

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, AUGUST 12, 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, Fiscal Auditor Lechman, Police Chief Rizzo, Street Commissioner Johnson, Solicitor Matheney, Engineer Haibach

VISITORS: Rich Haber, Paw Paw Lake Drive

At 7:30 p.m., Mayor Koons called the Regular Council meeting to order. Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Carroll made a motion to approve the meeting minutes of the July 8, 2019 Tax Budget Hearing and Regular Council meeting, seconded by Nairn. Voice vote – ayes, all. Motion carried. Canton made a motion to approve the minutes of the July 18, 2019 Special Council meeting, seconded by Schloss. Voice vote – ayes, all. Motion carried.

Katelyn Albright, Community Outreach Liaison with Northeast Ohio Public Energy Council (NOPEC), presented a recognition award to Chief Rizzo for development of programs for the South Russell Village Police Department and Village community.

Rich Haber, Paw Paw Lake, advised that the Engineer assessed what would be involved in bringing the Paw Paw Lake Roads up to South Russell Village's standards. The community would like to continue to have discussions with the Village to determine solutions. On questioning by the Mayor, Haber explained that before going to the Homeowners' Association (HOA), the board would investigate the issues. The community has an annual meeting in November. He did not think all necessary information would be obtained at that point, and there would not be a vote. Haber would take the information provided by the Engineer as well as information and quotes he was waiting for reports from private contractors for aspects of the project and would share these with the Engineer and Council. He did not want to rush the issue with the HOA.

MAYOR'S REPORT: The Mayor stated that the Chagrin Valley Chamber of Commerce's annual First Responder Program would be held September 9th through September 15th.

The Memorial Park Committee met and decided to put six flags in a circle with a flag in the middle by Village Hall, the Cemetery, corner lot, and the park. The flags would remain for two weeks for the committee to view and form an opinion. The committee would meet again on Monday, September 9th at 9:00 a.m. to formulate a recommendation to provide to Council at the October 14th meeting. Canton added that some of the committee members felt the Cemetery was

the best location where other members thought the outside of Village Hall or the Park would be best. The Committee is still deciding. Carroll asked if there was a budget for the memorial yet, and the Mayor said there was not. Galicki asked if the committee was comprised of South Russell residents. He added that there was one member who was not a resident of South Russell and wondered why nonresidents were engaged in the Village's projects. The Mayor said Jim Aluni (Finley) was involved. Galicki stated Aluni was not a resident and wanted to know why he was on the Committee. The Mayor stated he liked the way Aluni thinks. Galicki wanted to know then if all committees would be open to nonresidents. Carroll indicated that Aluni is a VFW member and a former resident. Galicki stated that there are plenty of VFW members who live in South Russell. He felt committees should be made up of citizens of the municipality, and stated that by setting this precedent, it opened any committee up to having nonresident members. The Solicitor stated that there was a residency requirement for the eight main committees, (Building Department, Planning Commission, Finance, etc.), but the ad hoc committee rules do not specifically say that it has to contain members of Council or residents. The Solicitor wanted to look at a 1998 Ordinance regarding ad hoc and special committees. Galicki indicated that the committee was comprised of members appointed by the Mayor and not advertised for interested individuals.

The Mayor invited Council to look at the Wise Family memorial which faces south so that on entering the Cemetery, the back of it is in view. He wanted to know if this bothered Council. He had not contacted the Cemetery Committee for their opinions. Canton stated that he looked at the memorial and it seemed odd. Schloss added that he saw it as well and suggested turning the stone around. The Fiscal Officer advised that this matter was discussed in depth at Cemetery Committee meetings over the years because if the Cemetery were to expand, the Village would want to maintain the headstone being placed at the head. She added that there were religious rules that pertained to this. If the practice were to change to having the headstones face the road, as the Cemetery grew, there would be stones in every direction. The rules that were thoroughly discussed by the committee were instituted. She added that visitors would not want to stand at the foot of the body and look at a blank stone, with the words being on the other side. Nairn stated that the head is supposed to be placed in the ground facing North and the feet facing South. Out of respect for the deceased, the observer would stand at the feet where he could read the words on the stone. She asked if the Mayor was saying that there was a grave where the stone was blank when standing at the feet. The Mayor stated this was not the case, rather that when driving around the Cemetery the backs of the stones are blank. He added that some families have added the name to the back of the stone. The Fiscal Officer added that the information about the deceased is on the front of the stone, and some families have chosen to put a name on the back as well.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed a monthly report. Carroll commented on the information provided by the Fiscal Officer concerning Public Records Training and encouraged members of Council to attend this training.

FISCAL AUDITOR'S REPORT: Fiscal Auditor distributed his report for the month ending June 30, 2019. The Fund Balances were \$3.166 million dollars and added that the interest rates have more or less remained unchanged. He pointed out that the fund balances match the fund balances arrived at independently by the Fiscal Officer. He indicated that balances decreased in

June and would reverse themselves in July when the Village received the second half of the real estate tax installments. Regarding revenues, it was a big month for Village income tax. Additionally, the Village received grant money and monies from the charity car show fund raiser. He added that the Village also received funds from the quarterly cable franchise fee. For the year, he stated that the Village was up \$487,000 from the beginning balance, which was not unusual because beginning balances are traditionally low.

FINANCE COMMITTEE: Nairn made a motion to approve the month end balances of the Fiscal Officer and Fiscal Auditor for June 2019, seconded by Canton. Voice vote – ayes, all. Motion carried. Nairn made a motion to acknowledge receipt and review of the June 2019 Credit Card transaction reports distributed to Council, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Nairn stated that the Finance Committee met August 2, 2019, the minutes of which were provided to Council. Nairn stated the 2020 Budget Work Session date would be Monday, October 7th at 5:30 p.m. She stressed the necessity for the meeting to be detailed but streamlined.

SOLICITOR'S REPORT: No report.

ENGINEER'S REPORT: The Engineer stated the 2019 Road Program was well underway. The recycling and base repairs had been completed on Ashleigh Drive. Specialized Construction would next be on Bel Meadow Lane to complete base repairs. The awarded contract amount was \$345,000 and he thought that even with extra base repairs, the Village would come in approximately \$10,000 under budget.

Schloss asked the Engineer for the status of the Manor Brook 319 grant application. The Engineer said that the Village received word from the Ohio EPA that it had been recommended to the U.S. Environmental Protection Agency (EPA) for funding. The Fiscal Officer advised that the EPA wanted something from the Village indicating ongoing interest. The Engineer stated he responded to this correspondence and was awaiting a response from Martha Spurbeck, Ohio EPA, about a timetable, but the Village was locked in and good to go with accepting funding.

STREET COMMISSIONER: The Street Commissioner submitted a month-end report. He reiterated the road program and crack sealing would be continuing, in addition to work at Village Hall and concrete work with curb and gutter replacement. The playground installation was complete and awaiting the drainage swale. The Street Commissioner advised he was being cognizant of the timing because if the area were too wet, he would be afraid to construct the drainage with the Fall Festival approaching. Prior to the Fall Festival, he planned to repair the areas damaged by equipment used in installing the playground. The swale would be addressed after the September 15th Fall Festival.

Nairn asked who would inspect the playground after its installation. The Mayor stated he spoke to the company and was told that the Village could have it inspected but did not have to do so. He further advised that the company could not inspect their own work. The Mayor had Dave Hocevar look into the matter to determine whether Hocevar could conduct the inspection. The closest playground Inspector they were able to find was in Cincinnati. They would continue to

look into it. Nairn expressed concern for the Village being open to litigation. Canton stated he addressed this issue a month ago. He felt it was not the place of the playground company to do the inspection since they built it, and the inspector should be independent. Canton suggested making a query to other communities. The Mayor suggested contacting Geauga Parks. The Engineer questioned that the closest qualified playground inspector was in Cincinnati. The Mayor stated this was the information he was able to find in an internet search. The Engineer said he had contacts he could ask. Carroll asked if the final inspection was part of the contract, and the Mayor stated it was not.

Carroll asked the Street Commissioner for an update on the status of the swale between Chillicothe Rd. and West Bel Meadow Lane. He stated he had been in contact with the homeowners who were allowing the Village to do brush hogging and ultimately clean the silt about 100 feet back or as far as possible. One of the properties was fenced in, which would make it tight. The Engineer asked the Street Commissioner to tell him when this was complete so that he could determine some preliminary slope and grade information. Carroll asked if the project was limited because of equipment. The Street Commissioner advised he was currently looking at where the drainage flowed from north to south to Chillicothe Road. Carroll stated Council had discussed this at the previous meeting and he wanted to ensure that it was done before the heavy fall rains begin. The Street Commissioner relayed that since it was necessary to go on to private property to complete the project, he did not want to create more of an issue by causing property damage.

Schloss asked the Street Commissioner what he thought about replacing personnel since he is short staffed. The Street Commissioner said it had not been discussed and agreed with Schloss that it could be a difficult situation particularly during the winter. Carroll stated that if this were an issue with the project on West Bel Meadow, perhaps the Village could hire a contractor in order to get the project done in a timely fashion. He pointed out that the stormwater issues were pressing in the community and that although there were some projects in the planning stages, the Village had not accomplished any yet. At the previous meeting, Council asked the Engineer to prepare a scope of work for an estimate. He asked the Street Commissioner to tell Council if the project was too much for the Street Department so that Council could pursue having it outsourced. The Street Commissioner stated it was not and would give it a try in the next week or two.

STREET COMMITTEE: Galicki reported that at the request of the Mayor the committee met on July 26, 2019 to discuss possible actions if the Street Commissioner retired. The Mayor presented a list of 13 possible actions to the committee. The Committee discussed the options, but no decision was reached because there was no indication the Street Commissioner planned to retire. The meeting was a planning meeting for the future to determine viable options.

BUILDING COMMITTEE: Schloss stated that the Building Committee met on July 31, 2019. Porter, Hocesvar, the Mayor, and Schloss were present. Discussion included the Mayor's suggestion to share a Building/Zoning Inspector with Chagrin Falls or Woodmere Village. Nothing was conclusively decided.

At 10:00 a.m., an interview was conducted for the Building/Zoning position. The Committee concluded the applicant was not suited for the job and the Committee would continue to search. He advised, however, that it did not appear there was a suitable applicant, and the Village was back to square one.

Carroll stated that at the 8:00 a.m. portion of the Building Committee meeting which he attended, the issue of alternates for the Zoning Board of Appeals (ZBA) and Planning Commission (PC) was addressed. He advised that it was previously determined that this was elective for the Village, and that the Village could, but was not required, to have alternates. Carroll explained that there was no current information relative to PC such as what meetings were being cancelled, who was not attending the meetings, and the reasons why the Village needed alternates. Carroll stated that with ZBA it seemed there had been a challenge with having the meetings but questioned whether it was more about having people waiting in the wings in case there were a retirement. The Mayor stated that for both committees, the Village would want to have five people there. He said the biggest issue arose a couple of years ago when a contractor would ask who would be attending the meeting, and if the people attending the ZBA meeting that night were not people with whom he agreed, he would cancel the meeting. The Mayor said this individual was cherry picking in other words, to get his three votes to get something passed. Another reason the Mayor explained alternates were necessary was because with both PC and ZBA, an individual could not just jump in without preparation. His thought was that the Village would find people who wanted to be alternates. These individuals would be given the information, come to a meeting, and have them waiting in the wings if someone was not available. He added they may not like being on the ZBA or PC. The Mayor stated he had two people attending the next ZBA meeting who had expressed interest in it. One member of ZBA had left and another said he was ready to go, according to the Mayor. Carroll asked if the ZBA positions were ever advertised. The Mayor said possibly two years ago. Carroll advised that he was very specific in the committee meeting that the positions needed to be publicized and the positions not cherry picked. He wanted to know specifically if a general notice would be put out that the Village was looking for alternates for ZBA and PC. The Mayor stated it would be in the next newsletter. Carroll questioned that the Mayor said he would be meeting with two persons about the positions already. The Mayor said yes, that two people had expressed interest. Carroll asked how the two people knew about the availability when no one else in the Village knew about it. The Mayor stated he did not know and speculated it was personal motivation and a desire to know what was going on and how they could help. He reiterated it would be in the newsletter and they would see what responses were received. From there it would be determined who would be the best candidates. He said the idea was to have five people so that if an issue arose, and not even three members were available, the alternates could step forward to have at least three. If the issue were solved that night, the alternate would not be on the schedule for the next meeting. If the issue was not satisfied that night, and continued to the next month, the alternate would continue with that issue until the issue was resolved. This was the way the Mayor heard it was done. Carroll clarified that this was how most communities with alternates would do it. The Mayor stated he did not know how many communities had alternates. Carroll stated that three are required for a quorum. He recalled that there had been an issue with getting three members, but that there were not regularly scheduled meetings. Council directed that there

would be regularly scheduled meetings to try to resolve the issue. He asked if these regularly scheduled meetings had helped ensure three members attended, and the Mayor replied that it had. Carroll stated that the reason to have the alternates then would be more for having someone to attend in case they were needed, not in order to hold the meetings. The Mayor stated that the meeting in July almost did not happen because there were barely three people there. Carroll clarified that there were three people, though, and there was a quorum. The Mayor stated that there were three because he was present. Carroll stated that again, this was a matter of having someone ready to fill in since there was someone on ZBA quitting and someone looking to quit. The Mayor stated this was correct. Carroll further stated that this was not in reaction to not being able to perform or have meetings. The Mayor stated it was getting close but had not happened yet. Carroll concluded that regularly scheduled meetings fixed the issue. The Mayor stated it had gotten much better.

Galicki questioned the concept of persons cherry picking members to see who would be at the board meetings. He asked why individuals would be informed of who would be on the board. He suggested that if an individual had something that was required to come before the board, they would know when the board meets and could present before the ZBA on those dates. Galicki did not think there should be an expectation that the Village provide the identities of the board members serving on a particular day to anyone outside the Village or anyone who wanted to appear before the board. The Mayor explained that in the situation to which he previously referred, the individual asked and was told. Galicki asked whom the individual asked for the information. The Mayor surmised the Board Secretary or the Building Department and clarified that it was a couple of years ago and he did not know. Galicki suggested that the individual should simply be given the meeting dates if the individual wanted to appear before the board, and the members should be of no consequence. The Mayor agreed. Galicki further suggested that this information should be provided to the Building Department to ensure it did not happen. He felt this action would take care of the need for alternates and there should be no expectation to know who would be serving on the board at a meeting. The Mayor stated that the same person did this twice, and he was unaware of other incidents. He said the idea of having alternates was just to have people on deck and ready to go.

Carroll asked the Mayor specifically what he was looking for with this issue, and the Mayor stated he wanted two alternates. He wanted a first reading of the two ordinances so that Council could start the process of getting alternates for PC and ZBA. Galicki asked if they were putting the cart before the horse. Galicki explained that the Mayor said he already had one person who resigned and asked whether Council should first advertise for this opening first. He added that if the other individual was contemplating resigning, perhaps he should finish the process and resign, and then the Village could advertise for two positions. He questioned why Council should address alternates before replacing persons who had resigned from the Board. The Mayor explained that he would rather have an alternate ready than someone in off the street. Galicki said the board needed someone now because there was a vacancy and wanted to know why this would not be advertised. The Mayor stated it would be in the next newsletter. Galicki responded that the Mayor was asking for an ordinance with alternates before filling a vacancy and felt the vacancy should first be filled. He suggested that if the vacancy were filled, perhaps

an alternate would not be necessary. The Mayor stated that even if there were five members, there should still be alternates in his opinion.

The Mayor stated that there should be a first reading of the two ordinances. The Fiscal Officer asked what ordinances the Mayor was referring to, whether they were the same as the ones from the previous year, or the last time the subject came up. The Solicitor asked if they were the ones in 2017, and the Mayor stated yes. The Solicitor stated this could be done but thought there would be discussion about voting for alternates. The ordinance would simply create alternate members, and she advised that it was important to include how voting would be conducted and the alternate's obligation to remain through the conclusion of the application. She also clarified that the absence of a member could be due to conflict of interest and not just due to illness. She had only identified the 2017 ordinances. The Solicitor explained that Council could have a first reading but stated that the old proposed ordinances would need to be amended.

The Mayor stated that by the next meeting, the ordinance would be ready, and Council would have the results of the ad in the newsletter.

Schloss asked when the newsletter would be going out, and the Mayor said it would go out before the Fall Festival. The Fiscal Officer reminded Council that input for the newsletter was needed ASAP. Carroll asked when the next ZBA meeting was scheduled. He suggested that perhaps if the vacancy required filling right away, Council should not wait to advertise in the newsletter. Carroll preferred the vacancy be advertised in the Chagrin Valley Times immediately. The Fiscal Officer stated it was advertised in the Chagrin Valley Times, the website, and the newsletter the previous occasion. Carroll suggested making a motion to advertise the position. The Solicitor stated that the appointment for the ZBA member was solely by the Mayor and not subject to Council approval. She asked if the Village advertised for appointed positions and the Mayor stated no. Galicki asked if the board member had to be a resident. The Solicitor stated a ZBA member was required to be a resident, and she would look into it.

The Mayor asked the Solicitor if he could simply appoint a member to ZBA. The Solicitor stated that this was her understanding, but she would double check. He said there was no need because he did not have anybody ready to be appointed. So, the board would be down to four people at the ZBA meeting on August 21st. Schloss asked what the qualifications were for a ZBA member. The Mayor explained that for individuals who ran or applied to be appointed to fill a vacant Council seat but did not get the seat, he offered something like ZBA, Park Committee, Building Committee Board of Appeals, Tax Board of Appeals, etc. He said basically, he threw these individuals a bone. If they had enough gumption to say they wanted to help, he would offer them something.

The Solicitor advised that there was a residency requirement for the members of the ZBA. They also must be electors. There were no other written qualifications.

The Mayor stated that by the September 9th meeting, hopefully Council would have other people who were interested in ZBA or PC, and by then Council could look at alternates and voting issues. To clarify, Galicki asked whether, of the two people who expressed interest to the Mayor

for the ZBA position, if neither were available to accept the vacant position. The Mayor explained he told the people to come to the next meeting to see if it would be something they would be interested doing. Then he would have them provide their resumes and talk with the Mayor. Carroll concluded that these were individuals whom the Mayor might consider for alternates. The Mayor stated “yes” and that the persons were invited to see if they would be interested in serving on ZBA.

The Mayor addressed the issue of the Board Secretary position. Carroll pointed out there was a separate job description for Board Secretary and that there was no need to separate it. The Mayor agreed and said that the Solicitor took care of this. He said that after Labor Day, the Village would not have a Board Secretary because the Building Department Secretary would no longer be doing this job and that it was necessary to hire a Board Secretary. Galicki pointed out that the Building Department Secretary decided on her own that she would not do this aspect of the job. The Mayor agreed. Galicki offered that it was very unusual in any organization that an employee could pick and choose what jobs they wanted or did not want to do. Galicki stated that it appeared that this was what was happening in this case. The Mayor agreed that this was how it appeared but stated that the Building Department Secretary was hired to be the Administrative Assistant in the Building Department. When the Village lost the Board Secretary, the Building Department Secretary volunteered to fill it in the meantime. She did not want it permanently and provided notice that after Labor Day she no longer wished to do this extra job. Galicki stated that the previous recommendation on review of the Administrative Assistant/Board Secretary position was that it is a 24-hour work week for the combined positions. An hour was added to make 25 hours. He stated that he would reasonably expect that if the Building Department Secretary elected not to do the Board Secretary job, she should expect a decrement of hours as a result. Canton asked if the Building Secretary had a job description. The Mayor stated that the Board Secretary and the Building Department Administrative Assistant both do. Canton asked what her main job was. The Mayor stated it was the Administrative Assistant in the Building Department. Carroll explained that a combined job description was created by Clemans Nelson, under which the Building Secretary was serving. With this combined job description, additional hours were granted to serve both the positions. He agreed that if she did not want to do the additional job, the additional hours should be retracted. Galicki reiterated that the Building Secretary’s current hours were based on a combination of the two jobs. Canton explained that while he was teaching and coaching baseball, and then gave up his coaching responsibilities, he did not continue to receive compensation for coaching. Galicki stated that if the Building Department Secretary elected not to do the Board Secretary job because it was not what she was originally hired for, she should not expect that her hours would remain the same.

The Mayor asked Schloss how things were going in the Building Department. Schloss replied that as the Mayor well knew, he did not see the traffic in the Building Department. From review of the Building Department report and revenues, the activity was just not there. He stated that a couple of weeks ago there was an attempt to institute a sign-in sheet, but the Mayor did not want it. Schloss asked how Council could otherwise know what went on in the Building Department, which was the reason for the sign-in sheet. Schloss stated that there was nothing secretive about

it, and he apologized if it appeared that way to the Mayor. He explained, however, that he did not see the traffic in the Building Department and felt other members of Council would agree.

Canton asked if historically there were times of the year when it was “lush” in the Building Department, and the Mayor and Schloss stated there were times. The Fiscal Auditor added that that department received a lot of deposits in January for contractor registrations. Galicki stated that in the eight months without a full-time Building Inspector, the Village had seen every season of the Building Department; with traffic at its heaviest and traffic at its lightest. Things had not collapsed. Employees were able to take two-week vacations from the Building Department, nothing collapsed, and there were no angry mobs of citizens stating they could not live without it. Given the difficulty the Village had experienced in finding a part-time Building Inspector, Council might want to consider that there was no justification in having the Building Department. He suggested perhaps Council would want to consider just going to a Zoning Department and accept services from Geauga County.

Carroll added that the sign-in sheet would help gauge the traffic. He added that he and Schloss had discussed this, and the intent of it was not meant to circumvent the Mayor at all and he was sorry the Mayor perceived it in this way. Carroll explained that after the Building Committee meeting on July 31, 2019, per Dave Hocevar’s recommendation, he spent an hour speaking with the Building Department Secretary trying to ascertain what the hours were that she needed and what she was overwhelmed with, to include being behind with Board minutes. Carroll asked her to provide him with how many meetings she was behind with minutes but had not yet received this information from her. He stated that she was looking at additional hours, as was discussed in the Building Committee meeting. Carroll explained that the sign-in sheet was to gauge foot traffic to determine whether there were certain days that were busier necessitating keeping the office open, or other days where there was no traffic where the office could be shut down, allowing her to do the additional work.

Carroll stated that the sign-in sheet would not require any extra work from the Building Department Secretary and would allow Council to also gain a perspective of the Building Department as a whole. He added that the sign-in sheet was nothing against her, but a determination on what people were coming in, residents, contractors, etc. and what time they were coming in. He felt this should have been done since January and it should be done going forward. The Mayor stated it was probably a very good idea and that the process was not correct. He stated that Council was strangling the Building Department and it was a slow death. For the sake of the Building Department Secretary and Dave Hocevar, if Council wanted to close the Building Department, it should take a vote and close it. The Mayor stated that last year and years before there was an average of 65-man hours a week in the Building Department, and now there are 35 and they are behind and stressed. The Mayor said he thought it would be a big mistake, but for their sake, Council should end it. Schloss did not think this was what Council wanted to do at this time. Instead, they wanted to find out what was happening. The Mayor stated that when somebody else needed help, the Village hired summer help, and additional help in other areas, but kept shrinking the Building Department.

Carroll stated that when the Fiscal Officer needed to replace help, she was required to produce daily documentation for a month or two of everything she did in order to be allowed part-time help. All that was being asked of the Building Department was to track foot traffic, which was not different than the justification required of other departments of the Village. Carroll stated he was not ready to shut down the Building Department and offered that he liked the idea of combining with Chagrin and Woodmere, which would be a feasible option. He added that he just wanted to see what was reasonable and could be done to serve the Village properly and fiscally responsibly and not just arbitrarily determine hours. He understood that some days were bad, and people could get overwhelmed, but there was always another day. He did not understand the argument to extend hours. Galicki added that without a sign-in sheet and tracking phone traffic, there were no measurable metrics except someone saying she was overworked and far behind.

The Mayor stated that the amount of income, permits, and inspections for years back was studied. Galicki stated that it was still a losing situation. Galicki asked if the Mayor wanted to keep the Building Department open, did he intend to have Hocevar as the Building Official. This would be a contractor acting as a Village Official, which he did not think was allowed by statute. Galicki added that the Village could not continue as it was, and the Mayor agreed and said that he would say to pull the plug if Galicki was so much against it. Galicki explained that it was not that Council was so much against it, it did not make sense today for this Village. He added that he was left with questions on whether it was a matter of the Building Department being so busy or that they were inefficient, and that this was not Hocevar but maybe the Building Department Secretary. He did not know if she had the skills for the job. Galicki stressed that Council should discuss this and that it seemed like the Mayor was very upset, but that he was vested in the Building Department Secretary personally.

The Mayor stated that he felt the Building Department provided a service that the community expected. He referred to the Village's colleagues in every Village around South Russell who had Building Departments. Galicki pointed out that there were no other Villages in Geauga County that had a Building Department. The Mayor stated that he did not compare South Russell to those people but looked at the Village's colleagues. Galicki suggested that perhaps the Mayor should, that these are the Village's colleagues. Carroll asked who the colleagues were to whom the Mayor referred. Schloss stated that of Gates Mills, Hunting Valley, Russell Township, Bainbridge Township, no one had a Building Department. The Mayor stated that he goes the other way and looks to the Chagrin Valley. Carroll stated that Hunting Valley had a combination position, as did Gates Mills. Schloss asked who Moreland Hills had, and Carroll stated they contract with Pepper Pike and share a contractor. He added that in Chagrin Falls the Building Official was not certified, and that Hocevar did their certified work and electrical. Carroll reiterated that for nine months the Village had been conducting business as usual, and that perhaps there had been certain days where Hocevar had been overworked, but the work was getting done. Carroll added that he was not ready to close the Building Department and wanted to look at options of combining it with Chagrin and Woodmere. Nairn added she would also like to see something collaborative.

Galicki stated that he felt Council wanted due diligence, which involved getting an accurate feel for the level of activity. The Mayor asked aside from the sign-in sheet what would be required. Galicki replied phone records for incoming and outgoing phone calls. Canton added Council should set a reasonable amount of time. Galicki added that perhaps a record of internet activity should be considered and advised that it was not unusual in the business community for internet usage to be monitored. If someone were off on a non-business site, perhaps there would be a gentle reminder, or the person would get fired. It was not unusual and perhaps Council would want to consider tracking the usage since it could not be pulled off a server. Schloss stated that most of the phone calls received by the Building Department pertained to zoning issues of complaints by residents. He added that the Building Department Secretary did a good job answering these. As for foot traffic, Schloss stated there may be contracts coming in once a week, or twice a week if lucky, and he felt there needed to be records.

Carroll, the Solicitor, and the Police Chief addressed methods of tracking phone calls and the Chief explained that it was possible to log into the phone system and pull data on incoming and outgoing calls on any department, but the retention period was only seven days on the system. It would have to be pulled once a week. Schloss added that Council should let the Building Department Secretary know that this was not a personal attack on her. Every time he had gone into the Building Department, all he would hear was defensiveness from her. He explained that somehow, she was hearing rumors of what took place in the meetings, and it was not good for her or anyone. Schloss stated he was very much against it and it needed to be stopped. He added that Wilson had a job to do and if she could do it, fine. If she could not, the Village needed to find someone else. Nairn asked who was going over to the Building Department and getting the Building Department Secretary riled. Schloss stated he did not know, but he would love to find out because she was so riled up every day and it was unbelievable. Galicki suggested that it was somebody within the inner circle of the Village because she was obviously getting the information somewhere. Schloss stated rumors are killers of businesses and people, and it must stop. Carroll agreed and said that this was what the Building Department Secretary expressed to him when he spoke with her. He added that truly this was not against her, but rather about the position and the Building Department in relation to what was best for the Village. Schloss added that he, Carroll, and Nairn told the Building Department Secretary that this is not about her. Nairn added that when she spoke to her, the Building Department Secretary used the phrase, "under the microscope." Nairn stated she needed to stop with this train of thought because that was not what it was about. It was about justification and not personal, although the Building Department Secretary was taking it personally.

The Solicitor asked for clarification on the tracking of phone calls and reminded Council that there was good data from the Clemans Nelson study. She wanted to ensure that the focus was not just what was coming into the Building Department but what was going out, like what inspections were being done, or follow-up meetings, etc. Carroll agreed and stated that Clemans Nelson was involved to preclude it from seeming personal, and the data supported combining the Board Secretary and Building Secretary positions. This was the reason Council took the action it did. The current effort was to get a broader picture. Galicki added that Council had heard that the Building Secretary was overworked and needed more hours because of all the walk-in traffic

and all the phone calls. He suspected the reason for Schloss trying to introduce the sign-in sheet was to justify more hours, but people took exception to this and did not want tracking. He felt if someone wanted to justify more hours because of walk-in traffic, they would welcome a sign-in sheet and phone monitoring. Currently, there were no metrics but only personal opinions about whether Building Department staff were overworked or not. Galicki reiterated that Council was just trying to engage in due diligence, as it did in trying to find a part-time Building Inspector, which may have resulted in finding there were no good options. Galicki stated as Council continued the journey, he would like to see a decision by the end of the year, which would be an entire year given to the Building Department process.

Carroll asked then if this meant the sign-in sheet would be reestablished. The Mayor stated there were three things to discuss with the Building Department Secretary; the sign-in sheet, phone records, and internet. Carroll clarified that at least the sign-in sheet would be implemented again, and asked if he would have to do it by motion to ensure it happened. The Mayor stated Carroll did not have to make a motion, that it was an administrative action and would be taken. Carroll asked then if the Mayor was going to do it. The Mayor said he just said that. Carroll wanted to ensure that it would actually be done. The Mayor reiterated that he said it was an administrative action that he would take.

The Mayor stated on September 12th, hopefully there would be someone to take the Board Secretary position. Galicki asked if the job would be posted. The Mayor stated yes, that there would be a month to get a Board Secretary.

POLICE CHIEF'S REPORT: The Police Chief submitted a month end report. Carroll and members of Council praised the Chief for the Charity Car Show. The Chief in turn credited Sergeant Todd Pocek and Officer John Zippay for their hard work in coordinating the event. He acknowledged it was a great show.

SAFETY COMMITTEE: Galicki stated that the Safety Committee met on August 6, 2019 at 8:00 a.m. The minutes were attached to the Chief's report. Galicki added that the Police Department received two grants in July for body armor reimbursement in the amount of \$1,501.65 and a radio grant for \$5,990. The Chief completed the programming of the school zone flashers for the first half of the 2019-2020 school year. He added that Officer Zippay assisted Chagrin Falls Police Department in the Safety Town Program.

HUMAN RESOURCE COMMITTEE REPORT: Galicki reported that less than two months ago, a part-time patrolman was hired by the Village. During the probationary period, it was the opinion of the new hire that he was not a good fit for the South Russell Police Department. After a discussion with the Chief, the officer resigned. Galicki made a motion to accept the July 10, 2019 resignation of Ben Milroy, seconded by Carroll. Schloss asked if a replacement would be hired, and the Chief stated the department would hold off on this for the time being because the schedule was stable for now. Voice vote – ayes, all. Motion carried.

Galicki added that there was also a matter to be addressed in Executive Session concerning consideration of unpaid leave of absence for a Village employee.

PROPERTY COMMITTEE: Canton asked to combine the Property and Park Committee reports. Regarding the rental house, the former renter was to return on August 12, 2019, for the remainder of his personal belongings left in the house. However, the individual failed to come. Canton questioned whether Council should establish a date for the clearing of the house. The Mayor stated that this date was August 10th and that the renter was to come August 12th to get the refrigerator, microwave and hospital bed, but did not contact the Mayor. The Mayor suggested giving him a couple of days to accomplish this or seize the property. Nairn asked if the former renter was coming up from Florida, and the Mayor stated he was now in the area. Canton verified that the individual knew the date to clear the house was August 10th. The Mayor stated yes, but said the individual asked if he could come August 12th instead. Canton stated it was time to clean the house out.

The Solicitor stated it was first necessary to complete an inventory. She was aware the trash and debris had been removed soon after the previous meeting. Before a professional cleaning service was brought in, however, an inventory must be conducted. Canton asked if it was the responsibility of the Properties Committee to do this or someone who worked for the Village. She said it did not have to be anyone who had appraisal experience, but just an accounting for what items were left in the house regardless of value. There was discussion about who might conduct the inventory, and the Mayor suggested putting it out to the employees to pick up some overtime. The Chief asked the Solicitor if an outside entity could do the inventory, and she said this was permissible. The Mayor suggested videotaping the house with its contents and doing an inventory from the video because he would not want to be walking around the house. The Solicitor explained once the inventory was conducted, Council would approve the value and then it would have to be disposed of in a certain way. She suggested going room by room. The Chief added that there were things in boxes, and it would be a huge task and require time. Canton asked how precise it had to be, for example would a "box of dishes" suffice. She agreed. The Mayor reiterated that the contents of the house could be videotaped, and the Solicitor stated she did not think this could be done because things were in boxes, that it would be best to do one room at a time. The Chief also explained that other than the dishwasher, all other items should be accounted for in the inventory.

The Chief volunteered to conduct the inventory since he had already photographed the house. Schloss volunteered to help him. The Solicitor thought it would be permissible to conduct the inventory right away.

The Mayor asked what the former tenant should be told if he were to call the following day to ask for his things. The Solicitor advised that if the tenant had come today, which was already two days past the deadline, Council could ratify it. The Mayor stated he took the chair, wet and dry vac, and his work shoes. The Chief asked what he wanted, and the Mayor stated the hospital bed, refrigerator, and the microwave. He said he did not discuss the washer and dryer with the tenant.

The Fiscal Officer emphasized that the Village needed to clean the mess and took exception with the former tenant having the option to take the items that the Village could sell to recoup its losses. The Fiscal Auditor asked whether there was a deposit, and Carroll explained that the

former tenant was so far in arrears it would not matter. The Mayor stated the tenant owed the Village rent from the last two months, and there was a security deposit. He added that the tenant built a ramp and a sidewalk, and the Mayor considered it an even trade. The Fiscal Auditor stated that action was required to document that the security deposit was going to be applied towards the expenses.

The Chief asked what would happen if the former tenant showed up while he was conducting the inventory. The Solicitor explained that in Ohio there is not an absolute deadline of 30 days, and it could have been conducted right away but Council gave the tenant 30 days. Carroll stated that as soon as the inventory was complete, the Village would own the contents and would be done. The Mayor stated that it was a used refrigerator that was filthy and if the tenant wanted it, Council should let him remove it. The Mayor asked if the former tenant could have until the end of the week. The Chief suggested calling the former tenant the following day to notify him that the inventory was being conducted and if he did not retrieve it, it would be gone.

Canton stated that the Parks Committee met on August 5, 2019 and discussed the Fall Festival, playground rules, and windscreens. He stated the committee was on target for the Fall Festival. Regarding the playground, the committee reviewed the following rules: the playground opens at sunrise and closes at sunset, which is the same as the park; vandalism will be prosecuted to the full extent of the law; no pets on playground surface; playground use is for age appropriate children; parents are asked to be vigilant; in case of emergency, contact 911. Nairn asked if there was a certain age that required adult supervision. Canton replied that it was 10 to 12, but the playground was for children 2-12. Nairn asked about a 7-year-old who was there without supervision, and Canton replied that the police would be called.

Canton referred to windscreen information provided to Council in the amount of \$1,621.60. He advised that the committee was aware it had \$1,000 for the windscreens and that it was budgeted for this year or the funds would be lost. The committee told Canton they were expecting more bids. When Canton received the quotes, he would contact Council.

The seven benches would be ordered on August 13, 2019, and the trees would wait until fall. Regarding the remaining dirt pile, Canton asked if the Mayor had received word from the Western Reserve Land Conservancy about authorizing the slide. Nairn clarified it was a sled hill. The Mayor stated he did not know and said 'he' (someone) was checking into it two weeks ago. The Mayor said 'he' (someone) would get back to him and say, "what do you think?" Galicki asked what the Mayor was talking about with a sledding hill. Canton explained there was discussion involving the addition of more dirt to the dirt left over at the southern part of the playground and moving it to create a sled run. He clarified that it was just talk at this point. Galicki asked if this was like the eyesore in Orange, and Canton replied he did not know if there was an eyesore in Orange. Carroll stated that he was uncertain about this suggestion and that the sled hill was dumpy. He said he took his kids over to Gurney to sled. He did not know if the Village needed one in the park that looked ridiculous.

Canton relayed that he had gone to the playground and talked with the mothers and children. They liked that it was not an industrial looking playground and were appreciative. Canton said it had been well received, which included his grandchildren.

PUBLIC UTILITIES REPORT: Carroll advised there was no report.

ORDINANCES/RESOLUTIONS: The Mayor asked for clarification regarding the second reading of the ordinance amending Section 1480 and the Solicitor explained that it involved the prohibition of the outdoor storage of motor vehicles and trailers. Schloss suggested tabling the matter pending Porter's return and input by residents. He recommended discussing it at the September Council meeting. Galicki asked what the ordinance addressed, and the Solicitor explained that it was not a zoning change but a property maintenance standard in the Codified Ordinances. Schloss made a motion to table the ordinance, seconded by Carroll. Regarding the property maintenance issue, Carroll asked if this was something the Village already had on the books which was just being enhanced. The Solicitor explained this was adding to it or extending it. She explained that as it is currently, residents cannot park or store a motor vehicle in the front yard for more than a consecutive 72 hours in the residential district. There was an issue with respect to corner lots as to how "front yard" was defined. There was a thought of extending the prohibition to all yards on a residential lot in a residential district. Carroll clarified that the front yard law exception currently exists. The Solicitor explained that residents would not even be allowed to do it in their front yard; it would be all yards. Carroll asked if a resident had a side yard and had a trailer parked next to the garage that did not extend past the front wall of the house, would this be in violation? The Solicitor said the resident might be grandfathered because previously, parking it on the side was permitted. One of the main issues was how the Village would enforce the ordinance because there would be a lot of nonconforming uses that would be created. Also, currently without a Building Inspector, Solicitor questioned who would enforce it. The proposed amendment had a Building/Zoning Inspector identified, but the Village had yet to find one. Additionally, the Solicitor advised there had been a lot of concerned residents against the ordinance. She clarified, however, that there was a misconception that this pertained to recreational vehicles, which already was a zoning ordinance. There was also a belief that this was a new ordinance, which it was not. She suggested considering a more robust discussion of the topic in committee and more discussion with residents, many of whom would be grandfathered in unless they abandoned use for a year. The Chief asked if the one year was modifiable, and the Solicitor said it could be reduced to six months discontinued use up to two years per the Ohio Revised Code. The Solicitor stated this would be difficult to enforce without an employee dedicated to zoning issues. Carroll stated it sounded like the Village had one, two, or possibly three issues, and that it would be collecting everyone under one new ordinance when it was just one or two issues. He understood it was difficult to enforce but thought Council should be cautious about punishing everyone for one or two violators. The Chief thought it was a good idea to include the side lot, where the Village had a number of side lot issues, like on Fernwood Dr. The Solicitor said the ordinance probably needed to be narrowed and residents should be consulted to find the best way to address the problem. The Chief explained that quite possibly nothing would change because people would be grandfathered. Carroll understood that although it might not address the current issues, it would be creating a standard going forward. Voice vote – ayes, all. Motion carried.

Canton introduced an Ordinance to approve current replacement pages to the South Russell Codified Ordinances and declaring an emergency. Canton made a motion to waive further readings, seconded by Schloss. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2019-44**

Nairn introduced an ordinance amending the annual appropriations increasing the Safety Fund expenses \$20,202 and Income Tax transfers \$23,291 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2019-45**

Nairn introduced an ordinance transferring \$23,291 from the Income Tax Fund to the Natureworks Playground Fund declaring an emergency. Nairn made a motion to waive further readings, seconded by Canton. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2019-46**

BILLS LIST: Nairn made a motion to ratify the July 15, 2019 Bills List in the amount of \$33,400.58, the July 30, 2019 Bills List \$59,277.79, and the August 13, 2019 Bills List in the amount of \$127,136.61, seconded by Carroll. Voice vote – ayes, all. Motion carried.

NEW/OTHER: Nairn, Schloss, Carroll, Galicki had no new business.

The Mayor stated there was the Manor Brook Headwater Stream Restoration matter, which was discussed earlier in the meeting. The Fiscal Officer relayed that the Engineer let the Ohio EPA know the Village was willing to move forward. Nairn made a motion to approve the 319 Grant dated July 18, 2019 on the letter from John Matthews, seconded by Schloss. Voice vote – ayes, all. Motion carried. The Mayor stated the companies' proposals will be received on Friday, August 16th, and would be given to Council at the September 9th Council meeting for action to approve the winning bid.

The Mayor stated that because the Bainbridge Library parking lot will be under construction, they asked the Village to use the Village campus parking lot on October 25th from 6 until 9 p.m. for their Trunk or Treat event. He explained that people come to the lot, park their vehicles, open their trunks and pass out candy. The Mayor said the Fire Department would be coming and he thought the Police Department was also coming. He asked if Council had any concerns. Carroll asked why the Bainbridge Library would not hold the event in Bainbridge. He said he did not know why they came to South Russell with the request. Carroll did not know why they would not do it in Bainbridge and Galicki suggested they have it in their civic area. Nairn advised that this required police coverage because of Chillicothe Road. The Chief advised this had been mentioned and police presence would be necessary for traffic control. Galicki asked if the Bainbridge Trustees approached the Village with the request, and the Mayor said the Bainbridge Library did. The Solicitor asked for clarification about the event. The Mayor said it was an alternate trick-or-treat event. Carroll stated again that the event should occur in Bainbridge. Canton asked if Bainbridge Twp. perhaps declined the library's request, and the Mayor said "no". He thought the library wanted to get their hooks into the Village for support for whenever the library issues come up, and that they have asked for letters of support whenever

they have a levy issue. The Mayor suggested it was public relations and publicity for the Bainbridge Library to have something in South Russell. Nairn could not understand why Bainbridge would decline to have the event since it was such a large geographical area. Carroll again suggested that since it was a Bainbridge event and the participants would most likely be Bainbridge residents, it should be held in Bainbridge. Galicki questioned why South Russell Village Hall was selected. The Mayor thought the library was throwing the Village "a bone" to make some connections with the Village. Canton suggested Bainbridge was looking at it as a Geauga County Library Branch. The Mayor stated it would only be for one year, and he had spoken to Chief Bokovitz who told him there had never had an issue with it and had not attended it. Nairn referred to the flyer previously provided to Council about the event, that stated it was a 90-minute event and not three hours. The Mayor said it usually lasted 90 minutes. The Mayor asked if a motion was necessary, and the Solicitor said it was. She also addressed logistical issues with entering and exiting the lot. The Mayor explained that the cars are parked, and people sit in lawn chairs and hand out candy from their trunk. Carroll stated that Bainbridge would seem to be a better location for it. The Mayor said it was a chance to do something good for the kids that the Bainbridge Library offered to the Village. He asked Council for a motion. Schloss made a motion to allow Bainbridge Library to do their Trunk or Treat on October 25th. Hearing no second, motion failed.

Regarding the Engineering Search Committee, the Mayor asked how Chagrin Valley Engineering was eliminated. Carroll explained that there was a meeting with Carroll, Schloss, Nairn, and Canton where the different firms were reviewed, and the different options were discussed. Chagrin Valley Engineering costs came in high. Schloss stated that it was the Mayor who indicated they should be eliminated. The Mayor asked when this meeting occurred, and Schloss stated it was July 2nd, the minutes of which the Fiscal Officer located. Schloss explained that the Mayor said their prices were too high. Nairn concurred that it was a money situation. Carroll advised the Mayor was not at this meeting, and Schloss stated that there was a subsequent meeting where it was decided because of Chagrin Valley Engineering's high retainer fee that the committee decided it would not fly. Schloss thought the Mayor agreed. The Mayor said he would have liked to have been included. Schloss stated it was a Sunshined meeting and he thought the Mayor was out of town. The Mayor stated that two people who sat through the Chagrin Valley Engineering interview voted and two people who did not eliminated them. Carroll asked the Mayor what he was talking about, that it was unanimous. The Mayor wanted to know why he and the Fiscal Officer were not included. Galicki indicated that the Fiscal Officer was not on the selection committee. The Fiscal Officer explained that she had been at the other meetings to serve as secretary and that week she was out of the office. Carroll reiterated that the meeting had been Sunshined and appropriately posted. To his knowledge, there was no indication that the Mayor did not want them to hold the meeting. Additionally, Carroll advised he was an observer at the meeting. Carroll, Schloss and Canton verified that Chagrin Valley Engineering had a significant retainer fee for the year. Canton added that the other two firms had better presentations in addition to the expense issue of Chagrin Valley Engineering. Nairn added that it was the purpose of the process to determine whether after 20 years of using the same engineering firm, there might be a possibility of finding a different firm and saving the Village taxpayers' money. Carroll added that it was also about seeing if the Village was getting good value with CT Consultants. The Mayor stated he would have expected a phone call to him and to the Fiscal Officer to ask their opinion and he took exception to being

part of the committee and having a decision made without them. Schloss disagreed and said that on his return, the matter was discussed, and the Mayor had agreed. The Mayor said he does agree but is addressing the process. Schloss asked the Mayor why he did not say anything at the time. The Mayor said he did not because he figured he missed something. Schloss offered to repeat the process if the Mayor would want this, and the Mayor said he did not and that it was about the process. He would have appreciated a phone call to himself or the Fiscal Officer. Schloss thought it was made quite clear to the Fiscal Officer because the committee had her send a letter out to the firm.

The Fiscal Officer explained that at the time of the meeting, she was on vacation. When she returned, Schloss reported what had happened and she typed the minutes. When the Mayor asked her about the minutes the morning of August 12th, the Fiscal Officer explained she had forgotten she had done them because it was July when she originally typed them. She ultimately found the minutes and distributed them to Council. As directed, she said she wrote the letters to the firms that were not selected to move on, which the Mayor signed. Another letter went to the two firms that would be returning August 19th for the Special Council Meeting interviews.

The Mayor also stated that during the course of the Engineering Search Committee process, it was decided that the Mayor and Fiscal Officer would speak to colleagues to gather information about engineering firms. Schloss confirmed that the other committee members did so as well. The Fiscal Officer explained, for example, that she was aware Hunting Valley used GPD and asked for their feedback, which was that they were expensive but good. Their fees would add up quickly. She received the same information from the Village of Grafton. The Mayor was suggesting that the other communities were contacted and would be willing to share their experiences.

In April, the Mayor received a request from a Council member for any and all communication with CT Consultants, and the Mayor stated he did not act on this for two or three reasons. One reason was that it was copied to the Solicitor and he did not want to involve the Solicitor who would bill the Village to read it. Secondly, he was asked to respond to the individual Council member, and he said that he just could not do that. He must respond to all six of the Council members and treat them as a group. The third reason was the implication that the Mayor was doing secret communication with CT Consultants, so he did not respond. He asked the Chief how hard it would be to dig up all his communication with CT Consultants and the Chief said it would not be hard. The Mayor asked a friend of his about the whole idea. His thought was that if there was trust, there would be no need to do this; if they needed to know all the contact, he had with the engineering firms through verbal, written, text, etc. Galicki asked if this was a public records request. The Mayor said it was not, just someone asking his opinion. Galicki clarified his question to pertain to the Council member. The Mayor said it was not. Galicki advised that if it was a public records request, there would be no choice but to comply and produce the requested records. The Mayor acknowledged this. What the Mayor explained he was saying was that if someone wanted the information from him, he thought all eight of them should have to do the same thing; all the correspondence they had all had with engineering firms. Galicki failed to see the logic in this but explained that something that may have precipitated the request was that in his time on Council, it did not appear that transparency in the Office of Mayor had been a strong suit. When the Mayor spoke of trust, this might be the reason why

someone would question. Galicki referred to a previous Council meeting when the Mayor questioned actions initially taken by the Engineering Search Committee as well as the Mayor making several comments about being in charge of the committee. Galicki surmised that this may have been what precipitated the request. He did not know who the request came from but suggested that if he were more transparent potentially the Mayor would engender more trust. He believed trust had suffered between Council and the Office of the Mayor.

The Mayor said that they should clear it up and everyone provide all the contacts they had had with the engineering firms since January, to include texts, emails, phone calls, and his wife's computer. Carroll said he had nothing to hide and the Mayor could have anything he had. Carroll added that at such point that he leaves Council, anyone could have his password and view anything and he would have no issue. Carroll said he did not know what the Mayor was asking or where he was going with the issue. The Mayor said that if the request was made to him and that he was not transparent, they should clear it out. Carroll said if someone asked the Mayor for information, he did not understand what the issue was. The Mayor said the implication was that he was dealing with just CT Consultants. Carroll advised that this was the Mayor's impression of the request. The Mayor agreed. Galicki stated that if there was nothing to hide, why wouldn't he just provide it. The Mayor said he would provide everything he had with the eight engineering firms but expects the rest of Council to do the same. Galicki asked if this was the Mayor's formal request. The Mayor said no, that he expected it out of decency that everyone else would do the same thing. Schloss addressed the Mayor saying that he was asked to be the Chairman of the Engineering Search Committee and he did not understand what he was doing in the committee. He contacted all the firms on the list and had many emails as a result. He said if the Mayor designated him as the responsible person, then he was the responsible person. Schloss said he went out and looked for various firms, which had brought the search to where it currently is. He stated that if he had done something he was not supposed to do, then the Mayor should chastise him.

Carroll advised he had requested information from the Mayor as well because of the odd way the process started. Council had discussed having an Engineering Search Committee, but then the Mayor took action independent of the committee, notifying the committee after the fact. This made Carroll wonder what was going on and he felt the committee was not getting good information. Carroll stated that if the Mayor took it the wrong way, that is on the Mayor and not him. Carroll asked the Solicitor whether an official public records request had to be listed in an email as an official public records request. The Solicitor said it did not. Carroll asked then why she was saying his request was not a public records request, and what would make it a public records request. The Solicitor said she did not know. Carroll asked if he were to email the Solicitor requesting specific records, would he have to include in the email that it was an official public records request. The Solicitor replied that if the request was made to the Mayor or the Village, that would make sense and that maybe it could be a public records request. However, if he were to ask her as the Solicitor, it would not be a public records request. Carroll asked if a citizen asked him for all his emails related to something, would he have to provide it. The Solicitor stated he would with appropriate exceptions and redactions. He again asked if the individual would have to specify that it was a public records request. She replied that the individual would not have to specify. Carroll asked what the difference was then between a citizen making the request and an elected official making the request to another elected official.

The Solicitor said there was no difference. Carroll stated he concluded then that it would be an official public records request. The Solicitor said she did not know about the word, "official." She said if it was a public record, there should be no issue. Carroll continued that it should be turned over in a timely fashion, and the Solicitor agreed and said in a reasonable period of time. Carroll asked what a reasonable period of time was, and the Solicitor said it varied on how broad the request was and how involved the legal review would be. Carroll returned to his original question about whether an email request sent from one elected official to another elected official requesting emails, texts, phone, etc., should be turned over. The Solicitor agreed that it should be treated as a public records request.

Schloss asked if this meant that if he sent emails to various consulting engineers, this would need to be turned over. The Solicitor told Schloss no because no one had asked him for this. The Solicitor explained that the Mayor was asking everyone to provide everything, and if this was a public records request, that would be fine. Schloss said he would have no problem. The Solicitor said that if Schloss was not asked to provide any documentation, he would not be required. The Mayor clarified that he was not asking for people to do it, but if the request came to him, he thought it would be only fair that the eight of them, the six Council members and the two people on the committee, should do the same thing. Canton stated he suggested Council allow the Engineering Firm search process to continue. The committee studied the engineering firms, voted the group down to two, and Council would be listening to their presentations at the Special Council meeting on August 19th. He thought the committee narrowed the search to two very good firms, and Council should listen to their presentations and then discuss and make a rational decision. Carroll concurred.

Canton offered his congratulations to the Police Department for a great Charity Car Show.

Carroll made a motion to go to Executive Session for purposes of discussing employee compensation, seconded by Galicki. Galicki suggested the Fiscal Officer be included in Executive Session due to her role in Human Resources; all agreed. Roll call – ayes, all. Motion carried.

Council left Executive Session at 9:47 p.m. Galicki made a motion that Council consider approval of the unpaid leave of absence of the Street Department employee, Richard Pausch, until October 23, 2019 on his anticipated return. Carroll seconded. Voice vote – ayes, all. Motion carried.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki