxes. He added that the income tax was good, but not amazing. Notable revenues included cemetery fees, park/playground donations, and a Northeast Ohio Public Energy Council (NOPEC) grant. The Village is up \$365,000 year to date.

FINANCE COMMITTEE: Nairn made a motion to accept the Fiscal Auditor and Fiscal Officer's fund balances for April, seconded by Porter. Voice vote – ayes, all. Motion passed. Nairn reported that the April rent for the rental property had not been received and the May rent will be due May 22nd.

SOLICITOR: The Solicitor addressed a proposed ordinance amending 1480.02 (e) of the Codified Ordinances prohibiting the outdoor storage of motor vehicles and trailers. The proposed amendment would take out the limitation of just the front yard and include the entire lot as well. She added that there was a question about including the requirement to put the vehicles into an enclosed building and requiring a certain type of storage. The Solicitor also stated there was discussion about residents who were currently lawfully storing vehicles and trailers for more than 72 hours, but not in the front yard. Also questioned was whether the legislation could be applied retroactively. Solicitor said she did not think it could, unless it were defined as a public nuisance. She explained that currently the parking of commercial vehicles in a residential lot would not be considered a public nuisance, so she thought it would be difficult to legislate retroactively. She clarified that the proposed legislation was the prohibiting of the outdoor storage of vehicles and trailers for more than 72 hours in any yard or lot. Porter agreed with the Solicitor about the difficulty in making the ordinance retroactive and stated the focus would be going forward. He stated that if a resident with a trailer, boat, etc. were to move the vehicle and then return, they would then be subject to the new ordinance. The Solicitor asked if Porter was asking about the discontinuance of the lawful use, and Porter stated he was. The Solicitor stated this was permitted. Porter explained that it was like a permitted use for a business where the zoning changed, but the business could operate. If it closed, however, it would be under the new zoning if it wanted to reopen. Porter added that the Committee would like to have three readings of the ordinance to give the opportunity for public input. Nairn asked if a vehicle which had been situated for 14 years would be "grandfathered" from new legislation. Porter explained that the Village could but would probably not succeed, and instead go forward and say that the residents cannot do specific things from the specified date forward. Someone who had previously complied with the ordinance would be allowed to continue unless they moved the vehicle. Once the vehicle was moved, it would no longer be grandfathered. The Chief asked about the timeframe to which the ordinance applied to a grandfathered vehicle. The Solicitor explained that according to Ohio law, the discontinuance must be between six months and two years. The Chief clarified then, that it would not be like if the vehicle was moved for a day and returned it would be in violation. Porter added that a time period could be specified. He did not think it had to be between six months and two years, and stated that the timeframe could be a week, for example. He emphasized the importance of informing

the residents. The Solicitor would have more information for the June Council meeting. Schloss clarified that the legislation would include trailers, boats, and jet skis, and the like. The Solicitor said that it would.

ENGINEER: The 2019 Road Program has gone out to bid with a bid opening of May 24th at noon. The completion date is 30 days from the start of work, but no later than September 6, 2019. The road program has a base bid and three alternates. The base bid includes Ashleigh Dr., a base repair on W. Bel Meadow Lane, and three alternates; widening the Police Department driveway to accommodate two way traffic off of Bell Rd.; installation of a new hard surface drive apron on the East Washington Village Park entrance; and to overlay the deteriorating concrete slabs in the parking area of Village Hall. Schloss asked if the inspection fees were included in the price for the bid. The Engineer stated the inspection fees were per the Village contract for engineering fees. For a \$350,000 project, it would be in the mid \$20,000 range for design work, getting the project out to bid, inspection, administration, and doing a detailed road rating of the roads in the Village as well as estimates for next year's road program.

Canton asked the Engineer to give an assessment of the conditions of the roads in the Chagrin Lakes development. When the Engineer rated the roads in late fall 2018, the Pavement Condition Index (PCI) rating for Sheerbrook Dr. was 60, which he said was low. He stated that the road was not in good shape, however, the PCI rating for Ashleigh Dr. was 55. The Engineer stated that it was apparent that Ashleigh was significantly worse than Sheerbrook. Ashleigh had not been done the previous year because of ongoing construction in the neighborhood. Canton asked if Sheerbrook would be a candidate for next year, and the Engineer stated it was a dead heat between Sheerbrook and Kensington Circle. Canton asked the cost of doing Sheerbrook, and the Engineer stated about \$310,000, and added that it would be \$276,000 for Kensington Circle. Ashleigh would be \$260,000.

The Engineer reported that the Village received an Ohio Public Works Commission (OPWC) award for the Lake Louise Bridge replacement. The project would be \$246,000, and the Village had asked for \$123,000 in grant money from OPWC, and they agreed. The funds would not be available until July. The Engineer would begin getting preliminary specs and designs to prepare for the project. He had been in contact with the Lake Louise Homeowners Association (HOA). In March, the Engineer was told by the HOA that the community would be doing spillway work, and the Engineer preferred that this was done before bridge reconstruction. He would coordinate with the HOA on their timing. The Engineer stated that OPWC was flexible in the time given to the Village to use the funds. The project could be advertised the day the money became available in July and then go out for bids immediately thereafter. The Village could also wait for fall or even summer of 2020. There was a big window for the Village to use the money before it expired. The Mayor asked if the Village could refuse the money, and the Engineer said it could.

Schloss asked about the possibility of tar and chipping some of the streets as a stop gap measure. The Engineer stated he thought that was a wonderful idea. He added that as a pilot program, it had been previously done on Anglers, Cascades, Deerfield, and Forest. However, he said it was not well received by the residents, even though it would improve the quality of the road and the issue of water intrusion. He thought the Village received a good value from the process. Schloss added that professionally he had used this process throughout the Cleveland area, and thought it was a cost-effective method. The Engineer added that even in doing an overlay, he liked to put a chip seal down first before overlaying because it would give an elastic inner layer under the surface. Schloss

suggested this for Sheerbrook Dr. for this year. The Street Commissioner stated that it would need to be explained to the residents first.

The Mayor stated he expected many Sheerbrook residents to be attending the Council meeting and added that their HOA meeting was unpleasant. He stated that the Village would take the initiative and tell the residents that this was what the Village would do as a stopgap measure, and it would be better when ultimately the Village paved it.

The Street Commissioner stated he received a phone call from a Sheerbrook resident explaining that they understand Sheerbrook would not be addressed this year but asked the Village to take care of the potholes, which the Village did immediately.

Galicki asked the Engineer to explain the relationship of CT Consultants, specifically who was doing the engineering services for the South Russell Village (SRV) playground. A bill had been received from Craig Cawrse, and Galicki wanted to know if the Engineer was engaged in the park design services and whether CT was running the project, or whether the Village was independently contracting with Cawrse, an employee of CT. He asked for an explanation for the billing for services. The Engineer explained that he is now in charge of the projects, and that there had been an overlap with Cawrse and Associates, which had previously been a standalone entity with which the Village had contracted for the park and playground. Cawrse & Associates was involved in this before they merged with CT Consultants. There were complaints by Council, and CT put a stop to the arrangement. Now, anything that had been a Cawrse and Associates project now would fall under the purview of Engineer Haibach. Galicki clarified that the Engineer would be the principal point of contact on all projects, and the Engineer agreed.

STREET COMMISSIONER: The Street Commissioner reported that street sweeping was done the previous week. Driveway culvert pipe replacement had also begun. The wet weather had been the primary delay with many of the department's projects.

The Street Commissioner reported he was working with the Engineer on the playground preparation, to include defining where the playground would be going, the elevation, and the swale. The playground equipment is scheduled for delivery May 22nd and May 24th or after Memorial Day. It will be stored and staged in front of the salt building and will be transported at the time of installation.

The Street Commissioner had also been working with CT Consultants with updates to the Stormwater Pollution Prevention Plan (SWPPP) program to satisfy the requirements identified by the Environmental Protection Agency (EPA) audit.

Geauga County Sanitary Engineers will need to open the road on Lakeview Lane between 127 and 129 Lakeview Lane to do a valve insertion into their pressurized line. They do not have a timeframe and the project should only effect two residences. The residents will still have access to their driveways.

He added that Justin Rayner, the summer help, would be returning Thursday for the summer.

The Street Commissioner also reported that ODOT had published salt bids for the winter season of 2020, which would be \$64.39 per ton. This past year, the Village paid \$44.63 per ton. The salt price

the Village would be getting is the Geauga County salt price, which was the second lowest salt bid. Five companies bid, and the supplier will be Morton. The Street Commissioner advised that if the Village requests 90% of the previous year's bid, the total cost will end up being close to last year's cost. He added that the Village has a good salt supply for the beginning of the coming season.

STREET COMMITTEE: Galicki reported that as previously addressed, the Engineer was given approval by Council to go out for bid for the 2019 Road Program. The bid program is underway.

The Mayor commended the Street Department for their work on Trash Day and added that the Village had 377 vehicles. The Street Commissioner added that the two workers from Russell Township were very helpful.

BUILDING COMMITTEE: Schloss reported that the committee met on May 8th and discussed the part-time/full-time issue with the Building Department. They concurred with the Clemans Nelson report. The Committee recommended going forward with a part-time Building Department. Porter said he would characterize it as a joint recommendation after reviewing the minutes from the HR Committee which dovetailed nicely with the Building Committee as an overlapping area of responsibility. The HR Committee came up with the position description as a part-time Building and Zoning Inspector up to 24 hours per week. The Building Committee would recommend that the Mayor and Fiscal Officer advertise for the position. Resumes submitted would be reviewed by the Building and HR Committees, with the Mayor's involvement. The preferred qualifications would include having an electrical safety inspector certification.

The contract for Inspections Solutions was also discussed. The Mayor suggested holding this discussion until Carroll arrived.

Nairn referred to page two of the Building Inspector's report and asked for clarification about the line item labeled "Bucky". The Chief explained that Bucky is a disabled individual with junk in his front yard. The Mayor stated he had been removed from the house, but that in April some of the trash had been taken away; a truck and car remain. Schloss asked if the Village could help by getting a dumpster, and the Mayor stated Bucky was proud, and had cleaned up the property a bit. The Chief stated he had offered assistance, but Bucky was reluctant to accept help.

POLICE CHIEF: The Chief referenced his monthly report and advised that the Safety Committee would be presenting proposed ordinance changes.

SAFETY COMMITTEE: Galicki advised that the Safety Committee had met and that the minutes were included with the Chief's report. He stated that Prosecutor Flaiz appeared before the Safety Committee as the HOA President for the Chagrin Lakes community regarding problems the neighborhood had with dogs running at large. Galicki referenced the applicable ordinance and a proposed change to it which was distributed to Council. Flaiz thought that the Village's current Ordinance did not adequately define the concept of an animal being under control, and that the ordinance needed some teeth. Porter stated that the amended ordinance would provide for a homeowner to post a sign. The Chief said that this would not be related to a homeowner, but in common areas. The ordinance currently addressed the dog owner's property but not private property/common property that they do not own. The current ordinance addresses the SRV park and Village owned properties, but the amendment would include those public lands of HOA's. Galicki explained that the HOA had reached out to the residents and appealed to their sense of being a good

neighbor to no avail. Porter stated he would add to subsection (a) “publicly or privately-owned unenclosed land.” The Solicitor stated that it would make the most sense to amend 618.01, Animals at Large. The Mayor asked the Chief how big a problem this was, and the Chief explained it was an accident waiting to happen. This would be a good move to ensure the safety of the public. The Mayor added that this probably would apply throughout the Village to people with dogs that were “all over the place.” The Chief agreed. The Mayor suggested the ordinance go through three readings. Nairn asked for a reminder to be put in the newsletter that dogs running loose are not allowed. The Chief offered that if they received a complaint, the police could write a ticket, which would include not cleaning up after the dog. The Mayor stated the ordinance would be formally proposed in June.

Regarding the Ordinance pertaining to disturbing the peace, the Chief stated that the Committee looked at modifying the language to include construction related activities. The final draft was distributed to Council for approval. Porter liked the addition of the “one year” language. The Mayor stated he had not read the ordinance but wanted to know how it pertained to big loud parties. The Chief advised that temporary permission may be granted for special or temporary conditions. Porter referred to subsection (b) and asked for clarification of “advanced notice”. The Chief said there had been no issues with residents providing adequate notice. Galicki said even a couple of hours’ notice would indicate the citizen is making an effort. He wants it to be friendly to the residents and omitted the timeframe as a result.

Galicki made a motion that Sgt Pocek be removed from his promotion probationary period, Nairn seconded. The Chief said Pocek had been doing an outstanding job. Voice vote – ayes, all. Motion carried.

ORDINANCES: Nairn provided the third reading of a resolution declaring it necessary to levy a tax in excess of the 10-mill limitation. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried. **Ordinance 2019-27**

Nairn introduced an Ordinance transferring \$10,550 from the Income Tax Fund to the Natureworks Playground Fund, declaring an emergency, and made a motion to waive readings. Porter seconded. Roll call – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried. **Ordinance 2019-28**

Nairn introduced an Ordinance amending appropriations decreasing the Park Fund expenses \$120,891, increasing Natureworks Playground Fund expenses \$120, 891, and increasing Income Tax transfers \$10,550, declaring an emergency. Nairn made a motion to waive further readings. Porter seconded. Roll call – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried. **Ordinance 2019-29**

BILLS LIST: Nairn made a motion to ratify the April 29, 2019 Bills List in the amount of \$8,863.79, seconded by Porter. Voice vote – ayes, Galicki, Nairn, Porter, Schloss, Canton. Motion carried.

NEW OTHER: Galicki, Porter, Schloss had no new business.

Nairn suggested that with the current level of activity with Council, she made a motion that all committee meetings be audio recorded for accuracy and transparency. The Mayor asked the Solicitor whether a written record of the meetings would be required if they were recorded, and the Solicitor responded that this was always the case. Porter stated minutes could be short and were just a summary of what went on at the meeting. Discussion ensued about the possible need for additional equipment. Porter was concerned about formalizing the requirement to record the meetings in the event there were a malfunction of the recorder and the meeting did not get recorded. The Mayor requested Council hold off until June and asked the Solicitor to research the issue. The Fiscal Officer explained that the minutes were the record of the meeting and the recordings were on the retention schedule for one or two years. She suggested that Council not take formal action, but have the committees try recording meetings for several months as an evaluation period. Porter stated it should be left to the Chairman of the committee to make the decision whether to record the meeting.

The Mayor asked to revisit what constitutes a meeting. The Solicitor stated it depended; if a committee consisted of two members, that would be a meeting. If there were three members on a committee and two showed up, that would be a meeting. The Mayor stated there needed to be 24 hours' notice for a meeting, and the Solicitor said typically. The Mayor said that the meetings would be recorded and provided to someone to transcribe to do the minutes, and the minutes would be provided to Council for each meeting. Canton asked about what would happen with the tape recording, and the Fiscal Officer stated it would be stored for a specific amount of time according to the retention schedule. This is in accordance with the Public Records Committee, which dictates the retention schedule of every piece of paper Council sees before them. Everything must be kept for a certain length of time. When the minutes are adopted, they become the official public record, but the recordings are maintained for clarification if needed or requested.

The Mayor summarized that starting in June or July, all meetings will be recorded. The meetings must be announced 24 hours in advance and two people make up a meeting. Canton clarified that this depended on how many persons were on the committee. The Fiscal Officer advised that all this information would be reviewed at the Public Records training on August 19th at Mayfield Village.

Nairn made a motion to table her motion.

Canton reported that the Parks Committee met on May 6th, and the committee suggested a date for the Fall Festival. Canton made a motion to hold the Fall Festival on Sunday, September 15, 2019 from 1:00 p.m. to 5:00 p.m. Nairn seconded. Voice vote – ayes, all. Motion carried. He stated the next Park Committee meeting would be held June 3rd at the pavilion at 6:30 p.m. The Fiscal Officer advised that the Village had received donation money for five benches and one tree. Canton stated there would be six benches total.

Galicki asked about a new tree that had been sitting above ground for several weeks in the park. The Street Commissioner stated it was too wet to get the equipment into the area to plant it.

Carroll arrived at 8:54 p.m.

HUMAN RESOURCES COMMITTEE: Galicki advised that Council was in receipt of the HR Committee meeting minutes. The Chairman of the Building Committee had been invited to the HR meeting to discuss the structure of the Building Department. Galicki advised that he would be making a motion after discussion to go with a part-time Building/Zoning Department to be open 24

hours per week with Council and the Building Committee to decide on the specific office hours. The decision was based on the Clemans Nelson recommendation to transition from a full-time to part-time operation. Schloss stated he was totally in favor of the proposal. Porter stated he was as well, and that the Village could adjust as necessary going forward. The Solicitor stated there might have to be some legislative change if the motion were passed with respect to Chapter 1444, which discussed the Building Department, Building Inspector, the duties of Council, etc. Galicki explained that he had five points to address, which included legislation, but that it was a unique situation combining committees for the process. Carroll stated that based on the Clemans Nelson recommendation, the due diligence of Council to look at all options paid off. The report offered an impartial opinion, which he thought was beneficial. Although there was a point where consideration was given to going to strictly a Zoning Department, the Clemans Nelson analysis convinced him that this would be a good step which would give the Village options going forward. Porter stated instead of having the Building Department open 24 hours, he would recommend 25 so that it could be open daily five hours. Nairn clarified that it would then not be three eight-hour days. Porter thought it should be open Monday through Friday. Galicki did not want to get into this much detail at this point, but rather to focus on agreeing to go from a full-time to part-time operation with the 24-hour recommendation. Ultimately, then, it could be decided by the Building Committee what the hours of operation should be. Schloss agreed with Porter that the Building Department should be open daily for 25 hours a week. Schloss stated that the contractors typically come to the Building Department at 9:00 a.m. Nairn suggested 9:00 a.m. til 2:00 p.m. for the five hours. Porter asked whether it was necessary to offer a lunch break with five hours, and the Solicitor recommended factoring in a lunch break and making it 9:00 to 2:30 for a half hour lunch. Porter verified that the Village would not be paying for the lunch break. The Fiscal Officer asked Council to consider having one day that the Building Department was open late for people who work. Schloss suggested it might be necessary to be flexible initially. Galicki said for the motion, he was a little uncomfortable addressing the exact hours, but wanted to introduce a start date of June 1st, which would give Council time to consider the hours. Schloss thought this would be a good date. Nairn suggested Monday, June 3rd. Porter stated that Hocevar would still be with the Village until the end of the year with the continuation of his contract. The Fiscal Officer reminded Porter that Hocevar was unwilling to continue to the end of the year and only wanted to go month by month.

Galicki made a motion to transition from a full-time Building/Zoning Department to a part-time Building/Zoning Department to be open 25 hours per week with Council deciding on office hours to take effect Monday, June 3, 2019. Carroll seconded. Ayes, all. Motion carried.

Galicki made a motion to place an advertisement for a part-time Building/Zoning Inspector for 25 hours per week in the Plain Dealer, Geauga Maple Leaf, News Herald, Chagrin Valley Times and the Sun Newspapers, as well as online and with the Building Officials of North East Ohio (BOCONEO). Carroll seconded. Voice vote – ayes, all. Motion carried.

Galicki made a motion to renew a month-to-month contract with Inspection Solutions for a term to be decided by Council. Carroll seconded. Voice vote – ayes, all. Motion carried.

Galicki made a motion to accept the part-time Building/Zoning Inspector's job description, changing it from full-time to part-time non-exempt position and change office hours to part-time. Carroll seconded. Galicki addressed the Solicitor stating that it would be necessary to introduce legislation to amend Appendix D of the Village Job Descriptions. She agreed. The Solicitor added that it would

be necessary to amend the ordinance and not just the job description, which could be done at a later date. Voice vote – ayes, all. Motion carried.

Galicki made a motion for Council to review the amended part-time Building Department's Administrative Assistant job description drafted by Clemans Nelson with reporting to the part-time Building Inspector. He also relayed that Clemans Nelson questioned the requirement of four years' experience for this position. Canton thought this might be important because of the terminology used by the Building Inspector. Galicki explained that the Village did not have a history of hiring Administrative Assistants with previous Building Department experience. Canton was concerned an individual without the specific experience would have difficulties. He added that it would not be necessary for it to be four years of experience, that it could be one year. The Fiscal Officer stated that the four years was based on the recommendation of the former Board Clerk. Galicki questioned defining the amount of experience, and Porter suggested asking for one year of relevant experience. Carroll said he would be happy with this. Nairn said the Village would be limited by demanding four years of experience. Galicki introduced a motion to adopt an amended part-time Administrative Assistant job description drafted by Clemans Nelson with reporting to the part-time Building Inspector, amending the four-year experience requirement to read 'a minimum of one year of relevant experience and/or training.' Schloss seconded. Voice vote – ayes, all.

Galicki advised that another recommendation by Clemans Nelson was that the Building/Zoning Administrative Assistant be combined with Board Clerk job description, in a 24-hour period. Porter asked if this was 24 hours in addition to the 25 hours. Galicki added the recommendation could be amended to 25 hours. Porter asked if this meant that the Board Secretary would not necessarily be in the Building Department Office five days a week, five hours a day. The Fiscal Officer asked for clarification about the previous motion relating to the Building Department Administrative secretary, and the current discussion of the Board Secretary. Galicki explained that the combining of the two job descriptions had not yet been discussed. Porter was concerned that the Board Secretary might go more than 15 hours in a month between attending meetings and doing the minutes. The Fiscal Officer stated that sometimes there were a lot of meetings, and sometimes the meetings were cancelled. It could be five hours a month or 20 hours a month. Galicki added that perhaps part of the discussion could be compensating the employee for time spent at the meetings, but that the minutes and administrative duties relating to the boards could be accomplished during Building Department office hours. Porter was concerned about keeping the individual under 40 hours per week, and Galicki did not think this would be an issue. Galicki introduced a motion that the positions of Administrative Assistant for the Building Department and the Board Clerk positions be combined in a 25 hour a week part-time position, and that additional compensation would be considered for those hours spent in board meetings. Schloss seconded. Voice vote – ayes, all.

Galicki advised he would be introducing legislation to amend Appendix D, Village Employee Handbook job descriptions, to include the newly proposed part-time Building/Zoning Inspector and part-time Administrative Assistant/Board Clerk job descriptions.

Schloss asked when the ad would be placed in the papers. Galicki stated there was a proposed ad, which Hocevar wanted to review, and it would be published as soon as it had been reviewed.

It had come to Galicki's attention that Kris Wilson, the current Building Department Administrative Assistant, had resigned the Board Clerk duties as of the end of the month. Schloss and Porter concurred. Given the combining of the positions, Galicki suggested offering the position to Wilson,

and if she did not accept it, to advertise the position. Porter stated that with the new combined position, the individual would be compensated for evening meetings, but he did not know what Wilson would do.

PROPERTY COMMITTEE: Canton reviewed that Council had voted to have the Fall Festival on September 15, 2019. He added that the committee would like to participate in the decision-making process on the trees for the playground, specifically from whom the trees would be purchased.

Porter stated the Property Committee met May 9th at 6:30 p.m. to discuss the rental property issue. The current renter had been late multiple times with the rent. He acknowledged that the consensus was that the rental property should be put on the market for sale, and that the Village should get out of the rental business.

Regarding the rental property, Porter advised that the mother of the tenant was living in the home and was not dead as previously erroneously reported. He added that this discovery was made when Geauga County Jobs and Family Service and the police responded to the residence based on a complaint by the mother. Ultimately no action was taken relative to the complaint. The Chief found out that the mother would be able to go to a safe place to live and the son would have to go elsewhere.

Porter stated an appraisal was first required and suggested authorizing the Mayor and Fiscal Officer to engage a local realtor for this purpose. Based on this, the house would be offered to the current renter for 30 days as a right of first refusal. This would include the house and full two acres. Porter thought the two acres would be more saleable and added it is zoned residential. After the 30 days, Porter stated, it would be put on the open market. He stated his recollection was that the Village did not have to bid this but could simply go through a realtor and if someone made an offer, it could be sold. Porter added that this was what Solicitor Ondrey previously told Council. Solicitor Matheney stated that there was a statute in conflict with this and wanted to research it. Galicki stated that the Ohio Revised Code addressed bidding for the property. The Solicitor agreed and said she thought the Village was required to go through the process. Porter stated he did not think so because the Village owned the property, and it was not a Village property like Village Hall. The Solicitor acknowledged she knew it was not public property, but she believed it had to be competitively bid. Porter stated that the former Solicitor, now Judge, may have been dead wrong. The Fiscal Officer stated an appraisal had been done several years earlier, but Porter stated the market had improved and a new one was required. He continued that once the property was sold, it would be necessary to give 30 days' notice to the renters.

Carroll asked if the tenant had paid the rent yet, and Porter stated he had not. Carroll suggested starting the 30-day notice process now, because it was his understanding the mother would be placed in a better facility right away, which would be a good option. Carroll added that the rent was late constantly despite the Village's accommodations. Porter stated that the Committee's thought was that the renters had lived there for a while and if they could purchase the house, everyone would benefit. Carroll stated that if the appraisal were done by the June Council meeting and Council agreed to a price, it could be offered at that time to the tenants with a 30-day notice to have them out by July 1st, which gave them time to decide whether they wanted to buy the house. Porter wanted to get the appraisal done and let the tenant know, but if the property needed to be competitively done, the plan would not work. The Solicitor stated it did, and that 721.03 states "no contract, but the sale or lease of real estate belonging to a municipal corporation shall be made, unless by ordinance,

proved by 2/3 vote by the board...when the contract is so authorized it shall be in writing only with the highest bidder...after advertisement once a week for five consecutive weeks in the newspaper of general circulation within the municipality.” She added that there was an exception, but it did not apply. Porter stated that the first step was an appraisal, and further action could be discussed at the June Council meeting.

Carroll stated that the Village was getting further and further behind with the tenant with the rent, and he believed the 30-day process needed to begin. He added that this would be better for the sale of the property.

Canton stated that the right thing would be to let the tenant down easy. He shared difficulties he has had in his own life and stated that an offer to buy the house should be made to the tenant. In all likelihood, the tenant would not have the money to make the down payment and would realize that he would need to vacate. Galicki stated that because of the potential for a required bidding process, any offer to the tenant to purchase the property should not be made until Council has clarification. He added that Council must be prepared for the tenant to be three months in arrears by the time he moves out. Porter asked if there was a security deposit, and the Fiscal Officer did not know.

Porter made a motion that the Mayor and Fiscal Officer be authorized to contract with a local realtor for the purposes of determining the fair market value of the rental house that the Village currently owned. Seconded by Canton. Nairn asked whether there was a difference between a real estate agent and an appraiser. The Mayor stated the last time an appraisal firm was used. Nairn pointed out that Porter used the term real estate agent and thought the motion should specifically state “a certified or licensed appraiser” Porter amended the motion and added that he used “agent” in the legal sense. Voice vote – ayes, all. Motion carried. The Mayor stated that Mr. Iammarino who had previously done appraisals would be contacted.

Carroll made a motion to start the 30-day process to evict the current tenant due to the fact that he had been late multiple times, to include April. Schloss seconded. Voice vote – ayes, Carroll, Galicki, Nairn, Schloss. Nays, Porter, Canton. Motion carried.

The Solicitor asked for the name of the tenant, and the Fiscal Officer stated it was Phillip Difini.

The Mayor questioned Council’s decision to sell the property and stated the Village was not hurting for money. He stated he would hate to sell the property and find that someday it was where the Village’s new Police Station should go. He asked Council to think about it and said he did not know that Council wanted to sell the property. Galicki asked if the proposal would then be to demolish the house and retain the property. The Mayor asked the Fiscal Officer about past tenants, and she replied that there had been one good renter. He did not want to see the property sold because he thought it was in a good location and thought the Village should hang onto it unless it needed the money. Carroll said that although there could be merit in keeping the property, he was not in favor of the Village being in the rental business. Nairn stated that the ownership of land was a good thing. Carroll said he did not disagree with this, and Porter reminded Council that the Village owns Muggleton.

The Solicitor stated that the 30 days’ notice must be prior to the periodic rental date, which is in the middle of the month. She planned to have the notice out May 15th or May 16th. She wanted to have

it sent by certified mail and regular mail. Solicitor asked who on Council would need to approve the notice. Council agreed to allow Solicitor to draft and send it.

PUBLIC UTILITIES: Carroll had no report.

ENGINEERING SEARCH COMMITTEE: Schloss stated the committee met May 7, 2019. They decided to send out a Request for Proposals (RFP) for a consulting Engineer, which was provided to Council. The committee wanted the RFP submitted to the Cleveland Plain Dealer, News Herald, Geauga Maple Leaf, and Chagrin Valley Times. The deadline date for submissions would be May 31, 2019. Porter asked if this would be enough time. Nairn stated that the Engineer advised the process should only take the firms a couple of days and if the firm(s) want the business, it could be done in this amount of time. Porter pointed out that the Engineer was one of the bidders. The Fiscal Officer asked about the duration of the contract and indicated the current contract with CT was two years. Schloss stated he was proposing a two-year period. The Solicitor stated that the Village has an Ordinance, Chapter 246, that states the Village contracts annually for the service of the Engineer. Schloss made a motion to make a request for engineering services to be put in the various newspapers and the proposal accepted and reviewed by May 31, 2019. Carroll seconded. Voice vote, ayes all. Motion carried. Following receipt of the proposals on May 31st, Schloss stated the proposals would be reviewed on June 3rd with the Mayor. Schloss stated the committee would narrow the selection down to three firms and then conduct interviews. The decision would be made by the June 10, 2019 Council meeting.

The Fiscal Officer clarified that the ad would be placed May 14th, the deadline for submission would be May 31st and then on June 3rd or sometime that week, the Mayor and Engineering Committee would meet to narrow the selection to three firms. She asked who would interview the firms. Schloss stated that the committee would conduct the interviews and then make recommendations to Council. Because of the timing of the Mayor's vacation, the committee agreed to meet instead on June 4th at 9:00 a.m. Carroll advised that if the interviews could not be completed by June 10th, Council could always hold a Special Council meeting.

Carroll made a motion to go into Executive Session to discuss property acquisition, seconded by Porter. Roll call – ayes, all. Motion carried.

Council was out of Executive Session at 9:55 p.m.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by: Leslie Galicki