

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, SEPTEMBER 23, 2019 - 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

**VISITORS:** David Hocevar, Building Inspector; David Maynard, Keyway Property Solutions; Mark Vetter and John Catani; Chagrin Suburban Fire Department; Don Rice, Metzenbaum Center; Charlie and Keith Kukla, Woodside Rd.; Chris Berger, Whitetail Dr.

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 Special Council meeting minutes of September 5, 2019, seconded by Nairn. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the minutes of the September 9, 2019 Regular Council meeting, seconded by Nairn. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the Special Council meeting minutes of the September 16, 2019 Special Council Meeting, seconded by Nairn. Nairn stated that the minutes should reflect that the meeting began at 4:00 p.m. instead of 4:30 p.m. Voice vote – ayes, all. Motion carried.

Hocevar explained the 2003 ordinance that addressed the forfeiture of a construction deposit in the case where no work was done on a project within a year. Hocevar stated that David Maynard had come to Council to request the return of a construction deposit because a forfeiture letter was sent to Maynard relative to such a situation, and Maynard was objecting to it. Maynard said he was representing his company, Keyway Property Solutions, which was initially going to rehab the house on 104 Maple Hill Dr. They hired a contractor, Bruce Moling from Aries Construction. Ultimately, Moling performed unacceptable work. Moling was fired as a result. Moling pulled permits, copies of which were never provided to Maynard. Keyway Property Solutions then pulled off the job and the house has been sitting idle. Maynard said he was representing Gorilla Capital, the lenders that paid Moling for the permits. The Mayor clarified that it was a \$1,000 deposit. Maynard provided copies of documentation to the Solicitor showing invoices that reflected the permits and payment of the invoices.

The Mayor suggested addressing the issue at the next Council meeting on October 14<sup>th</sup> to give the Solicitor time to review the documentation. Maynard asked if his presence was required and the Mayor said it was not. Carroll asked Maynard what the long-term plan for the property was, and Maynard said it was currently on the market being sold as is. He was negotiating with the lender to allow Keyway to finish the job and then put it back on the market. Porter stated that ordinarily the person who pulled the permit put down the construction bond. In this case, Gorilla Capital put down the bond, not Aries. Hocevar said that Aries supposedly put it down, but Gorilla provided documentation to demonstrate Aries had been repaid. Porter explained that

ordinarily the deposit would be returned to Aries, but Maynard was asking for it. Maynard reiterated that since Aries was reimbursed for the permit fees, they were asking the money be returned to Gorilla Capital. Hocevar said Mark Aries was notified by certified letters about the Council meeting but did not respond. Hocevar wanted to see the Village reinstate the construction deposit and start from scratch. He thought the Village should inspect the property since it had not been inspected. He added there were no electrical or plumbing permits and thought that if Council chose to reimburse the deposit, there should be an agreement that the contractor would go back and do it the right way. Maynard agreed that if his company returned to work on the house, permits would be pulled, and the job would be done correctly. Schloss asked when this would happen, and Maynard said it was up to Gorilla Capital, and that the property was currently on the market and was a rehab property.

Nairn asked if the home was currently listed by a realtor. Maynard said Gorilla Capital was selling it through the Multiple Listing Service (MLS). Gorilla Capital is in Eugene, Oregon, and does not use realtors in Ohio.

The Solicitor asked Hocevar how many letters were sent, and Hocevar thought two. She was trying to determine if the Village incurred any fees, and she clarified that the Village paid only for the certified letters and no inspections. Hocevar asked that Council include in the motion that Gorilla Capital be responsible for getting the project finished. He thought the return of the money should be contingent on complying with proper inspections.

Maynard said if the house sold as a rehab house, the new owner would have to pull permits.

The Mayor said Council would have three weeks to work on the issue, and the Solicitor said Council could do it at the current meeting if they chose.

Schloss asked if the vote could be taken now. The Solicitor advised that Council could return the full deposit, return part of the deposit to cover reasonable fees, or give nothing back. The Solicitor stated that the motion would be to refund the construction deposit in the amount of \$1,000 to Gorilla Capital with the contingency that going forward, any construction would have to come back to the Building Department for the necessary permits and inspections.

Hocevar reiterated that he did not want to just give Gorilla Capital a check without requiring action, and the Mayor suggested getting something in writing for October 14<sup>th</sup>. Porter clarified that Hocevar was saying the deposit would be returned to Gorilla Capital after Hocevar had inspected the house. Hocevar added that it included pulling electrical permits.

Porter made a motion that the Village refund the \$1,000 construction deposit to Gorilla Capital with regard to the residence located at 104 Maple Hill, provided that the Building Department had the opportunity to inspect the premises, and any defects corrected before the \$1,000 was returned to Gorilla Capital. Schloss seconded the motion. Voice vote – ayes, all. Motion carried.

Mark Vetter stated that the Chagrin Falls Suburban Fire Department currently had a three-year contract with the Village of South Russell, which would be completed at the end of the year. He

was proposing another three-year agreement. He provided Council a copy of the agreement by email. Vetter wished to discuss the contract pricing. He advised that the working budget would be a little over \$1.6 million, which would be an increase of just under \$120,000 split between six communities. There is a requirement for all six communities to participate in the agreement, and the pricing would have to change if one of the communities opted out. The Village's portion of the increase would be approximately \$31,411.26. The increase was due to increased expenses in insurance, replacement apparatus, personnel wages, etc. He explained that as a non-profit, the funds were applied to services. The Village's portion was calculated based on population, number of Emergency Medical Services (EMS) calls, property valuation, and number of fire and service calls. The six communities included were Chagrin Falls Village (EMS only), Bentleyville Village, South Russell, Chagrin Falls Township, Hunting Valley, and Moreland Hills. He stated that the population remained stable and EMS calls were down. The property values had increased but the increase was in line with the other communities. There was a significant increase in fire calls at 25%. A three-year average was used in the calculations to buffer isolated incidents.

Galicki asked how the Lantern factored into the fire calls. Vetter replied that the Lantern did not have full occupancy until 2019. The numbers were based on 2016 – 2018, when it was new, and it was getting the fire alarm system worked out. There were a handful of calls there, possibly less than 10. Galicki asked for clarification about the fire calls. Vetter said that in 2013-2015, there were 179 calls, and from 2016-2018 it was 225 for fire and service calls.

Carroll asked what the contract percent increase was from 2019 to 2020. Vetter advised it was an 8.4% increase. Carroll also asked who set the pay raise for the personnel. Vetter said it was set by the corporation. He added that all the firefighters wear two hats. All the Chagrin Suburban Fire Department employees are employees of the Village of Chagrin Falls Fire Department and Suburban Fire Department.

Nairn thanked Vetter for providing the presentation earlier than it has been given in previous years.

Porter said he noted that the Village would be paying \$31,000 of the \$120,000 increase. He asked if this was because not many people lived in Chagrin Township and Hunting Valley compared to Chagrin Falls. Vetter reiterated that population was part of the formula used to determine the share. Vetter stated that 25.14% of the contract was South Russell, but 23% of the property valuation was also in South Russell, as well as 24% of overall fire calls. 21.5% of the overall EMS calls were in South Russell, and 29% of the population was in South Russell. 25% was based on these four factors. Nairn clarified that South Russell was not subsidizing communities with smaller populations.

The Mayor suggested Council vote on the contract on October 14<sup>th</sup> to provide time to review the agreement. Carroll asked the Solicitor about aspects of the agreement on which she required clarification. The Solicitor addressed a "holding harmless" clause, regarding holding the Village harmless, but in the next sentence addressed indemnification. She wanted to determine if the company would be doing both, because she said these were separate concepts. The Solicitor asked if the company was indemnifying and holding the Village harmless, or were they doing

one or the other. Vetter said he did not know and would contact his insurance company. Solicitor indicated that could be found in the seventh paragraph. Porter pointed out that the company was saying they would hold the Village harmless and indemnify the Village for reasonable attorney fees, causes, etc. to defend against any claims asserted against the Village because of the Chagrin Suburban Fire Department. He was sure they would want their attorney to look at this as well and added that it was favorable to the Village. The Solicitor agreed. Vetter added that insurance agents who were on other Councils could not believe that they included this clause. The Solicitor stated the Village was fine with this but wanted to be sure. Vetter said he would clarify this.

The Mayor expressed his appreciation to the Chagrin Suburban Fire Department. He asked if there was a commercial for the Fireman's Ball and asked how the Village could help pay back. Vetter stated there was a fundraising campaign to build an addition to the Chagrin Falls Fire Station. The addition would provide female living quarters to include a designated female restroom. This was not built into the contract costs, so they have attempted to raise the money through fund raising of \$750,000. There would be a Fireman's Ball next year at the Chagrin Falls Intermediate School, on April 18<sup>th</sup>.

Vetter concluded by indicating the Chagrin Suburban Fire Department has been an example of successful regionalization, costing all the communities less for fire protection. They cover 32 square miles and about 13,000 residents are serviced by one department.

Don Rice, Metzenbaum Center, indicated that the center provided service to 950 individuals, the oldest client being 90 and youngest being 3 months old. The goal of the center with the early intervention program (0 to 3 population) was to get children as typically functioning as possible. About 50% of the time, by the time the children enter school, they are able to function at a typical level and no longer required services. He added that this was a great thing because kids learn best when they are young. Rice stated that 70% of the funding received by the Metzenbaum Center comes from local levy dollars. He explained that a lot of times the funds were a match with federal or state dollars. Without the local match, it could not happen. The most costly and important need they address is residential care, and 208 are currently served. It represents 60% of the budget.

The Mayor asked how many facilities Metzenbaum had, and Rice stated there are 23 houses owned by Maple Leaf Community Residence, four at the Metzenbaum Center with 19 people residing there. The balance live in rental houses, and the landlords have been receptive because the rent is paid on time. Rice added that the 950 individuals served did not include the 120 senior citizens who use the gym facilities and workshop.

Rice also addressed the number of clients working in the community. Porter asked if there was an upcoming levy that would be on the ballot, and Rice stated a renewal of the 2015 levy will be on the ballot.

The Mayor asked Charlie Kukla if he had any updates or changes to his Eagle Scout project. The Mayor stated he had been in contact with the Western Reserve Land Conservancy for approval to use the land west of the pavilion, which was marked by six flags as a proposed

location of the Veterans Memorial. He did not have approval and did not know that he would get approval. The committee would be meeting on October 28<sup>th</sup> to consider the options. The Mayor further stated that on the corner of Bell Rd. and Chillicothe Rd., there was a flagpole installed by the Chagrin Falls VFW, which might be an appropriate location. The Mayor added it could also be at the cemetery, or outside Village Hall. The Mayor suggested Kukla be permitted to place a stone at the bottom of a flagpole, and they could worry about the location in the future. Carroll thought this was fair but asked if Kukla needed the specific location for design purposes. Kukla said that the width of the stone and landscaping around it would not be excessive and would not really matter. Porter asked if the stone was going to be 6' by 3' and 4' high. Keith Kukla added that Charlie's next steps would begin with a beneficiary sponsor sign-off and then submittal of the project to an Eagle review group who would review the proposal. Their requirements might provide clarity but might also necessitate return to Council with requests.

The Mayor suggested Kukla meet with the Park Committee for suggestions. He asked Kukla to return on October 28<sup>th</sup> after the committee had met. Carroll said he did not want to hold Kukla up and asked him if it would be helpful to know that Council supported his project. Keith Kukla verified that this was what was needed. Carroll made a motion to approve Eagle Scout Candidate Charlie Kukla's project for the memorial stone, location to be determined, seconded by Nairn. Porter added that Kukla should present his project to the Parks Committee for their input. Carroll said that this should be if Kukla were able, but if it were to go on Village property, the Parks Committee would not be involved. He suggested Kukla contact Canton to get together with the Parks Committee. Nairn asked if the Eagle review group would go along with the 'location to be determined at a later date' suggestion. Keith Kukla said that would be the next step. Voice vote – ayes, all. Motion carried. The Mayor said Canton would be in touch with Kukla but he should mark his calendar for October 28<sup>th</sup> to get the matter settled.

**MAYOR'S REPORT:** The Mayor asked Council to drive to Paw Paw Lake Drive to view the community's project to prevent erosion. He noted it was like what was around Chagrin Falls Intermediate School to allow fire trucks around the school. He believed the Village would be receiving a proposal from CT Consultants for expanding the parking lot at the park utilizing this method. On September 17, the Mayor and Canton went to the Chagrin River Watershed Partners (CRWP) quarterly meeting. The Mayor was impressed by the CRWP project to stabilize the bank of the Chagrin River behind St. Christopher's.

The Mayor also met the Davey Resource group who would be doing a retention pond for the Village.

**FISCAL OFFICER'S REPORT:** The Fiscal Officer distributed her report. She stated she had been working with the new Building Department Secretary and Council had approved 10 hours for the former Building Department Secretary to work with the new Building Department Secretary. The new Building Department Secretary found this helpful, but the former Building Department Secretary would not work beyond the 10 hours. The new Building Department Secretary thought she might require more time with the former Building Department Secretary, and the Fiscal Officer asked Council if additional hours could be granted on an as needed basis. She added that the Building Department software company would be utilized for some training.

The Mayor asked if the former Building Department Secretary was willing to take phone calls, and the Fiscal Officer did not know. She advised that if Council were to approve additional hours, the new Building Department Secretary would talk to the old Building Department Secretary and ask it as a favor. Carroll said he would support this but would ask that a list of questions be compiled and addressed. The Fiscal Officer had discussed keeping a running list of questions, which she would review to determine if they could be answered utilizing other resources. The Fiscal Officer added that the new Building Department Secretary had a lot of ideas and thought she could streamline many of the processes the Village had, but first she needed to learn how the Building Department had been conducting business.

Porter asked what Hocevar's role was in this. The Fiscal Officer said Hocevar had also spoken to the new Building Department Secretary, and he would try to talk to the former Building Department Secretary about additional time.

The Mayor stated that the former Building Department Secretary told him that she was very willing to accept as many phone calls as necessary. The Mayor added that the former Building Inspector, Laura Heilman, was still being used. Porter asked if an extra 10 hours was being suggested. The Fiscal Officer thought this would suffice and did not want to set up a regular schedule. Porter added that the new Building Department Secretary would keep a timesheet of the calls and duration. The Fiscal Officer thought the new Building Department Secretary was hoping the former Building Department Secretary would come in to help, but a log would be kept.

Nairn asked if the software representative would come out to help in person. The Fiscal Officer said the new Building Department Secretary is familiar with the company and has been in contact with them. She explained that the software had more capabilities, but for now the new Building Department Secretary was trying to learn how the Building Department conducted business.

Porter made a motion to authorize an additional 10 hours of consultative time between the former Building Department Secretary and the new Building Department Secretary for the purpose of ongoing training at the current rate of the remaining time of the original 10 hours, seconded by Schloss. Voice vote – ayes, all. Motion carried.

The Fiscal Officer advised that the Engineer provided the construction payment application for the Road Program. Although the final paperwork had not been received from Specialized Construction, the Engineer was requesting Council approve a payment to Specialized Construction for \$328,586.24. Galicki made a motion to approve the construction progress payment application as provided for the 2019 pavement repair program to the Village of South Russell for Specialized Construction, Inc. in the amount of \$328,586.24, seconded by Nairn. Voice vote – ayes, all. Motion carried.

**FISCAL AUDITOR'S REPORT:** Fiscal Auditor distributed his report for the month ending August 31, 2019. The Fund Balances were \$3.487 million. He pointed out that the fund balances matched the fund balances arrived at independently by the Fiscal Officer. He indicated that balances decreased \$200,000 for the month of August, which was not too unusual. The

main reason was a large payment for the Natureworks Playground. Revenues received in August, included a discount off the monthly bill for ambulance fees. He added that receipts had gone up in this area. There was also the sale of a cemetery lot. Donations were large due to the Charity Car Show, the funds of which were then given to the recipient. For the year, the Village was up \$800,000, which he anticipated would decrease until the end of the year. Schloss verified that the Building Department reflected a loss of \$70,000, and the Fiscal Auditor agreed and said this was generally the case. Schloss asked what "grade plan reviews" were. The Fiscal Officer explained that sometimes it was necessary to look at the grading of a property for a project, so the Engineer would review it. The Engineer's cost came out of the deposit they paid with the Building Department. The Fiscal Auditor explained that when deposits were received from the Building Department, part may be going into department fees, which do not get returned. Construction deposits, the G05 Fund, are monies which are returned to the individual.

Porter asked for the ending balance for cash investments, and the Fiscal Auditor explained it was \$3,487,802.31.

The Mayor asked that now that the Playground and Charity Car Show were over, would the Fiscal Auditor recommend that if the Village were to do something like this again, should the Village not run it through the Village's books or should it be run differently or separately. The Fiscal Auditor stated there was discussion about the Police Department setting up their own Association for these types of events but that depended on what Council wanted to do. If the Police ran it themselves, they would have more autonomy. Running it through the Village would necessitate certain requirements, like providing receipts for monies being paid out. It would be necessary to see the money coming in and going out because the Village had an auditor that examines the books every two years. He concluded it was Council's decision.

Nairn asked if it was permissible for a government entity to conduct fund raisers. The Fiscal Officer and Auditor explained that it was not the mission. The Fiscal Auditor added that the Village should probably not have rental property either. Nairn felt it should be separate. The Fiscal Officer explained that it is the law to have people who collect money bonded, and she would not be comfortable running the Charity Car Show as it was originally run. She said if the Village entered into an agreement to let a "Police Association" use the Village property for their event, then the Village is not responsible for the money collected. A good example of this is the Farmer's Market. Nairn clarified that they should handle all of their own monies.

**FINANCE COMMITTEE:** Nairn made a motion to accept the August 2019 balances which balanced to the penny as submitted by the Fiscal Officer and Fiscal Auditor, seconded by Carroll. Voice vote – ayes, all. Motion carried. Nairn made a motion to acknowledge receipt of both July and August 2019 credit card transactions as submitted by the Fiscal Officer, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Nairn stated the Finance Committee would be meeting September 25, 2019 at 9:00 a.m.

**SOLICITOR'S REPORT:** No report.

**STREET DEPARTMENT:** The Mayor stated on Friday, September 27, 2019 from 8:00 a.m. until 11:00 a.m., there would be Donuts with the Street Commissioner. At noon there would be a luncheon. 42 people were invited and he thought 25 would attend at the pavilion. The Mayor further stated that after the meeting, the people from the Park Committee would be there. He said that usually there was a Park Committee wrap-up luncheon, a thank you luncheon, and a chance to discuss what they should and should not have done.

**STREET COMMITTEE:** Galicki stated the Street Committee met on September 19<sup>th</sup> and discussed budgetary requirements for 2020 and the transition of the Street Commissioner. It was a strong recommendation that the Street Commissioner begin an internal turnover and the development of a tickler file for periodic reports. He requested the Mayor designate an individual, since it was an administrative issue in terms of Village employees, to conduct a preliminary turnover in the absence of hiring a new Street Commissioner. Either Tim Alder or another employee should receive a turnover from the Street Commissioner and the process should begin before the Street Commissioner leaves the Village. The minutes of the committee meeting were provided to Council.

Carroll asked if Council wished to formalize an Interim Street Commissioner. With five weeks still on the books, Carroll thought it would be beneficial to train a current employee in the roles and responsibilities of Street Commissioner. He did not want to drag the process out beyond the Street Commissioner's retirement. Galicki stated the Village had posted for the position and asked the Fiscal Officer how many applications had been received to date. She said she had received about 20 from Indeed.com, but nothing from the newspaper. He stated the committee would want to review the applications and begin the interview process. In the meantime, he thought it would be prudent to have the turnover for continuity of operations.

Carroll asked for Council's flavor, and Schloss replied, "absolutely yes." Porter asked if there was a likely candidate. Galicki said if it were to be done in house, Tim Alder would be a likely choice. In one of the 13 proposals that the Mayor shared with the Street Committee in a past committee meeting, there was a proposal that included the Police Chief. He said he did not have a dog in the fight as to who got the turnover, but thought it was important to have some type of turnover, whether it be Alder, the Chief, or both. He cautioned against waiting for the Street Commissioner's last day for a turnover, which could necessitate having to then invite him back to share his knowledge at a later time. Canton agreed. He said initially the committee was thinking about the Chief. Canton spoke to the Chief, who said he would welcome the challenge. Canton also spoke with Alder and added that Alder applied for the position. He added that he was all for elevating from within if there were a qualified person. Alder suggested to Canton that he would like the full position and not a shared one where the Chief was handling the administrative aspects. Canton said if he could accomplish this, the Village could put him on a six-month probationary period to see how well he did. Canton thought it was a wise choice to elevate someone from the department who was qualified. Galicki stated that he was of the opinion that Council should respect the process. To Carroll's point, it would be beneficial to identify Alder as the Interim Street Commissioner while the Street Commissioner was on vacation. This would allow Council to go through the hiring process which would include conducting interviews. Canton said he thought this was fair. Galicki said he only took exception



to Canton's use of the term "elevate" because he did not think Council should just make the decision that Alder should be the Street Commissioner without going through the process.

Carroll said Alder had been in the department the longest and had run it while the Street Commissioner was gone and was the lead contact. He agreed it was important to go through the process and saw this as an opportunity for Alder to be successful and ensure continuity of operations for a smoother transition.

Galicki made a motion that the Village appoint Tim Alder as the Interim Street Commissioner to provide a transition between the current Street Commissioner, and that Alder be designated the Interim Department Head and begin a turnover at the first opportunity with the Street Commissioner, seconded by Canton. Nairn asked how long the interim period would be, and Galicki explained it would be until a full-time Street Commissioner was hired. Schloss asked if it was necessary to keep the title of Street Commissioner, or could it be Service Director. Galicki stated that according to Ohio Revised Code, it was necessary to either have a designated Street Commissioner or Village Administrator. Porter added that the Village's Ordinance stated Street Commissioner as well. Voice vote – ayes, all. Motion carried.

**BUILDING COMMITTEE:** Schloss indicated that on September 16<sup>th</sup>, the Mayor called a meeting, the minutes of which were provided to Council. The former and new Building Department Secretaries were discussed, to include reporting structure for the new Building Department Secretary. The committee decided that the Fiscal Officer should oversee the new Building Department Secretary because it was an administrative function/clerical. Schloss said the new Building Department Secretary had been with the Village for 10 days and he thought she was a good fit. Porter added that the Fiscal Officer was at the Village daily and the position of Mayor was not full-time, so it made sense that the Fiscal Officer would do this for a while. Schloss made a motion for the Fiscal Officer to oversee the Building Department Secretary as her department head, seconded by Carroll. Voice vote – ayes, all.

The Solicitor said an ordinance would be required because it would change the job description which was a part of Appendix D. The Solicitor would have it ready for the next meeting. She added that it could be done retroactively by motion to approve an ordinance changing the job description that the Building Department Secretary reports to the Fiscal Officer. The Solicitor explained that the current combined job position requires reporting to the Building Inspector. This would need to be changed by ordinance. Schloss and Porter preferred to see it in writing.

Regarding the lighting issue on Daisy Lane, Schloss said it was terrible and looked like a penitentiary with spotlights on it. Schloss advised that the Solicitor found lighting ordinances from various cities like Moreland Hills, Hunting Valley, and Gates Mills. He offered to share these with Council. Porter suggested reviewing the ordinances at the next Building Committee meeting. He suggested piecing an ordinance together based on their review to present to Council. Schloss asked if there was any way Council could facilitate negotiations between the neighbors. Galicki said regardless of what Council could do with a lighting ordinance, it would be unenforceable. Schloss added that the resident would be grandfathered. Galicki stated Council should have considered an ordinance after the Dry Insurance Company illuminated the

sky with search lights. Barring that, he felt it might be time for a lighting ordinance. He would have never anticipated the Daisy Lane property would look as it does and would be illuminated as it is. It made him wonder if there was a failure of the Architectural Review Board, or some other agency that served to protect the flavor of the Village.

Carroll stated the Village needed the ordinance, and Porter agreed. The Solicitor said there were two Zoning regulations that addressed flood lights. She said it was not an easy regulation to enforce; specifically determining whether something was hazardous or annoying to the public could be a tough standard to prove. She said there were some substantial lighting ordinances but did not know if the Village wanted to go down this road. It would be expensive and necessary to have a person who would really enforce it.

Regarding the Dry Insurance property, the Solicitor stated that because it was a commercial property, she was almost positive that lighting was part of the exterior features that the ABR looked at. She was unaware of previous agreements, but this building could have been under the ABR regulations. In other words, ABR has certain parameters and regulations with respect to commercial, but not so with residential.

The Mayor clarified that the Village would be getting residential ordinances also. The Solicitor agreed. She suggested addressing ABR to see if they would be willing to change some of the regulations to include exterior lighting for residential review.

Porter's recollection was that the lighting was on the plan, but no one appreciated what it meant on a dark night.

Nairn asked if the resident was just doing this to be mean spirited.

The Mayor said there were three or four meetings for the lighting for the gas station, and the ABR took it seriously. The Solicitor said she did not know the history but asked if the gas station occurred as a result of aggrieved judgement entry with court. The Mayor confirmed this. She asked if this was the same situation with Dry Insurance, and the Mayor said it was not.

Canton asked if the house was remodeled or built from the ground up. Schloss replied that it was a remodel. Canton asked when it was completed. The Mayor stated that the home on Daisy Lane was still under construction, and the resident did not have an occupancy permit. Schloss said he did not know that the individual was living in the home, and the Mayor said he was and had been since May. Canton asked if he was the owner and builder. The Mayor said yes. He explained that last month, the owner installed drainage, the yard, and a fence. Canton asked if all this occurred while Council was throwing the balls up in the air about the Building Department. Carroll stated the Village has a Building Department. He added the Village had the services of the Building Inspector and the Building Department Secretary in place. Porter stated there was no Building Official. Carroll advised that this did not matter because the Village had an Inspector doing inspections.

Carroll questioned how the individual was living in the residence without an occupancy permit. He said it would seem that the Village should have more teeth in addressing this issue. Carroll asked the Solicitor for her thoughts. She acknowledged that this was a good question and stated

that she did not think Hocevar had to give the resident the occupancy permit. The resident had not been back to the ABR to get certain approvals, and because of this, which was part of the process, no occupancy permit had been issued. Carroll said a response for this was required instead of letting the resident do what he wanted to do with lighting, etc. He advised it was a problem that needed to be fixed. Nairn agreed, and stated it should occur immediately. Carroll wanted to know what action the Village could take to address this. He added that it was shame on Council for not having responded to this.

The Mayor said that Council had gotten off track and asked if Council was done with the lighting topic. Carroll said it all tied together. The Mayor said that the Village could not go back at the resident for the lighting. Schloss stated that he was sure the Village could. Galicki reminded Council the resident did not have an occupancy permit. The Mayor stated the resident went through all the ABR, he did not know that anything could be done. Nairn stated that the Village already had rules on the books, and the Mayor said it did not pertain to residential lighting. The Solicitor said there were zoning regulations, but they were tough to enforce. Schloss asked if it could be called a nuisance. The Solicitor said Council could go down that road, but she would hesitate because it pertained to blighted structures. She would caution against this. The Mayor asked Council if they could think for three weeks and dig up some residential lighting legislation and look at it through the Building Department. He thought Council would have to wait and see what could be done on the lighting of the home.

From what he could remember with ABR, the Mayor said the resident went through everything all the way through and ABR knew exactly what he was doing. He came back a couple of times, and the Mayor stated that ABR did their due diligence. He added that their standard was probably not what Council liked.

Carroll asked the Solicitor what action the Village could take if the resident did not have an occupancy permit and had done things essentially illegally or at least not by following the permit process. He believed Council needed to respond to this and not let it continue. Nairn said she could not stop thinking about the people next door to the house. Carroll agreed.

Schloss stated that the options for the Building Department had been discussed since the beginning of the year. He believed Council needed to reach a decision. As the Chairman of the Building Department Committee, he recommended this occur at the October 28<sup>th</sup> regular Council meeting. Schloss added that Council should keep in mind the requirement of the Village to have a Zoning Inspector. The Mayor asked whether Schloss would bring motions that day, and Schloss said this would be the final day. Carroll stated that the Village had tried a part-time Building Department and attempted unsuccessfully to find a part-time Building Inspector. He wondered if at this point the Village was doing a disservice to the community. If county services were utilized by the residents, inspections could be done the same day with a phone call by 9:00-9:30. Waiting for Hocevar to do the inspections may not be appropriate and timely for residents. Carroll wanted confirmation that if the Village kept the Building certification, but turned everything over to the county, this would provide flexibility for the Village down the road if Council wanted to change something else. He acknowledged that there would be substantial

legislative changes, but concurred that a decision needed to be made, especially before the Village started to collect building fees.

Porter added that interviews would be conducted for Zoning Inspectors on Wednesday, September 23<sup>rd</sup>. Four candidates would be interviewed. Schloss welcomed the HR Committee and Mayor if they wanted to participate. The Mayor stated he did the second round.

The Mayor asked Schloss if the committee was going to talk about septic standards. Schloss advised that the plan was to keep the current standard of two-year pumping.

**SAFETY COMMITTEE:** Galicki had no report. Nairn stated that the next Safety Committee meeting would be October 1, 2019 at 8:00 a.m.

**HUMAN RESOURCE COMMITTEE REPORT:** Galicki reported that the HR Committee met on September 9, 2019 to discuss the Building and Street Department vacancies. The minutes of these meetings were provided to Council.

**PROPERTY COMMITTEE:** Canton stated the Property Committee had nothing to report.

**PUBLIC UTILITIES REPORT:** Carroll advised there was no report.

**PARK COMMITTEE:** Canton thanked Council and those who helped make the Fall Festival a success. He received positive feedback.

**ENGINEERING SEARCH COMMITTEE:** The Mayor stated the CT Consultants contract would only go to until the end of 2020 and asked if Council wanted to extend it to 2021 so the Village would get two years out of the contract. Carroll advised that the Village would be getting the remainder of the current year and all of the next year, which was what Council had previously discussed. The Mayor asked if Council wanted to go through the search again, and Carroll said Council did not know if they would conduct another search. The committee would reevaluate the Engineer. The Mayor again asked if Council wanted to give CT Consultants another year. Galicki stated that they were being given a year and a fourth. Porter said the Village would have to renegotiate because it would be another year, and for all they knew, CT might want an increase. The Fiscal Officer reminded Council that the Ordinance stated the contracts should be for one year. Doing a 15-month contract was better than two years where the legislation would have to be changed.

Schloss made a motion to approve the contract for CT Consultants for a 15-month period, seconded by Porter. Voice vote – ayes, all. Motion carried.

**ORDINANCES/RESOLUTIONS:** Canton provided a second reading on an ordinance amending Section 2 of Ordinance 2018-36 to include the fee for the presence of a police officer during an event at the Village Park in which alcohol is consumed.

Schloss provided a second reading on an ordinance amending section 260.02 of the Codified Ordinances of the Village of South Russell by providing for the appointment of two alternate members of the Planning Commission and declaring an emergency.

Schloss provided a second reading on an ordinance amending section 262.01(a) of the Codified Ordinances of the Village of South Russell by providing for the appointment of two alternate members of the Zoning Board of Appeals and declaring an emergency.

Schloss made a motion to untable an ordinance amending section 1480.02(e) of the Codified Ordinances of the Village of South Russell and declaring an emergency, second by Porter.

Voice vote – ayes, all. Motion carried. Schloss made a motion to withdraw an ordinance amending section 1480.02 (e) of the Codified Ordinances of the Village of South Russell and declaring an emergency, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Nairn introduced an ordinance amending the Annual Appropriations increasing Fiduciary expenses \$10,000 and Income Tax Transfer Expense \$10,010 and declaring an emergency.

Nairn made a motion to waive further readings, seconded by Porter. Roll call – ayes, all.

Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-53**

Nairn introduced an ordinance transferring \$10,010 from the Income Tax Fund to the Deferred Benefit Fund 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 Porter. Roll call – ayes, all. Motion carried. **ORD 2019-54**

Nairn introduced an ordinance amending the Annual Appropriations decreasing the Deferred Benefit expenses \$10,010 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-55**

**BILLS LIST:** Nairn made a motion to ratify the September 13, 2019 Bills List in the amount of \$97,895.82, seconded by Porter. Voice vote – ayes, all. Motion carried.

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

Porter addressed the Building Department hours. The Fiscal Officer explained that when the Building Department went to part-time, there was discussion about keeping it open five days a week. With the former Building Department Secretary, the hours were 8:30 a.m. to 3:00 p.m. with a 15-minute lunch, Monday through Thursday. The new Building Department Secretary was under the impression that the hours were flexible, so she wanted 8:00 a.m. until 2:00 p.m. There was a question pertaining to the Building Secretary working the evening Board meetings and whether she should adjust her hours to keep within the designated 25 hours, or whether she would be paid for the extra hours.

Carroll said it would be nice to keep the Building Department hours the same until walk-in traffic and other data were determined. He recommended keeping the hours consistent for October and November. In terms of the meetings and the Building Department Secretary's request for a minimum two hours for the meetings for travel time, Carroll suggested perhaps she could use it as flex time until data was obtained. The Fiscal Officer asked if the Building Secretary could possibly put the time in a Comp time bank, so that she could combine the comp time and use it essentially as paid vacation days. Carroll asked if she wanted comp time or flex

time. If it were any other job that was open from 8:30 until 3:00 for example, and she wanted to bank it, that would be fine, but then she would lose some flexibility of days. There was an arrangement with the former Building Department Secretary that if she took two weeks off, she would make up the time the following week, which Carroll did not think was good either. He felt the hours should be the hours. Carroll was open for discussion about the hours relating to the board meetings. He concluded that the hours should remain 8:30 until 3:00 until there was some data.

Porter stated that this matter should be discussed at the next meeting. Carroll suggested the HR and Building Department Committees meet to discuss the matter. Carroll added that the Village was trying to identify a Zoning Inspector, and if one were hired and it was one day a week, perhaps the Village could build that into the Building Department hours. While Council tried to identify things, Carroll thought it would be best to keep the hours the same. Porter agreed and added that it would provide consistency for the contractors. The Fiscal Officer stated that the ABR meetings were at 5:30 p.m. and the Building Department Secretary suggested she could come in late and stay until the ABR meeting was over.

The Mayor stated that if there were a Planning Commission meeting at 7:00 p.m. and the meeting lasted only 15 minutes, the Building Department Secretary expected a two-hour minimum. Porter asked if Council agreed to this. Carroll said Council did not and said that it had not come up. Porter had not heard it come up in the interviews. Carroll said that she should understand that part of the job would be to come in for the meetings, and now Council found itself negotiating at the back end of that. Schloss said he and the Mayor spoke to the Building Department Secretary about this request, and Schloss did not think this would be a problem and that it could be worked out. Galicki said that if she wanted the two-hour minimum in her bank for the evening meeting, he would not take exception to that. He added that the two hours be taken out of the 25 somewhere in the week. Schloss said he thought this was what she understood. Nairn asked if he knew this for certain. Schloss said he thought she could be told this and it would be fine. Porter said the office would be open 23 hours per week and she might have to come in for a Board meeting during the week. The Fiscal Officer said the Thursday might not always be 8:30 to 3:00. Porter asked if she was expecting two hours plus the meeting time. Schloss said no. The Fiscal Officer said she just wanted a minimum of two hours if the meeting was less than that. Porter said this matter did not need to be addressed immediately and could be discussed in committee.

With regard to the flag display marking the proposed Veterans Memorial Park location in the South Russell Village Park, Carroll said it seemed like things were being shoe horned into the park. There was now the playground, pavilion, and then a proposed memorial. He liked the park for what the park is and did not know if this fit in the park. Carroll thought there might be a more appropriate spot for the Memorial Park.

Carroll asked about the status of the rental property and added that Council could not kick the can down the road continuously. As a rental property, it was a disaster. Canton said that he thought Council had discussed probably getting out of the rental business. Porter asked if the Village had received the appraisal, and the Fiscal Officer said it was not done. The Mayor said one had been done a couple of years ago and it was \$180,000. Porter recommended putting it on

the market and selling it as is. Nairn clarified that it would include two acres. The Solicitor asked if the items were still in the house, and Schloss said the online auction had until September 29<sup>th</sup>. Porter added after this, the Village could dispose of the property. Carroll said a real estate agent should not be used. Porter said the Village must put it out for bid or do it through a realtor. Nairn stated she thought it had to be put out for bid. Porter said no. Galicki said according to the Ohio Revised Code the Village did have to go out to bid. Porter said the smartest thing to do would be to put it out for bid.

Regarding the property in the house, the Solicitor stated that whatever property did not sell by September 29<sup>th</sup>, Council still had to declare to have no value before discarding it. After this, she advised, the Village could put the property on the market. Carroll asked if this decision could be made at the October Council meeting. The Mayor said there was a \$100 bid for the refrigerator, and the Fiscal Officer said everything else was a total of \$50. Schloss asked if this meant the Village would need to get a dumpster over to the property, and Carroll suggested that some items could be donated to Habitat for Humanity or the Restore, who could pick it up. He added that the clothing could be donated to the Federated Church or other clothing drop sites. Porter was not sure they would want the clothing. The remainder could be thrown away.

The Mayor said that two different companies looked at the property to clean it out and would not touch it. He did not know that Council would want to send Village personnel in either. The Solicitor asked the Mayor if the companies provided him with a reason why. The impression the Mayor had from their comments, was it was not financially worth it. He suggested tearing the house down after taking out the washer, dryer, bed, and the refrigerator, and then having the rest crushed and hauled away. Nairn asked if the Mayor was suggesting razing the house and holding on to the property. Galicki said that would be what he recommended. The Mayor stated that the Village made \$7,000 on the house last year and \$50,000 since the tenants rented it. He would clean the house up and rent it. Carroll said no way, that it was a disaster. Carroll asked if it was worth all the aggravation and asked how many other communities were in the rental business. The Mayor asked what aggravation Council had with the property. Carroll stated issues with the tenant not paying the rent. The Mayor said the tenant paid up until the day the Village said he was getting evicted. Carroll answered that the tenant was late every month. The Mayor added that the tenant then paid an extra \$50. Carroll asked if the Mayor were late with his house payment, he would not just pay \$50. He reiterated that this had been a disaster for the last year and a half and added that the well was now broken, and the house was filthy. Carroll reminded the Mayor that he just said he could not find a company to clean it out. The Mayor said the Village could have kept that thing going.

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

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

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

Prepared by Leslie Galicki