

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 28 - 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:** Mark Vedder, Chagrin Falls Fire Department; Joan Demirjian, Chagrin Valley Times; Keith and Charlie Kukla, Woodside Rd.

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. Nairn made a motion to approve the Council meeting minutes of October 14, 2019, seconded by Carroll. Voice vote – ayes, all. Motion carried. Nairn made a motion to approve the minutes of the October 18, 2019 Special Council meeting, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Mayor reminded Council that the Police Levy would be on the back page of the ballot in the upcoming election.

The Mayor stated that he attempted to summarize a nine-page contract with the Chagrin Falls Suburban Volunteer Fire Department (CFVFD). He stated that the six communities that make up the Chagrin Fall Suburban Volunteer Fire Department are billed according to population, valuation, and Emergency Medical Service (EMS) and fire calls. The Mayor stated that the Village is going up one-tenth of one percent of what was previously paid. The EMS calls are down, but fire calls were up over the past three years. The total budget is 1.6 million, which is an increase of \$120,000, and the Village's portion is 25% of the budget. The Mayor said the Village's bill is going up \$31,000, and the Village will pay \$405,000. He explained this is \$107 per resident. The Village gets four firefighters, two ambulances, two fire engines, and six full-time fire fighters and 45-part timers. He did not get into the ambulance part of it. The Mayor stated that Mark Vedder was present to answer questions about the contract.

Vedder addressed the questions from the previous Council meeting about the hold harmless clause and the indemnification language in the contract. He advised that CFVFD was very comfortable with the language. He added that although the contract calls for a specific requirement, they have quite a bit of insurance in excess of that.

Nairn asked if there was an explanation as to why the fire reports had increased. Galicki advised this was discussed at the last meeting, but it may have been attributed to The Lantern which required a significant amount of additional calls. Vedder explained that within the three-year period, a new alarm system was installed. There were a number of false alarms, in particular for the sprinkler system and fire pump. He added that because the facility was not fully occupied until more recently, there had not been an increase of EMS calls which he thought would be coming in future contracts.

Carroll asked if the Village of Chagrin Falls had an alarm nuisance ordinance. Vedder responded that none of the participating communities had one for fire and EMS calls. Carroll stated that Lyndhurst does, and this incentivized businesses to fix their alarms. He thought the Village should watch this issue.

The Mayor stated that the goal of the Memorial Park Committee was to present to Council a proposal to construct a Memorial Park by June 14, 2020 consisting of five 25' flagpoles to be in a geometric arrangement with a 35' flagpole at a location within the Village. The 25' flagpoles would contain one of the following flags: Air Force, Army, Coast Guard, Marine Corps, and Navy. The 35' flagpole would fly the American Flag. Five possible locations were proposed, and the committee members researched the matter.

The Mayor provided comments by the committee members: Jim Finley, a Chagrin Falls Fire Marshall, said that he liked the South Russell Village Park location first because of a better chance for visitors to appreciate it. People use the park and the flags may not be their first thought, but they are there, and he bet some parents would tell their kids a little story. His second choice would be the corner of Bell Rd. and Chillicothe Rd. which is reminiscent of the Moreland Hills gateway. He thought this would be a good addition to the community. He had no opinion on the other locations, but they would all be ranked lower. According to the Mayor, Finley stated that the flags that should be flown are the American and five services. He could see the POW flag as a "balancer" but did not want too many flags. He said to definitely light up the American Flag or they would never hear the end of it. The Mayor continued to relay that Finley said the VFW would like to be involved.

The second committee member, Kelly Kimball, aligned with what Finley said. Her main concern was that no matter where the memorial would be placed, she would like plans to be prepared for what the committee agreed upon before heading forward, and she wanted her statement to be read before Council.

Comments were also emailed by Chris Kostura who expressed the displeasure that he and his wife, Mary, had with the possibility of the flag display being in the park on Bell Rd. He believed a flag display should be erected at the intersection of Bell Rd. and Chillicothe Rd. for numerous reasons. Kostura stated that it would get more exposure to the public and would not infringe on any residential properties. He believed the park area, which was one of the reasons he purchased his home, was a terrific green space, and would begin to be cluttered which would disrupt the natural beauty of the park. The display would be permanent, and its location should be thought of thoroughly. He is a proud American that believes and supports the Armed Forces. His comments were not intended to be a slam on the flag, just its location. Kostura also recommended the possibility that it go into the cemetery with the potential of a Village ceremony on Memorial Day.

Another committee member, Linda Mattern, did not provide comment about the location, but had two ideas for the verbiage to be engraved on the stone. One suggestion was, "Dedicated to men and women who serve and sacrifice to preserve freedom. They are magnificent warriors. All gave some, some gave all." The other idea was, "Dedicated to the men and women of South

Russell Village who served and sacrificed to preserve freedom. They are magnificent warriors. All gave some, some gave all.”

The Mayor stated he met with Charlie McGibony, who emailed the Mayor to say he was unable to make the meeting but relayed that the Mayor knew his opinion. The Mayor said McGibony’s opinion was to have the memorial in the park.

The Mayor relayed Robin Rood’s comment that she had hoped to hear back about the discussion with the Land Conservancy regarding the usage of property at the park. Otherwise, her thoughts were that the Village location would be her first choice with consideration of the water conservation work being planned. Rood advised she spoke to Chief Rizzo who made a valid point for placing the flags in front of or behind the Police Station, which would be her second choice. Rood’s other choices in order would be the park, cemetery, and the corner of Bell Rd. and Chillicothe Rd. She appreciated the Eagle Scout effort to create an informational monument, and she offered her assistance with this, adding that her husband was an Eagle Scout.

The Mayor stated the last comment was from Bob Royer, who stated he really liked the park location and thought the picture looked great. He would love to see the flag freely flying. He suggested moving the location 20 feet south of the current flags to be further back from Bell Road providing a more unobstructed view. This location would provide the opportunity to share with all who visit our military history and current service that have and are providing the freedoms we are enjoying. Freedom is not free but paid for by men and women who served and are serving today. He further expressed that the visitors are drawn to the park by the playground, family gatherings, concerts, just to walk, to use as a meeting place to leave a car, or many other reasons. All provide the opportunity to reflect and enjoy the tribute to those in the military.

The Mayor asked Canton and Porter, who are on the property committee, for their comments. Canton stated he is on record stating that it is his opinion that the best place for the flags would be the park. However, he felt it was important for Council to keep in mind that the people across the street would be affected by it, and he had spoken with them. They would prefer the flags to be placed in another location. Canton stated that while discussing the location for the playground, Council was initially attempting to talk the Western Reserve Land Conservancy into allowing the Village to use the property west of the pavilion. He advised that he received an earful from the people across the street about this. Even if the Conservancy would have allowed the request, which would have been the best place to put the playground, the second choice was selected. He thought this was the right thing to do. Although he is on record stating that he believes the park is the best place for it, Council needs to keep in mind that the people across the street may be affected by it. He believed the initial spot for the flags was the southwest corner, and perhaps the Village should take a long look at that.

Porter stated that the park location has advantages, specifically that people could park, use the playground and pavilion, and then go to the memorial. He also liked the idea of the southwest corner of Bell Rd. and Chillicothe Rd. Porter thought either would be fine, and added it would give a welcoming kind of look to the Village. He acknowledged Canton’s point about the residents across the street from the park, but said ultimately, he was ok with either one. Porter

suggested six flagpoles in addition to the American flagpole so that there is symmetry with three on one side and three on the other. The extra flagpole could be used for the POW flag or another flag Council would designate. He thought it would look more balanced and suggested putting the American flag on a higher flagpole in the middle.

Nairn stated she was amazed at the passion at every meeting she attended concerning various opinions on the locations. She expressed her surprise and praised Canton for checking with the residents across from the park. At this point, Nairn said she did not know where to put it because there was hot discussion at the committee meetings, and she felt torn. Canton said it is not a life or death decision. He added that Council, as representatives, sometimes have to make decisions that they think are best even though it might alienate some of their constituents. He stated this could be one of those times.

The Mayor stated he is not looking for a decision at the Council meeting, but by the end of the year.

Nairn said that the bottom line for her is that the park is part of the Conservancy, and the purpose of the Conservancy is to conserve green space and beautiful vistas. With the expansion of the parking lot, playground, and the pavilion, she felt enough has been put in the park. Her opinion is that Council should look somewhere other than the park for the memorial. She did not want the park to start looking too busy and congested.

Carroll stated he liked the corner location better, and acknowledged what Canton was saying about the constituents and the necessity to make decisions that may alienate a few. He said in this case, there were good options, and this situation could be avoided. He agreed with Nairn that shoehorning the memorial into the park would not be his first choice. Carroll thought the corner of Bell Rd. and Chillicothe Rd. or possibly the cemetery would be valid places. He added that if it were in the park, it would be necessary to put in another light, and the people across from the park already have to deal with the light from the pavilion. He felt there were some good options other than the park.

Canton asked if the Village were to put the Memorial Park at the corner of Bell Rd. and Chillicothe Rd., would the area be cleared out so the sightlines would be clear. The Mayor replied that he did not think they were near making this sort of decision yet. He suggested making the decision at the meeting before Christmas. Carroll added that he thought that Council should avoid using the park for the memorial.

Galicki reported that he was approached by three citizens of the Village, two of whom were attending a Geauga County Economic Leadership presentation with him. One of the individuals, who may have attended a Memorial Park Committee meeting, looked at the map of property owned by the Village that could be used for the memorial. He was concerned about jamming too much into the park. The individual told Galicki that he did not want the South Russell Village Park to become the "Disneyland of South Russell." Regarding the other two individuals, one had no opinion about where it was but did not like the park choice and the other one favored the corner location.

The Mayor asked Charlie Kukla for the status of his project. Kukla provided pictures to Council of his proposed project. He stated he had selected a stone and had determined what he would be doing for fund raising. Kukla had also been in contact with the VFW and the American Legion. The next part of the project he needed to address would be landscaping the actual area, which he hoped to complete by December. He would then install the stone in March because the engraving would not be limited by the weather. Porter asked how much the stone weighed, and Kukla said it had not been weighed. Porter was concerned about moving it, and Kukla said that Sheffield Monument and Van Ness said they would cover this. Regarding the location, Kukla said that he would want to avoid being too close to the road so that salt would not get on the stone. Carroll asked how big of an area would be required for the landscaping. Nairn stated the stone was almost five feet wide, so there would be landscaping on either side, possibly 2 feet on each. Porter suggested a diameter of 10 feet. Carroll said it would be interesting to see if this could be flagged out at the park and maybe this could be a balance. There is already a flagpole at the park, and it would be interesting to map it out to see how it would look.

The Mayor asked Kukla what he wanted to put at the base of the American Flag. Kukla said what he envisioned was like the proposal he distributed to Council. He said he would want to know if the location of the flag would stay the same or change, and the proximity to the road. He said he was ok with wherever Council indicated he could place it. The Mayor asked him if he would prefer a boulder or a flat piece of bluestone. Kukla said he was planning to use the bluestone. The Mayor said if the Village did nothing, the bluestone could be put on the corner with the VFW flagpole. The Mayor asked if Council were to decide by Christmas, would Kukla have enough time given his deadline of April 6<sup>th</sup>. Kukla said he wanted it unveiled by March. Kukla stated he met with Galicki and discussed the flags being displayed in order of seniority of the branch of service. He said it was all flexible.

With regard to the option of a sixth flag, he suggested Merchant Marines. Porter stated that they could be part of the Navy in time of war by Presidential authorization and had World War I, World War II, Korea, and Vietnam involvement. As a point of clarification, Galicki advised that the Merchant Marine is not considered an Armed Force. World War II Merchant Mariners were recognized as veterans 50-60 years after the war because of extraordinary hardships they faced and the risks they took. For clarification, there are five branches.

The Mayor proposed that Kukla should attend the November 11<sup>th</sup> Council meeting if he had concern about the stone and salt. He said that Kukla was talking about the design that had the six circles, which would be five being placed at the base of an American flagpole in the Village someplace. Kukla clarified which stone it would be and said it might not be exactly the design reflected on the handout. Kukla expressed concern that the engravings on the stone match the flags that would be flown. Kukla asked if he could go ahead and purchase the stone. The Mayor stated that when Kukla attends the November 11<sup>th</sup> Council meeting, he will present the finalized proposal and design, and Council will do a motion and approve it so that Kukla can get started. He clarified that Council would decide by Christmas where the stone would go. Keith Kukla offered that there are multiple stone options, so if the Village wanted more time to evaluate whether the stone presented is the right stone, they could come back on November 11<sup>th</sup>. The

Mayor suggested he have the proposal to Council Wednesday, November 6<sup>th</sup>, so Council could review it before the November 11<sup>th</sup> meeting. The Mayor told him not to purchase the stone yet.

**MAYOR'S REPORT:** The Mayor distributed free tickets to the Circus to Council members. The Mayor advised the tickets indicate they have a \$10 value. He further advised that the Village had been offered tickets to baseball games, the zoo, and other activities. The Mayor stated he was finally taught by the Fiscal Officer and Solicitor that it is necessary to put the price on the tickets reflecting their value when giving them to people. He offered that it was a good catch by the Fiscal Officer and Solicitor.

The Mayor stated that he received four comments about dogs. There was a runner in the park who had encountered dogs off leash, who would get a stick and run towards the dogs. The situation is being monitored. The Mayor stated that his neighbor was bitten by a dog not long ago that was on leash. The Street Department crew reported that every day when they go to the park, there are usually one or two or more dogs off leash. He added that he drove by the playground the other day and there was a guy with a big dog standing in the middle of the playground. The Mayor pulled in and told him to take his dog out of the playground. He said there were three adults and a big dog and no kids. The Mayor told them that he did not want the dog to go relieve itself in the playground. The man pulled out his service dog information and explained why the dog would not have a problem. The Mayor has been monitoring the park. He stated that 13 different times he stopped and asked people there if they had ever had an incident with a dog. None had. Although the Street Department staff have mentioned many times about dogs off leash, he did not think anything needed to be done right now. The Mayor asked that Canton relay the information to the Park Committee that the Village would just watch the situation.

The Mayor praised the former Street Commissioner and his staff for the Shredding Day situation and their willingness to help out.

Davey Resource had begun work on the retention pond and has completed their surveying work.

The Mayor reported that the locations for the benches and trees had been marked in the park. He reported the Street Department staff would begin work on those in the next couple of days. They wanted to pick up the trees on Tuesday, October 29, 2019 to start planting them.

Nairn asked how many trees were purchased. The Mayor stated that the Village purchased 15 trees and four people had paid for a tree. Nairn stated she saw two different nurseries listed and asked if they were predominantly purchased from Leuty or from the nursery in Lake County. The Mayor stated it was the nursery in Lake County. Nairn clarified that nothing was purchased from Mr. Leuty. The Mayor stated that the Village purchased some trees over the summer from Mr. Leuty for the cemetery. The Mayor stated that his bookkeeping had gotten a little shady, and that might be why Council was seeing something now. The Mayor would check with the Interim Street Commissioner about this. Nairn asked what had gotten shady, and the Mayor stated that Mr. Leuty is slipping. The Mayor added that his family contacted the Village to see what had been ordered.

The Fiscal Officer asked who purchased the trees. The Mayor stated that CT Consultants bought them. Galicki asked if this was to be billed to the Village, and the Mayor said yes. Galicki clarified that CT Consultants went out and purchased 15 trees. The Mayor stated he thought this is what happened. Nairn asked if this was what the \$180 bill from CT was about, because it said, "Visit to the Nursery." The Fiscal Officer responded that this was for Craig Cawrse. The Mayor stated Craig Cawrse went out and picked out 15 trees. The Fiscal Officer asked if this was the reason for the bill for \$180. The Mayor stated he thought so and said Cawrse went out and picked out 15 trees that he wanted to buy. Galicki asked if there was a line item for this expense. The Fiscal Officer said there were the donations that came in. Galicki asked if this meant there were donations for 15 trees, and the Fiscal Officer stated there were donations for four trees. The Mayor verified this. Galicki asked how the Village was paying for the remainder of the trees. The Fiscal Officer said she did not know; she was unaware trees had been ordered. Nairn said there were 11 trees remaining and the money had to come from somewhere. Galicki said there was no proposal for the Village to buy 15 trees. When Council discussed the Park budget for 2020, Canton gave the impression that there were no other things that would be purchased for the park.

Canton said he was not aware of the purchase. He knew that there were 15 trees earmarked to be purchased by individuals as memorials. Canton said he believed there were more than four, and thought perhaps there were six sold. Galicki clarified that the Chair of the Parks Committee was unaware that the Village was purchasing 15 trees for the park. The Mayor asked to see if the Village bought them. He did not know that the Village bought them. He knew that Cawrse had picked them out and that they were at Klyn Nursery in Lake County. Canton stated that what he knows is that it was decided that 15 trees would grace the playground, and that the Village would be selling them as memorials. He thought the Village had six but was willing to say there were four that had been sold. This was all he knew. Canton did not know that they were going out to purchase 15 trees. He said there was no timetable on that. He knew there was a timetable to try to get the benches placed and that the trees would be planted either in late fall, spring, or next fall. As far as he knew, there was no timetable for the trees. Galicki asked if the Engineer was engaged in the process with the trees. Canton said the Engineer was engaged in identifying where to place the benches and he believed Cawrse was responsible for work with the trees. Galicki asked if the Village independently went to Cawrse or was this done through the Engineer. Previously, the Engineer has asked why the Village engages the services of a separate individual who works for CT when the Engineer is the contract representative for the Village with CT. Canton said he imagined that they went to Cawrse because of his expertise with landscape. Galicki asked who "they" were. He asked if the Engineer went to Cawrse, or someone else. Canton said he was not present when this decision was made. Canton said that if he worked for a company like CT where there were layers of responsibilities, and he was asked to set the benches, he would defer to someone who dealt with the landscaping. Galicki said he understood this but was asking if the Engineer went to Cawrse or did someone else. Canton did not know. Galicki asked if anyone knew who approached Cawrse. The Fiscal Officer stated that the Engineer was in the previous week and told her the trees were purchased, and she let him know she did not purchase any trees. The Fiscal Officer told the Engineer that she believed Cawrse went to the Nursery because she had received an invoice from CT Consultants indicating such. The Engineer knew nothing about the invoice and contacted his supervisor.

Nairn asked who designated the number 15 for the trees. Canton said that was decided right from the get-go. Carroll said that to Canton's point, the idea was for the Village to sell the trees and put them around the playground to provide shade. He added that the Village only had funding for potentially six trees, which then should be what is purchased. Canton agreed. Carroll added that if all the trees are planted, why would someone want to purchase it as a memorial. Canton said that common sense would dictate that the location of the trees would be identified, and then planted as they are purchased. Galicki stated he believed this was most of Council's assumption as well. However, Council then received a report that Cawrse had purchased 15 trees, and that the Engineer did not direct him to buy the trees. Galicki was wondering who directed Cawrse to buy the 15 trees.

Porter asked if the Village received an invoice for 15 trees. The Fiscal Officer explained she had not, but that in speaking with the Engineer she had been told that he was asked to determine the location for 15 trees at the playground. She relayed to the Engineer that four had been purchased, and he explained that 15 trees were ordered. The Fiscal Officer added that she had paid Leuty for a couple of trees at the cemetery and one replacement tree in the park. The Engineer knew nothing about the trees ordered, and she told him she assumed this was why the Village had received an invoice from Cawrse. The Engineer was not happy about this and was talking to his supervisor. Porter stated that the Village received a bill for \$180 from Craig Cawrse, who works for CT. The Fiscal Officer explained that the trees that were purchased for the cemetery and the one replacement tree for the park were budgeted for. She is holding the money for the four trees for the playground for which the Village received donations. This was all she was aware of. Porter clarified that the Village did not get 15 trees for \$180. Galicki offered this was just for Cawrse's consulting services. Canton said he did not believe that the Village should be buying trees. He believed that the trees should be purchased as individuals who want to have a tree planted as a memorial provide payment. Galicki agreed. He explained, however, that there was still a question of whether Cawrse did this on his own initiative, because it appeared to be magical how the 15 trees were purchased. Carroll said Council needed to hear from the Engineer to figure out what happened. Carroll said the Village had money for four trees, and he would hope CT planned to pay for the remaining trees because the Village would not. The Mayor stated that the Engineer would be present for the November 11<sup>th</sup> Council meeting. Carroll added that the Engineer should be told not to order more trees than the Village's donated funds.

**FISCAL OFFICER'S REPORT:** The Fiscal Officer stated she is working on putting the budget together. She was unsure how to budget for the Building Department with the pending decision. The Manor Brook grant was approved but was not in the initial budget to the County. With regard to the park, she advised there was the parking lot expansion project idea and she didn't know what was happening with that. She is also awaiting a response from the Park Committee about any additional funds they may require. The Property Committee was also supposed to provide her with a couple of potential projects for the Northeast Ohio Public Energy Council (NOPEC) grant for next year. With all of these "unknowns", the budget is a challenge this year. She hopes to email the proposed budget to Council for review for the November 11<sup>th</sup> Council meeting.



Fiscal Officer stated she discussed the pavilion blinds with Canton and he will share that in his report.

**FINANCE COMMITTEE:** Nairn distributed the minutes from the last Finance Committee meeting. She had nothing further to report.

**SOLICITOR'S REPORT:** The Solicitor addressed a letter from Dave Hocevar regarding the forfeiture deposit issue. Regarding a \$1,000 construction deposit, she explained that in September, letters were sent saying that if certain things weren't done, the money would be forfeited to the Village. The individual appealed and asked for the refund of the \$1,000. Council made a motion to refund it subject to an inspection by Hocevar. The inspection was conducted on September 27, 2019 and he reported that there was considerable electrical and plumbing done without permits or inspections. He recommended deducting certain costs incurred by the Village relative to the forfeiture process. This would include his two hours of inspection, the Building Department time spent, and the Solicitor's charges for research. Hocevar recommended that \$585.02 be deducted from the \$1,000, and she concurred.

Porter made a motion that \$585.02 be deducted from the \$1,000 deposit of the contractor in connection with the project at 104 Maple Hill, seconded by Carroll. Schloss clarified that the remainder would be refunded to the contractor. Voice vote – ayes, all. Motion carried.

The Solicitor stated that there were all kinds of signs in the road right-of-way (ROW). The past practice of the South Russell Street Department was to take the signs and move them out of the ROW. She explained that they were not taking them out, bringing them to the Street Department, and notifying anyone. She thought perhaps in the past they may have returned them to the candidate or business. The consistent practice would be to move the signs out of the road right-of-way and onto the adjacent property with the assumption that the private property owner had given permission for the sign to be located there.

Nairn asked if the road right-of-way varied by community. The Solicitor said unless it was a private road, which may be different, that typically it is a 60-foot road right-of-way total. Nairn clarified that this meant 30 feet from the center. The Solicitor explained that the gauge is often with the utility poles. If they are placed within the utility pole and the actual berm, that is considered the road right-of-way. She said this was loose and a measurement would be a good idea.

**STREET COMMITTEE:** Galicki reported that the Street Committee met October 25, 2019 and the minutes were distributed to Council.

**BUILDING COMMITTEE:** Schloss reported that the Building Committee met on September 25, 2019 and agreed on two Zoning Inspector candidates to be referred to a second interview with the Mayor. Another interview was conducted of the current Building Department Secretary for the Zoning Inspector position and the committee recommended a second interview by the Mayor.

The Building and the HR Committees met with David Favorite, Executive Director of Economic Development for Geauga County, with regard to the possibility of closing the Building Department and transitioning to County services. Schloss said it appeared to be an easy process that would take a couple of weeks. It required approval by the County Commissioners, but it did not appear this would be a problem.

Schloss advised that he had previously stated that a decision should be made at the current Council meeting to either close the Building Department, keep it as part-time, or whatever Council decided.

Canton asked if there was a possibility of a satellite office. Carroll said during the meeting with Favorite, it was asked if the county would be open to having a satellite office in South Russell. Favorite seemed intrigued by this suggestion. The Village has the space, and the county has inspectors that come out to Bainbridge and Russell. This would work out well for them. It could service the west end of the county well. He reiterated that if a resident called the County by 9:00 a.m., the resident could get an inspection that day, which was something Carroll viewed as a current struggle for the Village residents. Carroll said that the Village has been functioning on a part-time basis for almost a year and nothing has fallen down. On the same token, the Village has been unable to find a part-time inspector, although the Village has hired a Administrative Assistant/Board Clerk who is doing well in her position. He felt the Village was in a position to consider going with county services because same day inspection services could not be guaranteed with the structure the Village has. With the county, there would be same day inspections.

Porter said he heard what Favorite had to say and he seemed interested in satellite service, but that was a long way from an actual commitment. Porter said the details matter quite a bit to him, and he did not know that they guaranteed same day service. Porter relayed that this was just what Favorite said the county did. Porter said things happen and that people may have to wait until the following morning. He said that the county does not inspect roofs, water heaters, or pre-pours on foundations. Porter said the Village would not be getting the same level of service through the county that it used to receive from its own Building Department. He acknowledged it had been difficult to replace the former Building Inspector. Hocevar had filled in but was a contractor and not a Village employee. Porter stated that Hocevar has quite a bit of experience in the Village and would be doing the job for at least the term of his contract. Porter did not know why Council was in a hurry to close the Building Department or do something different. Porter said he would like to hear from the County Commissioners before anything dramatic was done to ensure they would approve. He added that none of Council had attended a Geauga County Commissioners meeting to ask the question. Carroll pointed out that Village residents pay taxes. Porter stated that the Village also pays for police and could go to the county with the Sherriff's Department. He added that the Village pays for fire. Carroll corrected him to say that the Village contracts for Fire Service. Porter said the Village could go with Russell or a lot of different vendors. He thought it would be wise to get a commitment from the County Commissioners about the matter, especially regarding a satellite office. He added that he had not

heard any County Commissioner talk about a satellite office in South Russell. Porter thought these questions should be asked of the County Commissioners; they might say no.

Canton said the idea of a satellite office intrigued him because he knows Russell depends on the county. What he was told by one trustee was that the county was very inconsistent. Galicki asked inconsistent in what way. Canton said with inspections, that residents have to wait at times quite a while. He said Russell was not happy with the county, but that was one trustee's opinion. Schloss said he had not heard that. Canton said there were Russell, Newbury, South Russell, and Bainbridge, and he thought if the county would have a satellite office it would save time.

Carroll said he would be concerned if the Commissioners denied the Village's request because the Village pays taxes for the County Services. The Village chose to have its own Building Department in the 1980's, but the Village is now built-out. Favorite had no concern with coverage. This was the first Carroll had heard that the county was not responsive.

Canton asked about the history of the Building Department and verified that prior to its establishment, the Village used the county. Carroll pointed out this was before the building boom. He explained that when Hocevar went away for two weeks, residents had to wait for inspections until he got back. With the county, it might be a day, or possibly two, but it was indicated in the meeting that if a resident were to call by 9:00 a.m., an inspection would be done that day. Schloss explained that Russell resident, Shane Wrench, indicated to him that there had never been an incident where someone who contacted the department by 9:00 a.m. would not receive service. He had been very impressed with the service, and he has worked in both Bainbridge and Russell.

Nairn said this was the first she had heard of a satellite office. She asked if the Building Department were to be closed, why could the Village not be proactive and make a proposal to the county. Porter asked that the Building Committee first determine if the County Commissioners are receptive to the idea. Nairn pointed out the sense in the suggestion geographically, and Schloss added that this was what Favorite suggested because most of the building work was in this end of the county, in Bainbridge in particular.

Carroll said the longer Council "kicks the can down the road", which it has done all year, there will be an issue of collecting fees, registrations, etc. He acknowledged that attending a County Commissioners meeting was a good idea, but if the Village was going to transition to the county, it should be done by the end of the year so that starting January 1<sup>st</sup>, Council would know what was going on. He referenced Bainbridge's website that contained all necessary forms as something the Village could do. He added that making a decision before the end of the year would provide time to communicate to residents what would be happening. With allowing the situation to continue, Carroll felt it would also be doing a disservice to the contractors who would then be registered at the Village and the County. Carroll added that another problem discussed in committee was that if Hocevar decided he was done, the Village would have to go to the county anyway, or scramble to find someone to take the position.

With regard to the County Commissioners being open to the idea of taking the Village into the county embrace, Galicki said he approached the Commissioner's Office. He found that basically it was an administrative matter. The Village could get the matter on the County Commissioners' schedule and it would be voted on. There would be no objection to coming under county services. Regarding the satellite office, it would not necessarily be like the county would have an inspector there all the time. The offer was more in the spirit of providing space for an inspector who was in the area and might need a place to work, or a place that would have forms, etc., the Village would be happy to allow them to share the space. Galicki also advised that this is an era of regionalization, such as fire and police services. Given the numbers it is difficult to justify to the taxpayer why the Village is the only municipality or township within Geauga County that has a stand-alone Building Department providing services which are provided gratis by the county. During the building boom, it was an idea that made sense, but it may be an idea whose time has come and gone. Galicki added that the Village was on the list of certified Building Departments but reading some of the requirements in the Ohio Administrative Code, he did not know if the Village had kept up with the requirements. Hocevar is still listed as the Village's Building Official as of 2018. There was a requirement when Heilman relieved Hocevar that the Village should have gone to the State to report this and provide Heilman's credentials. There is also a provision that states that if contractors are providing these services, it is necessary to get the approval of the State through an application submitted to the State. The Solicitor said she did not know if this had been done. Galicki said that given these circumstances, there would be a question of whether the Village has been operating as a certified Building Department for the past couple of years, which is unknown. Galicki tried to verify the facts with the Ohio State Department of Commerce but gave up after being on hold for an extensive time. He said he understood the Mayor's concern with wanting to have a full or part-time Building Department in the Village. Council had given it a year to see if a part-time Building Inspector could be found. It has been determined that the activity level over the past year has not necessarily supported a full-time department. The Village could not find a part-time Building Inspector, and Galicki asked if Council wanted to keep Hocevar on retainer forever. He added that a county official, Jim Flaiz, approached him with a complaint saying that he was having an addition put on his house and Hocevar had been on vacation for two weeks. His contractor was at a standstill, and he wanted to know what was going on. Galicki told him tongue-in-cheek that if the Village were under the auspices of the County, he would have not had a delay in getting the inspection. Galicki questioned whether the Village was really providing a better service to the constituents. He pointed out that Hocevar had taken on more outside work, and Galicki wondered from the time someone requested an inspection right now, what the lag time would be. He admitted he viewed the Building Department services as somewhat redundant given the fact that they come to the Village free as a service from the county. He pointed out that this was not the same construct in Cuyahoga County, which did not provide the services to their municipalities. He saw this as a unique opportunity to go back under the auspices of the county and save the Village and taxpayers some money with a negligible impact to the residents.

Canton addressed the issue of taxpayers' monies and asked why residents had not been knocking down the door asking, "Why do you people still have a Building Department?" In reply, Galicki

asked Canton if there was anyone knocking down the door saying, "My God, the services have degraded significantly since Heilman left." Porter said a couple of months ago, he had people approach him saying they have heard Council was closing the Building Department. They asked why and said it was a nice service for the residents, didn't cost the Village all that much, and the residents appreciated being able to go local instead of up to Chardon. Porter said his response was that Council was considering all the options, and Hocevar had his contract with a termination clause. He could walk with the proper notices, or the Village could dispense with his services with the proper notice. As long as the Village has his services, it could maintain what it is doing. Porter asked if there is a crisis that Council needs to do something by November 1<sup>st</sup>. Galicki said in terms of a nice transition, probably so because it would get a little stickier with the contractor fees for the new year. He explained that the administrative code called for procedures of transfer of fees and other things with the county. Galicki did not know if Council would glean any more information than what it had already in the first ten months of the year as it had transitioned from a full-time Building Department. Galicki said the other aspect may be education for the constituents. Until it was brought up in a Council meeting by Schloss, Galicki was unaware the Village was the only municipality in the entire county that had a stand-alone Building Department. When the 16 townships, 4 villages, and 1 city of Geauga County seemed to be functioning well with the services from the county, the panic on the part of the one constituent might be alleviated a bit. Galicki stated many of the necessary forms are online with the other municipalities and townships, and he felt the impact to the citizens would be minimal because everything they needed to get the process started was available. The biggest impact would be on the contractor, and Galicki offered that the vast majority of the contractors that do work in the Village were already registered as contractors with the county.

Nairn asked if Council could take a look at the situation and say that South Russell Village taxpayers are paying double. She said the residents of the Village were paying for two Building Departments, and no one else in the county was paying for two. Porter said the Village was also paying for two dispatches and two police forces.

Referring to documents provided by the Fiscal Officer, Schloss stated that over the last ten years, the Village had lost over \$1,000,000 with the Building Department. It brought in expenses of \$1,580,000 and took in \$445,000 in inspections and permits. The total loss was \$1,135,000. He asked how Council could possibly continue on like this. He thought if the residents knew this, they would find it outrageous. Porter said the Chagrin Valley Times had done a great job of keeping the residents informed, as had Council, about what it cost to operate the Building Department. Porter noted that the biggest expense in the Building Department was the Building Commissioner's salary and benefits. Schloss asked Porter to look at the last two years that still reflected a loss. He said there was no possible way that the department could make any money. Porter said no one ever said it would make money. Schloss argued that it should not be losing money. Schloss said with \$1,000,000 the Village could be doing roads and sewers, etc. He said it was way out of line. Canton asked if this was the nature of services. Schloss said yes, it was, and that it was taxpayer fiscal responsibility. Canton asked what the Village paid a year for fire service; Porter replied it was \$475,000. Schloss said this was not apples-to-apples. Canton said that in the last year, no houses in South Russell burnt down to the ground and asked if that

money wasted. He said this would be an illogical statement to make if he said that this was money not spent well.

Carroll said the big comparison was that there was a Building Department which residents were already paying for through the county. The Village contracts for services with the fire department. The Village must contract for this service. Fire, EMS, and Police Departments don't make money. These are good services for which residents are willing to pay. Carroll referenced Canton's statement that no houses had burned down, which was correct. However, looking at the impact of the Building Department and the impact on the residents, he pointed out that if a roof leaked after it had been installed, the homeowner would call the contractor to fix it. He added that it had been discussed that in the Village that the roofs were not really inspected other than someone looking from the ground and verifying it had been done. Regarding inspection of hot water tanks, which can be a safety issue, Carroll explained that as a fireman, he would hear about this issue if it was happening and added that it was not much of an issue. He also thought the roofing inspection was not much of an issue. The footers, Carroll explained, was not something he knew enough about to comment either way and would need more information. Carroll stated that with all the municipalities that use the county, he would say the county had performed well. At a time when the Village needed and elected to keep the Building Department, a lot of developments were being built. However, now the Village is built out. He added that even with a Building Department over the last three years with a full-time Commissioner and part-time Inspector, there had been challenges in the Village. Included was an issue on Chillicothe Rd. that had building code violations even when the Village had a full-time Inspector. There have been other issues across the Village as well. He acknowledged that the Village was required to have a Zoning Inspector and added that hopefully the Mayor would provide the Zoning Inspector candidate proposal at the current meeting. Carroll thought with the right Zoning Inspector and working with the county, some of the issues could be addressed. The Zoning Inspector and Administrative Assistant/Board Clerk could assist the residents with navigating some of the paperwork. Carroll advised that it would be necessary to see the County Commissioners before the next Council meeting so that a decision could be made. This needed to be done to provide the residents with the information to allow them to adjust and navigate the projects that are in progress. He added that it would also be to redirect the contractors to the county, so as not to collect fees for 2020.

Porter proposed that the Building Committee go to the next County Commissioner meeting, get on the agenda, and see what they say about a satellite office. Porter saw this idea as a nice compromise for everyone who wanted a Building Department and those who wanted to go with the County, if the Commissioners are willing. Galicki stated that the satellite office would be a place where the county's inspector worked out of from time to time. It would not be staffed full-time by an administrative assistant from the county. If the Village were to transition from its current Building Department, the current Administrative Assistant/Board Clerk or whoever is in the Zoning Inspector role would basically be providing the interface with the residents. This would not go away, and he/she could be there to help residents navigate the forms required by the county. Galicki added that Bainbridge provided a similar service with their Zoning Department and helped the resident transfer electronically any of the permit requests that were

required to the county. The residents of South Russell would not have to drive to Chardon to drop documentation off. Porter said there were a lot of paper and plans sitting on various desks at the County office. Galicki said he would not get hung up on whether there was a satellite office or not. Regardless, there would be someone at the Village available to assist residents, which would not represent additional costs. So, whether or not a County inspector used the office, there would be someone there to help residents. Porter agreed but asked what if the Commissioners suggested putting someone in the office four hours a day, five days a week. This would be a solution. Galicki said the decision would not have to be contingent on knowing this. Porter said the Village should have the information. Galicki argued that the decision of whether the Village needed a Building Department or not should not hinge upon whether the county would use the offices as a satellite space. Porter said he viewed this as a great compromise that ensured onsite building inspection capability for the residents on demand. Porter said it would be better than what the Village currently has.

Nairn said the Village had unfinished business that had been hanging and hanging. Council needed to take care of one thing at a time. She said it was great to talk about the satellite idea, which she thought was wonderful, but was a project for the future, not for right now. Porter reiterated that before doing anything drastic, Council should get all the facts. Galicki asked Porter whether his decision on retaining the Building Department or electing to go with county service was riding on whether or not there is a satellite office. Porter said it would go a long way to convincing him one way or the other. He stated that the location of The Lantern was zoned for an assisted living facility in 1976. For forty years, no one tried to build on it because of the water problem. People assumed the facility would never be built there because no one would want to tap into the waterline in Bainbridge. Suddenly, The Lantern went in and the Village was doing the building inspections. Porter argued that the Village was not built out with 30 acres in the bowling alley lots.

Carroll stated that Bainbridge had so much building going on currently with three nursing homes, which the county was inspecting, in addition to the numerous nursing homes that had already been built and inspected. He questioned Porter hanging his hat on the fact that the Village inspected The Lantern in comparison. Carroll added that just as with anything, the more you do something, the better you get. Carroll was confident the county could handle anything, even with the potential to develop the bowling alley lots. He felt a satellite would be nice but was not a guarantee. At the end of the day, Carroll asked if the Village had the work to justify a Building Department in the Village. He did not think the Village did.

The Solicitor stated she did some checking. She asked if the meeting with Mr. Favorite was a committee meeting, and Porter said that it was. The Solicitor asked if there were four members present and if it was a fact-finding mission. She asked who suggested the satellite office. Porter said he did not remember. Schloss said that Favorite did. Porter said that Carroll did. The Solicitor asked if any decisions were made at the meeting. Council members responded no. She advised that she called Mike Mihalisin, assistant Building Official, to find out what the transition would be as far as the Commissioners needing a motion or agreement, etc. Mihalisin thought it would just be a motion of the Commissioners to approve to take on the services for the Village.

The Solicitor did not think this was accurate. She thought the transition would involve the involvement of the Assistant Prosecuting Attorney (APA) on behalf of the Commissioners to ensure that the agreement was in place. She suggested that the concept of a satellite office could be proposed in this agreement. The Solicitor also contacted the APA who recalled that the county had the Village's Building Department assisting the county at one time. This was in 2011 or 2012. Porter said he did not recall this but remembered helping Chagrin Falls. The Solicitor stated her point was that there would be agreements that the Village would have to enter into. She did not know if the issue had reached the Commissioners as far as their consideration. The Solicitor explained that if the Village were to transition to the county effective January 1<sup>st</sup>, the Village would maintain everything the Village took in monetarily and administered before January 1<sup>st</sup>. After January 1<sup>st</sup>, the county would perform inspections. She thought this would not be as big of an issue as the files would because the zoning and building had been intertwined. Zoning would not go away. The role of the Architectural Board of Review (ABR) would be diminished. In the zoning code, there would be approvals that the ABR would still have to make, such as with signs. Otherwise, they would have no authority to enforce design standards. Planning Commission might have less of a roll as well. The county did not enforce zoning, fencing, and property maintenance standards. The Solicitor advised Council should consider the information. She added that it was not necessary to surrender the certification. It could be transferred, modified, or there could be changes of the Industrial Compliance Division. Carroll asked if the building certification was maintained, would there be less of an impact on ABR and Planning Commission. The Solicitor said there would not. Porter asked if anyone could build a house like the one on Daisy Lane anywhere in the Village. Porter said the mistake was made once and would not be made again. However, Porter stated that what the Solicitor was saying was that there would be no way to prevent that.

The Mayor stated if it boiled down to the one question, "Why are we doing this?" He asked if it was to save money. He asked why Council would shut down the Building Department. The Mayor replied, "One sentence, to save money." Carroll disagreed and said that the Village could have inspections done daily, which it currently could not. The Mayor asked whether Carroll was then saying it was about service, and Carroll replied that the service would be improved. The Mayor said this was debatable. The Mayor stated that Villages have Building Departments. He stated that Bainbridge, Russell, and Newbury are townships. Galicki stated there are four Village's within Geauga County and additionally one city as a municipality that go through the County Building Department. None of them, except the Village of South Russell had a stand-alone Building Department. Galicki added that Villages in Cuyahoga County do have Building Departments, but there is a different relationship between the county and municipalities in Cuyahoga County. The Mayor stated he looks at the Village's colleagues, and swing around there from Hunting Valley around to Bentleyville. Carroll stated those communities are in Cuyahoga County with different rules. He asked how the Mayor could make this comparison with a municipality with a different set of standards than Geauga County. The Mayor said he was just saying Villages have Building Departments and Townships do not. Galicki replied that Villages in Cuyahoga County have Building Departments, but Villages in Geauga County with the exception of South Russell do not. The Mayor said at the January meeting with Mike Mihalisin, Mihalisin questioned why the Village would give control to the county. The Mayor



said this question came from the county Building Inspector; "Why give up control of the Village to the County?" The Mayor said he looked around the Village and said he did not want to say we are snooty, but when the Village goes up to the county, the Fiscal Officer gets high rankings, the Village has some of the best roads, it has a great Police Department, and the Village has had a good Building Department. He said the Village gets A, A, A, A. In his opinion, the Village would go down to a C for the Building Department. It is a service the Village provides. It does not have to do Trash Day or Shredding Day. The Mayor read, "drainage, stormwater, sliding doors, windows, roofs, sidewalks, footers," and said the county does not deal with these. He said he did not mean to be snooty, but he thought the Village was better than the townships. The Mayor added that the Village developed service and referred to the Villages colleagues to the west. Carroll countered that the Mayor looks west. The Mayor said that the Village sits four miles into Geauga County, but look at dispatch. He said there are 59 communities in Cuyahoga County and 31 belong to the Chagrin Valley Dispatch. The Village is the only one out of the county. He said that the Village could save \$50,000 by stopping Chagrin Valley Dispatch and lower the Village's standards. He said he thinks it is the service that is provided to the residents, and he thinks they expect it. No one has come to the Village saying to close the Building Department. He stated there has never been an email and it had been in the newspaper since January. People came to the Village and said to keep it open. The Mayor questioned why Council would want to reduce service. The Mayor said the Village would do \$53,000 worth of business this year. Hocevar cost the Village \$42,000. The Village had spent \$39,000 on Hocevar and it would probably pay \$42,000. The Mayor said the Village is ahead of last year in terms of activity and income. Since the big recession in 2014, the permits have gone up and the money has averaged about "51" and he surmised it would do better this year. Looking at permits, there may be five or ten different inspections that come in, according to the Mayor. He said permits keep coming in, and the department has been in a boom lately. The Mayor said the bottom line is service, and he thinks the Village should provide a Building Department. If Council wanted to do a satellite, it would be something to look at. He agreed with Nairn and said it was a nice option, but Council would not want to rush into it. The Mayor said there was no hurry on the issue.

Galicki stated that the Mayor gave an opinion that the Village was providing a better service. He asked the Mayor to provide some examples of how the Village was providing a better service to residents by maintaining the Building Department. The Mayor said that currently through Hocevar and Inspection Solutions, the Village has one of the top Building Inspectors probably in the State if not the country. He is one of the best, according to the Mayor. Galicki asked how this compared with the inspectors from the county and was Hocevar superlative to everyone in the county. Galicki asked if perhaps the Mayor was saying the county would not provide the same quality as Hocevar. The Mayor said, "yes." Galicki said this was unquantifiable, and he said he was asking for statistics which say how the Village was providing a better service. The Mayor said he just listed the things the Village would inspect that the county would not.

Carroll said that drainage was a major issue. If the Village was inspecting drainage, there were drains that were improper drains in the Manor Brook area as observed by Carroll and the Mayor when they walked over by Gurney. There were other examples where the Village had missed things. The home on Daisy Lane was a mistake that got through, and the Village would have those sometimes. Carroll stated whether it was Hocevar or the County inspecting, there would be mistakes. Regarding Building Department income increasing, the Village had increased the fees twice in the last 10 years. That still did not cover costs. Carroll said the county has told Council members at previous meetings that if a resident called by 9:00 a.m., they would get the inspection that day, generally speaking. Right now, the Village could not offer this due to Hocevar's availability. Porter interjected that if a resident called to have a roof inspected, they would not get any inspections. Carroll asked if Porter had his roof inspected, and Porter said no because his contractor did not pull a permit. However, Porter said that Nairn's roof was inspected because that permit was pulled. He added that Galicki's wasn't because his contractor did not pull a permit either. Carroll asked what was inspected. Porter knew that his water heater was inspected by the former Building Inspector, who made sure that the pipes went to the right place, that the gas was hooked up correctly, and that the water heater was level. He was glad that he had the inspection and that his water heater had not exploded in the last four years. Carroll asked how many water heaters exploded across the county in the last four years. Porter said he did not know and Carroll, as the Fireman, would have better knowledge. Carroll said this was his point. Porter said he felt much better that his water heater was inspected and would have felt better had his roof been inspected. Galicki asked if he had had any leaks, and Porter said yes, and that the contractor was out of business. Porter said that the county did certain things and did not do others. If the Village stuck with the Building Department the Village would get better and more service. He added that government was not in the business of making money, and Council said that \$5,000 from the rental house was not enough rental income per year.

Schloss said the Village keeps losing money year after year, and it makes no sense to him. Porter stated the Village was not a private business. Schloss said if the taxpayers knew what the bottom lines were, they would throw Council out. Mayor said the bottom line this year in salaries are \$69,000 and the Building Department would probably bring in \$50,000, so it would cost about \$17,000. Schloss said it would be even more than that because there are other expenditures like Solicitor and Engineer fees that had never been calculated and put on the reports. He added that the fees had not been done accurately for the last 10 years. Porter added that contractors get money back when they finish the job. But if the Village was in the business of making a profit, it would charge for its police. He added that in a way, the Village did this through property taxes. Schloss added that residents are paying taxes to Geauga County that are duplicate fees. Porter stated that the Village was not using their dispatch because the Village had chosen to go elsewhere.

Carroll revisited attending a County Commissioner meeting to discuss the matter. He believed the decision should be made before the end of the year. The Mayor stated the next Council meeting was November 11<sup>th</sup>. Council agreed that it would go before the Commissioners with the matter as a Public Comment. Porter suggested phrasing it to say that the Village would like to inquire about the possibility of having a satellite office for the county Building Department in the

event the Village closes the Building Department from its inspection functions. Carroll said there would be two questions. One would be that the Village was potentially shutting down the Building Department and determining how the Commissioners felt about taking on the Village. The second part would be whether they would be open to including in a contract with the Village that there would be a satellite office for the purposes of serving the west end of the county.

The Fiscal Officer advised that the County Commissioners meet every Tuesday morning a 9:00 a.m. at 470 Center St. Solicitor stated that since Council did not anticipate making a presentation, she did not think Council would need to get on the agenda. Porter said he wanted to be on the agenda, so the Commissioners understood why they were there. It was discussed that the committee would attend the County Commissioner's meeting on Tuesday, November 5, 2019 at 9:00 a.m.

Nairn asked the Solicitor about the role of ABR if the Building Department were disestablished. The Solicitor stated that their role would be diminished, and they would not look at the design standards of any plans because this would go to the county Building Department. The Building Department did not enforce any of the standards that ABR had, just residential and non-residential building codes. Their role would only be for approvals necessary for zoning. Planning Commission might have a diminished role as well. Porter added that the Zoning Board of Appeal (ZBA) would too. The Solicitor agreed. Nairn addressed the existence of problem properties with hoarding and tarps on the lawn that do not change despite having Hocevar and the Building Department. The Solicitor said that could be a zoning issue or a property maintenance issue, and there was much more enforcement that could be done. Nairn wanted to know why the Village did not have anything in place to address this.

Regarding diminished roles of the Boards, Galicki said the Village had the safeguards in place for the Daisy Lane property and also the proposed construction for the McSherry property. He offered that even though the Village had enforcement powers, the Village chose not to enforce. The Solicitor disagreed. She advised that although the Daisy Lane house was being referred to as the "mistake that happened," she said there had been no mistakes yet by ABR. There had been action taken, and the individual just did whatever he wanted. He asked ABR for exterior modification changes, which were not approved. ABR asked that he revise and resubmit plans. Galicki stated, however, the project was done. The Solicitor said he was correct. Galicki added that the individual was occupying the property. The Solicitor said this was correct, but without occupancy permit and that was still being held. The Village was moving forward with this matter. She explained that the enforcement did not actually come from ABR, but from the Police Chief, Building Inspector, and Council. She added that it was getting to the point that there would be finality with ABR. She did not know if there would be an appeal to the Board Zoning of Appeals (BZA) for a variance, and the Village would go from there. She emphasized that mistakes had not yet been made. Galicki stated that the individual building the house was able to go ahead and not use the recommendations of the ABR in his construction. He just did what he did and occupied the house. He asked if this then inferred that there was no wrongdoing on his part. The Solicitor said there was wrongdoing on his part. Porter said that the former Building

Inspector caught someone illegally pouring a driveway and made the resident tear it up and do it right. He explained that this was the way to enforce.

The Mayor stated that the house at 609 Bell Road was being built by one of the leading architects in the country, and just because we did not like it did not mean that the Village could stop it from being built. Schloss asked if they should have had residents' approval or review of plans prior to construction. He said it was, "God awful." Schloss thought that the residents would question why the Village allowed the house to be built. The Mayor said it is a modern house. Nairn said it is not in keeping with the Village. The Mayor stated it is in keeping with the rules, and the Village could not deny it. Nairn explained that her concern was that someone could build a large mansion with eleven-foot naked gargoyles going up to the sky, and there would be nothing the Village could do. The Solicitor offered there may be a height variance. Galicki responded that according to the Mayor, just because the residents don't like it, it did not mean someone could not build it. He asked then why there was an ABR that reviewed plans to keep buildings consistent within the community, but then anyone could build whatever they wanted. Porter said that without an ABR with teeth, this was what the Village would get. Just because it had happened in the past was not a reason to do away with the ABR. Instead, Porter suggested the enforcement mechanisms may need to be beefed up. If the Village relied on the county, it would not have this.

The Mayor said there was at least a chance with ABR to ask residents to modify. He added that they give advice and propose changes. Porter added how arduous it was to allow the businesses to have "Open" flags. He said it took three meetings.

Carroll suggested that perhaps Council needed to consider the fabric of what it wanted the community to look like. For example, he asked if there were Zoning and Planning Commission rules, or ABR issues that needed to be considered. Using the house on Bell Rd. as an example, he said it did not fit the fabric of the community. He thought Council could be more proactive in addressing those issues. Carroll said the residents just don't want to have things that don't fit in the fabric of the community. He added that there were houses in Chagrin Heights that were just jammed in and the residents were not happy.

Schloss advised that the Solicitor had created an outdoor lighting ordinance.

**SAFETY COMMITTEE:** Galicki stated there was nothing to report.

**HUMAN RESOURCE COMMITTEE REPORT:** Galicki stated there was nothing to report.

**PROPERTY COMMITTEE:** Canton stated in the Street Committee meeting minutes, it stated that the Interim Street Commissioner was able to obtain quotes to have the rental house razed. He noted one was \$9,000 and the other \$11,000 and this included removal of everything inside the house. Galicki added that one more quote was being obtained, but the average cost was \$10,000. Galicki added that they would cap off the sewage and gas so that it was available in the event the Village should build on the site.

Porter asked if it was necessary to declare the property at the rental house of no value so that it could be disposed. The Solicitor said that this was done at the previous meeting, and what

remained would be identification of how it would be discarded. She verified that all items left in the house could be discarded and asked how. Porter made a motion that the items remaining in the rental house would be disposed of either by donation to local charitable organizations who will pick it up, or delivered by the Mayor personally in his own vehicle in the middle of the night, or into the trash in the dumpster as decided by the Police Chief and the Interim Street Department Commissioner, seconded by Carroll. Galicki verified that all items sold at auction had been sent. Porter said that the Chief verified items had been picked up and that which was not would be considered abandoned property. Voice vote – ayes, all. Motion carried.

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

**PARK COMMITTEE:** Canton contacted Blinds.com. He advised that the warranty on the windscreens would be for three years. Canton asked historically how long they lasted, and the representative said it depended on the weather and location. Due to the location in Northeast Ohio, she advised that they last longer if taken down and stored and reinstalled in Spring. Canton verified that the purchasing process involved ordering, receiving the item, and then paying for the item. However, Blinds.com requested payment first since they are custom blinds. After receipt of payment, the blinds would ship. Canton asked if this was possible. The Fiscal Officer asked for Council's opinion because she did not recall a final decision being made on purchasing the blinds. She also wanted Council to decide whether she should pay for the product in advance. Galicki asked Canton if the company would take a down payment. Canton stated that payment in full would be \$1,303.28, and he did not ask if they would accept a down payment. He did state that the company would take a check or credit card. Carroll asked if they would accept a purchase order. Canton stated they would not. Canton further explained that \$303.28 would also be required to be transferred since only \$1,000 was budgeted. Porter stated he was in favor of doing the blinds. He suggested doing a motion and authorizing the Fiscal Officer to pay in advance on the Village credit card. If they are not right, Porter advised the Village would return them and get credit. The Mayor asked if Council could see them before buying them. He stated that Frohring Meadow had them and got rid of them. The Mayor asked if there was a location where Council could see an example. Canton stated he asked, and the company did not. Nairn asked what color "outback pebble" was. Canton thought it was tan or beige. Porter made a motion to purchase the blinds referenced by Canton in the quote for \$1,303.28 such that the Fiscal Officer will purchase the blinds per the invoice received on the Village credit card and that they will be inspected upon arrival by the Street Department and Park Committee for conformance with the plans, and if they are not acceptable the Village would cancel the transaction and receive money back per Schloss' idea on the credit card, seconded by Canton. Voice vote – ayes, Carroll, Galicki, Porter, Schloss, Canton. Nay, Nairn. Motion carried. Canton asked if the next step would be for the Fiscal Officer to contact the company. The Fiscal Officer stated she would handle it.

Regarding the overflow parking lot expansion, the Mayor spoke to the people at the Paw Paw Lake neighborhood and stated that this was what they were putting in and were going to put in concrete instead of soil. It was the same tough track type design. He suggested waiting until the Engineer was present to discuss it further. The Mayor added it was a lot of money. He said he

spoke to the Service Department and they thought the Village was wasting money for a parking lot that may get used four or five times a year. According to the Mayor, the Service Department suggested putting in gravel. Canton stated that it was a good concept, but very expensive. He asked how big the parking lot would be, and the Mayor explained it would be the same size as the playground. Carroll asked if the concrete would be less expensive. The Mayor stated that the Engineer said the current recommendation would be less expensive.

#### **ORDINANCES/RESOLUTIONS:**

Galicki introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into fire protection and emergency medical service agreement with Chagrin Falls Volunteer Fire Association for a period of three years encompassing the time from January 1, 2020 to December 31, 2022 for the sum of \$405,474.80 for 2020 with the 3% increase for 2021 to \$417,639.04, and a 3% increase for 2022 in the amount of \$430,168.21. Galicki made a motion to waive readings and declaring an emergency, seconded by Nairn. Carroll noted that the contract increase for next year is 8.4% increase over the previous year and then 3% and 3% in 2021 and 2022. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2019-62.**

Schloss made a motion to untable the 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, seconded by Porter. Voice vote – ayes, all. Motion carried. Carroll asked how many alternates were requested. The Mayor said for ZBA he had two lined up. Porter restated the question to be whether Council wanted one alternate or two. Nairn suggested starting with one. Porter agreed. Carroll made a motion to adopt the ordinance amending it from two to one alternate, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2019-63**

Porter introduced an ordinance enacting a new Chapter, 1483 of the Codified Ordinances of the Village of South Russell “Outdoor Lighting” Ordinance. Porter informed Council of the question of limiting by lumens or wattage or something else like light meter. The committee proposed lumens as the measure. Nairn asked which was the most enforceable, and Porter stated lumens because it is printed on the bulb.

**BILLS LIST:** Nairn made a motion to ratify the 10/15/19 Bills List in the amount of \$45,684.24, seconded by Porter. Voice vote – ayes, all. Motion carried.

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

Carroll asked what Council planned to do with the rental house, specifically whether to keep it, sell it, raze it, etc. He asked if the house had been winterized, and the Mayor did not think so. Carroll said this needed to be done. Nairn added that something was wrong with the well, and Porter explained the issue was with the well pump motor. Porter said there was no water to the house. Carroll referred to an analysis provided by the Mayor which indicated the Village received \$2,015 from the rental house, and stated he was not in favor of the Village being in the rental business. While there was marginal money made on it, the headaches of collecting and

managing the property were not worth it. He said he was open to selling the house or keeping the property. Carroll added it was always nice to have the property. He said the Village could sell it, and added that it had been appraised at \$230,000, although this might not be what the Village would receive. Porter clarified that this would be the asking price. Carroll added that this amount would be about half of a road program. He stated that the Village could go out for bid and if it did not get a bid in the amount desired, the Village could choose to raze the house and keep the property. Carroll clarified that he was not in favor of keeping the rental house. He said the last experience with the renter was less than optimal, and although at some point in the past there had been a renter that was not so bad, it was easy to go off the rails with rental property. Carroll reiterated the Village could raze the house, keep the property, and put the Flag Memorial there. It would provide for future expansion possibility, and Council could choose to sell the property in the future. Carroll said he felt a decision needed to be made.

Porter said he was ok with selling the property as is, razing the house, or with a proposal to rent the house, although he had not been a part of this discussion. Carroll stated it was not well received. The Mayor stated it was an offer to rent for two years with the option to buy the property. Porter suggested the possibility of renting to the proposed tenant if he would take over all the associated expenses with the property and pay \$1,500 per month.

Nairn asked Porter if he did not think the Village had had enough experience in the rental business. She thought it had. The Mayor asked what experience she really had. Nairn replied that it was a pain. The Mayor asked a pain for what. Carroll stated simply what the Village had gone through. The Mayor stated a guy would walk in, pay his rent, if he paid late, he paid an extra \$50. The money was brought over here, and we moved on, according to the Mayor. Nairn stated that the home on the inside was embarrassing to the Village, that people were living in such conditions. The Mayor said that there were people living like that all over the Village. The Mayor's suggestion was not to give up the property and to keep the land. Nairn agreed. The Mayor stated if the Village was not going to rent the house, it should knock it down. Galicki stated he whole heartedly agreed with the Mayor. As he mentioned previously, one thing that was not being made was open land. Strategically, he thought there was a lot of merit for the Village decades from now where it could expand its physical plant, have green space, a new Police Station, Streets Department, Municipal Center, etc. He felt there were many potential uses. Galicki liked the idea of keeping the property and tearing down the house. Schloss and Nairn agreed. Canton said that this was where vision came in for future Councils.

Porter asked the Solicitor what would be necessary to raze the house and asked if an ordinance would be necessary. The Mayor suggested waiting until the Village received the third bid to raze the house. The Solicitor said a motion could be made to get the third quote, and once Council decided which contractor would be used, she thought Council should do an ordinance. Carroll made a motion to get a third quote, and at the next meeting Council would decide which contractor the Village would use to raze the house, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Carroll also thanked Council and the Village for the flowers and sentiments regarding the passing of his father.

At 9:55 p.m., Carroll made a motion to go into Executive Session for a possible land acquisition, seconded by Porter. Roll call – ayes, all. Motion carried.

Executive Session ended at 10:37 p.m.

Carroll asked what was going on with the Zoning Inspector position, and added one needed to be hired. The Mayor stated he would rather wait and limp along for another two weeks because if Council elects to close the Building Department, he saw no reason to hire. If he were to hire a Building Inspector, he would hire the current Administrative Assistant/Board Clerk. If Council were to close the Building Department, he assumed she would leave so he would wait for two weeks to make a decision. Galicki asked why this assumption was being made. He asked if the Administrative Assistant said this. The Mayor replied, “yes.” Galicki clarified that the Administrative Assistant/Board Clerk said she would leave. The Mayor said, “no.” Galicki asked whether she said this or not. The Mayor stated, yes, she said if Hocevar was gone, she was gone.

The Mayor told Galicki the next Council meeting was November 11<sup>th</sup> and it was his turn to speak about Veterans Day if he would like. Galicki agreed.

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

  
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William G. Koons, Mayor

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

Prepared by Leslie Galicki