

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 11, 2019 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Interim Street Commissioner Alder, Solicitor Matheney, Engineer Haibach

VISITORS: N.D. Howard, Manor Brook Dr.; Keith and Charlie Kukla, Woodside Rd.; Chris Berger, Whitetail Dr.

Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Galicki provided a speech to commemorate Veterans Day. He explained the history of the day and expressed the need to never take the sacrifice of Veterans for granted. He emphasized the importance to honor all American Veterans living and dead by working together to make the world a better place for everyone. Galicki challenged elected officials to take their commitment as seriously as those who wore the uniform. He asked Council to exercise sound judgement, patriotism, honorable conduct, integrity, and good citizenship in the execution of their duties as public servants and to honorably execute the Oath of Office. He urged members of Council and newly elected members of Council to seriously consider being more of a true public servant and less of a politician. He thanked the Veterans of the community, wished them a happy Veterans Day and welcomed them home.

Fiscal Officer read the roll. Nairn made a motion to approve the Council meeting minutes of October 28, 2019, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Kukla provided an update for his Eagle Scout project. He had been securing funding through donations and had materials ready. Kukla said he sent an email to Council with the stone design, and added it was similar to what was provided at the October 28, 2019 Council meeting. Kukla requested approval for the stone and design. Canton made a motion to approve Charlie Kukla's project to place a large stone containing insignias of five branches of the military at the base of an American Flag located in the Village, seconded by Porter. Nairn asked if the insignias would be in order of establish date, i.e. the Army was the oldest, then on down, or were they just randomly placed? Kukla replied that he believed it was random, but he would have Sheffield just determine the order. Porter added that when Kukla was talking about the oldest service first, it should be the Army. He asked if this was in the center at the top. Galicki said it should be left to right, so in the five that Kukla had, it would be Army, Marine Corps, Navy, Air Force, and Coast Guard on the bottom. Porter said he thought Navy came first, and Galicki stated not before the Marine Corps. Voice vote – ayes, all. Motion carried. The Mayor stated that Council would be working on the location of the monument, but that it would be at the base of an American Flag. Kukla explained that he determined the measurements that the monument and landscaping would require, and he took these to the different proposed locations and took

pictures. He provided the photos for Council to view. Nairn asked if the project required approximately 10 feet. Kukla said that if Council decided on a location that evening, he would be able to start on the installation by November 24, 2019. The Mayor said Council could not provide this. Carroll asked why Council could not decide this since it had discussed the locations for six weeks. He wanted to know what the delay was. The Mayor asked if Carroll knew where he wanted to put it, and Carroll explained that Council had discussed the corner of Bell Rd. and Chillicothe Rd., and the Mayor interjected that there are now five or six proposed locations because a new location came up over the weekend. Porter asked if it was on the East Washington side. Canton suggested that if the rental house were razed and the property retained by the Village, the monument could be placed on the property in such a way that the back of the property could be utilized. Carroll replied, "absolutely" and the Mayor replied, "I don't know." Carroll added that Council had discussed that if the monument were placed in one location, it could always be moved. Carroll stated that Kukla was trying to do a project and Council was attempting to help him with it. Carroll stated the location seemed to be an important element of it. There were some good spots where Kukla could start the project so it could get done. Porter stated that making the stone was one thing and that the stone could be moved. Carroll explained that he understood this, but that Kukla was also doing the base too. Porter stated that Council's thought was for people to be able to visit the memorial, and to have it on the rental house property, it would be necessary to expand the driveway and parking area. Canton stated the Village would have to build a parking lot there for the cars but thought it would be a good place for it. The Mayor suggested putting the flags in the ground like he did in all the other possible locations. For Kukla's project, the Mayor suggested that Council designate the corner of Bell Rd. and Chillicothe Rd. where the VFW has the flagpole and plaque. Canton made a motion that the stone be placed in the southwest corner at the intersection of 306 and Bell, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Newell Howard, Manor Brook Dr., addressed Council to ask that the Village display the POW MIA flag to show those who pass by that South Russell supports Veterans. The Mayor stated that the Property Committee would discuss the issue and report to Council in December or January. He advised that Howard would be notified in advance. Howard offered that he would buy the flags. The Mayor did not think this was an issue.

MAYOR'S REPORT: The Mayor addressed the Ohio Environmental Protection Agency (EPA) Manor Brook grant agreement for \$460,000. The Village's match would be \$184,000. The project would involve the building of 1,360 feet of stream enhancement cutting through property that belonged to Manor Brook and property that presently belonged to Thomas and Thomas. The stream enhancement was designed to catch the water coming west under Chillicothe Rd. and into the Manor Brook property, turning and then heading south through Fox Run, Sugarbush, Southwyck, and eventually to the river. Carroll asked about the status of the Thomas and Thomas property, and whether this issue would interfere with the grant. The Mayor stated that Thomas and Thomas signed an agreement that they would work with the Village; however this could be changed within 30 days. The Mayor explained that he had a conversation with the Thomas and Thomas on November 11th and said he imagined that if the Village requested the easement on their property, they would ask the Village for \$10,000 or more for it. Carroll clarified that the Village could still execute the project, but the Village did not have

permission to do the work. The Mayor stated that the Village had permission to do the work, but the property owner could withdraw it with one sentence and 30-day notice. They could say 'we no longer have an agreement to work.' Basically, they could back out of the agreement with one sentence and 30 days. The Solicitor stated it was 18 months and did not see a 30-day clause. The Mayor said he thought it was 30 days. Carroll said the Village then did not know where it stood on an easement. The Mayor stated that no, the Village had an agreement that it could use, but it was just the fact that the property owner could pull it. Carroll asked again if the Village had an agreement for an easement. The Mayor replied, "yes", and the Solicitor replied, "no." The Solicitor said there was no easement, only an agreement to cooperate from Manor Brook and from Thomas and Thomas. Porter stated that the Village should have an easement, and the Solicitor added "or a purchase." Porter said the agreement before Council was to get the grant, and after, the Village would want the easement or the purchase of the property so as not to have the rug pulled out down the road. The Solicitor and Mayor agreed. The Mayor stated in his conversation with Bruce Thomas on November 11, 2019, Thomas said all he wanted were the legal fees, which could be \$10,000 to \$15,000, but did not have an exact number, and that they would sell the Village the 4.66 acres. The Solicitor asked if this would be for the three parcels. The Mayor confirmed this. Porter asked if Manor Brook owned the other one. The Solicitor stated this was correct.

Galicki stated that the Village did not need to purchase the parcel. The Solicitor asked if Galicki was referring to all three parcels or any of them. Galicki stated the Village did not need to buy any of them. The Solicitor concurred but said the Village would need to enter into an easement agreement, which often costs money. Galicki added that it would not be as much as the market value of the property. The Solicitor said maybe not, but one never knew. Porter stated it was more than the market value according to the Auditor's website. Carroll asked the Engineer and Solicitor what their experience was with the cost of easements. The Engineer stated they vary and that it depended on the willingness and cooperation of the property owners. The Engineer explained with one of his projects the homeowners were willing to give them use of the land. Because it was necessary to give them something, the residents received \$1.00 a piece for four slivers of property. In cases where the landowners were not as amenable, it became necessary to revise the project to skirt around the properties.

The Mayor stated that the Village could buy the 4.66 acres and then control it. He surmised the cost of an easement would be \$10,000 to \$15,000 in legal fees. Galicki said it could be a dollar. The Engineer agreed. Nairn asked what happened to the idea of donating and asked if they totally rejected this. The Mayor stated, "right." He stated that they wanted the Village to buy the land. Galicki asked who "they" were who wanted the Village to buy the land. The Mayor replied that it was Thomas and Thomas. Galicki added that Thomas and Thomas was currently engaged in a potential legal battle with Manor Brook. Canton suggested that Chris Berger, the current President of the Master Homeowner's Association at Manor Brook, explain the status. The Mayor asked Berger if he wanted to comment and added that he did not have to do so.

Berger explained that Thomas and Thomas told the HOA that the property was worth nothing and had no value whatsoever. The HOA was prepared to move on an adverse possession claim against the property. They had just been waiting for Council to decide and to tell them what to do. The HOA had legal counsel engaged and were ready to go. He explained that the HOA had

been paying the taxes for the last 40 years on the property. They firmly believe that the property belonged to Manor Brook and were willing to take that step. However, they did not want to complicate things for Council. They believed it belonged to the HOA.

The Mayor stated if the HOA did an adverse possession, this would take time. The only opinion he heard was from the Thomas and Thomas lawyer who said that they would fight the HOA's adverse possession, which would require more than legal fees.

Berger stated that they signed an agreement 40 years ago that the property was to transfer to the HOA upon completion of the development project. The project was developed, and they never filed the paperwork. This should be nothing more than a one page, 'we need to do this and file it' with the county. Berger advised this was what he was told by his legal counsel. Galicki addressed Berger and stated that it appeared it was between the HOA and Thomas and Thomas and that at this stage the Village did not have a dog in the fight. Berger explained that because there were conversations going on, the HOA did not get in the middle of it. They were waiting for Council to tell them. Berger concluded that this was the position of the Board of the Master Association of the HOA. Galicki asked Berger to what conversations Berger referred. Berger stated that the Village was talking to Thomas and Thomas, and Galicki asked if this was the Mayor, and Berger replied yes. He explained that if they worked out an agreement that was satisfactory to the HOA, that was fine. Berger stated he did not quite understand why the Village would be expecting to spend \$10,000 to \$15,000 on an event that should be a simple process. He reiterated that the HOA was ready to go forward.

Carroll stated that from Council's standpoint, if the HOA was ready to go forward, he did not understand why the Village would spend \$10,000 to \$15,000 on something that was their property anyway. Berger added that as a board, they made a commitment to grant the easement to the Village for no cost. Carroll thought this would be the smartest way to go. Berger stated this was the way they were prepared to do this from day one, and it simply was a paperwork foul-up if one looked at it this way that Thomas and Thomas never filed with the county to transfer the ownership. Since the HOA had been paying the taxes and the bills had been sent to the HOA as the owner, it seemed to him that they owned the property. Carroll thanked Berger for coming to explain this and added that he wished Council had known this eight weeks earlier.

The Mayor called Council's attention to the updated project photo of the Davey Resource Group grant work next to Village Hall.

The Chagrin River Watershed Partners (CRWP) contract agreement for the Natureworks playground grant was addressed by the Mayor. He explained that the Village had an Ohio Department of Natural Resources (ODNR) grant for the playground and CRWP had offered to handle all the paperwork and educational activities for \$1,000. The Mayor asked Council if they wanted to do this in house or to send it out for \$1,000. Carroll stated it seemed reasonable and Porter said to send it out. He added that CRWP had done a good job. Porter made a motion that the Mayor and Fiscal Officer be authorized to enter into an agreement with Chagrin River Watershed Partners to contract for the provision of administrative support for the Natureworks playground grant, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Mayor stated that he placed some flags on the East Washington side of the park. He added that this suggestion for a location for the Memorial Park site was given over the weekend and was something for Council to think about.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her report.

She had an invoice for \$1,500 from the National Fire Protection Association (NFPA). She explained that this was a subscription used by the Building Department and the Fire Prevention Officer. She was uncertain about continuing the subscription with the uncertainty of the Building Department and given the fact that the Fire Prevention Officer had worked less than 30 hours this year. Carroll stated that the Fire Prevention Officer required the books, which contain reference materials. The Fiscal Officer advised she would pay this bill.

The Fiscal Officer stated that her administrative assistant had been working to complete the backlog of board minutes and had completed minutes for the Architectural Board of Review (ABR) and Planning Commission (PC), and only had the Board of Zoning Appeals (BZA) minutes remaining.

The Fiscal Officer addressed Council's recent legislation to have one alternate on BZA, but the legislation for the one alternate on PC failed because the full Council was not present. She stated that PC was scheduled to meet November 14th and only three would be present. This would mean that any decisions would have to be unanimous. She explained that the applicant would be informed of this and allowed the opportunity to request another PC meeting. The Fiscal Officer presented the information so that Council could consider introducing the legislation for alternates again if they wished. Porter recalled that the ordinance was for two alternates but failed. The Fiscal Officer explained that it failed because a full Council was not present, and Council wanted to discuss it with all of Council present. Because Council was too far into the process with the motion having been made, it was voted down. They were then able to table the BZA ordinance. She advised that in order to get the PC legislation to go forward, it would be necessary to reintroduce it. The Mayor asked that he be able to talk to the candidates. Porter stated that Council authorizes an alternate for PC like it did for BZA, and at least Council could get the process going. The Fiscal Officer stated it is legislation because it is in the Village's ordinances, so legislation would be necessary. It could not be done for the meeting this week but moving forward. She asked if Council wanted it on the agenda for the next meeting, and Porter agreed. Porter stated at the November 25th Council meeting, Council could do an ordinance to add one alternate for BZA instead of two. The Fiscal Officer reminded Porter that BZA was already done and it was the PC that needed to be done. Porter said then that the ordinance would be for one alternate to PC and this would potentially be done at the November 25th meeting. The Mayor stated the ordinance should include that for PC Council must approve the alternate, to which the Solicitor replied that the verbiage was already included. Porter reiterated that Mayor appoints, and Council approves. The Solicitor concurred and said it was different than BZA, which was just the Mayor's appointment. The Fiscal Officer asked if Council wanted one or two alternates, and the response was one.

The Fiscal Officer stated she ordered the blinds for the park which should arrive within the next week. Porter asked when they would be installed, and the Interim Street Commissioner said it would be in the spring.

FINANCE COMMITTEE: Nairn made a motion to approve the fund balances as of October 31, 2019, seconded by Porter. Porter stated that as of October 31, 2019, the Village was \$466,888 in the black for the year and it looked like the Village would be up this year again. The Fiscal Officer stated this was because the Village did not do several projects, which would then be re-budgeted for next year. Voice vote – ayes, all. Motion carried.

Nairn made a motion to acknowledge receipt and review of the credit card reports, seconded by Porter. Voice vote – ayes, all. Motion carried.

Nairn advised that the 2020 Budget had been distributed but was pending receipt of the salary component. The Fiscal Officer added that the previous year Council voted to offer an incentive to employees for physicals, but only three had taken advantage. She did not know if Council wished to do this again for 2020.

SOLICITOR'S REPORT: The Solicitor had nothing to report.

Carroll told the Solicitor that Council would require a motion to go into Executive Session to discuss the investigation of a public official.

ENGINEER'S REPORT: The Engineer stated he had completed the Pavement Condition Index (PCI) ratings for the east half of the Village. Weather permitting, he would do the west side of the Village in the coming week.

Engineer said he would also be starting the preliminary design for the Louise Drive Bridge Replacement project. He had a meeting with the Ohio Public Works Commission (OPWC) District liaison and discussed the issue the Village was having with the project being held in abeyance pending the Lake Louise HOA spillway issues. The liaison relayed that it did not matter what the HOA had to do. If the Village replaced the bridge, the HOA would have to work within the Village's constraints. He advised the Engineer to get moving on the project.

Porter asked the Engineer when construction would start on the bridge, and the Engineer responded next spring.

INTERIM STREET COMMISSIONER'S REPORT: The Interim Street Commissioner stated he submitted his report.

Nairn asked whether the flagpole in the Cemetery was lighted each night. The Interim Street Commissioner said it was not and advised that his plan was to bore under the road to the flagpole to run the electricity. He was investigating estimates. Nairn stated that it had nearly been a year since this issue was raised, and she thanked the Interim Street Commissioner for the work he had done to address it. Schloss asked how many feet of road required boring, and the Interim Street Commissioner replied that it was close to 300.

STREET COMMITTEE: Galicki stated Street Committee had nothing to report.

BUILDING COMMITTEE: Schloss stated the Building Committee had nothing to report.

Carroll stated he was aware that the meeting with the County Commissioners had been cancelled November 5, 2019. Given that it was nearing the end of the year, he asked what the opinion was of Council on the status of the Building Department. He added that it would take the Solicitor quite some time to address necessary changes, but he thought Council should start the process. Galicki referenced a piece of correspondence from the Solicitor and asked the Solicitor if he understood correctly that it was not necessary to meet with the County Commissioners. She said this was correct and it was mentioned by Jerry Morgan, the County Administrator. He said it was not necessary for the Village to formally ask the Commissioners. Canton asked the Solicitor what effect closing the Building Department would have on committees related to it. She reiterated that the ABR would have a diminished role and would not be doing the review guidelines and review of plans. They would have a limited role with respect to zoning, specifically with approving signs. Architectural features, the building of houses, and renovations would all go through the county. For the BZA, it would still have its zoning code responsibilities, but would not hear appeals by the ABR unless it involved signs. PC would still have a lot of its role except for the developmental approval and review would be diminished. This would be the case because it pertained to what was submitted in the building plans, which would not be submitted before ABR. Only zoning and not building issues would be considered.

In saying the roles were diminished, Carroll asked the Solicitor what the difference was between having Hocesvar do inspections or having the county do the inspections in the sense of the Village keeping everything but contracting with the county for inspections. Carroll stated that although the county would not do reroofs, siding, and windows, they did do footers, hot water tanks, and some other things that Council had erroneously thought were not done. Porter stated that the Health Department did the hot water tanks, not the Building Department. Carroll clarified that it was the county that does this. Carroll asked what the difference would be. The Solicitor stated the residents would not come to the Village with their plans but would instead go to Chardon. If Hocesvar was reviewing plans first and then submitting them to ABR, he was giving a first approval or non-approval. This would no longer happen. She advised that the county might recommend that a resident verify compliance with Village zoning. The Solicitor thought that Hocesvar might sit down with residents and go over preliminary plans, which the county might also do, but ultimately the matter would be handled differently. The Village's standards and some of the design requirements of the Village would not be applied, just the Ohio Building Code.

Porter stated that the Building Department was created by ordinance and would have to be disestablished by ordinance. The Solicitor thought this would have to be repealed, or possibly designate that the Building Department would now be carried out through the county. She conducted a review of how many references there were and advised there were more than Council might think. She said there was a Board of Building Appeals, and although she did not know if it existed, it would have to be disestablished. The other part would be with the Zoning Code, which had a different amendment process than the three readings. It was an amendment

process that would go to PC for approval or modification and then return to Council. It was a 40-day process. In the Zoning Code, there were many references to Building Inspector, Building Department, Building Code, and ABR references. She thought perhaps it could be done all at once, but it would be a big amendment process. There would also be a contract that would have to be drafted. This would have to be approved by the County Commissioners and Council would have to approve it.

Carroll mentioned the concept of a firm that conducts inspections as well. Regardless of whether the Village contracted with Hocevar or the County, Carroll said he struggled and that either way the Village would be losing. It seemed that having an individual would work better than having a firm or the county. Carroll posed the question of the possibility of having the county conduct inspections instead of Hocevar and the Village keeping the other elements in place. The Solicitor said it would be up to Council to decide which one it would rather have. She reiterated that Hocevar would sit down with the applicants before they went before the boards and did not think that the Village would have this with the county. She said she did not think that residents would have the same process but added that it worked in other places in Geauga County. It was a matter of what the Village wanted.

Carroll asked what the Village would do when Hocevar left, that it did not have a back-up plan in place, which was problematic. He stated the Village could not guarantee inspections Monday through Friday and addressed the incident where Hocevar went on vacation and resident, Jim Flaiz, could not get an inspection. The Mayor asked if Flaiz let people know this. Galicki stated that Flaiz let him know because there was no one in the Building Department who could inspect his house. He was aware that Hocevar was on vacation for two weeks, and he was in the middle of a house addition but there was an issue with approvals. There was no one he could go to for the approvals. The Mayor clarified that Flaiz did not go to the Building Department to say he had an issue. Galicki reiterated that Hocevar was not there and there was no one to whom he could go to do what Hocevar did. The Mayor asked who Flaiz notified that he needed an inspection. Galicki reiterated that Flaiz told him. Flaiz told Galicki that he tried to get an inspection but could not. Galicki questioned that if Hocevar is not there, who would do the inspection. The Mayor replied one of Hocevar's colleagues. Galicki asked who would have reached out to this person while Hocevar was on vacation and should Council have called Hocevar while he was on vacation, The Mayor said that Flaiz had not let anyone know about this, and it ended with Galicki. Galicki asked the Mayor who would Flaiz have gone to to complain that Hocevar was not there and there was no inspector for a period of two weeks. Flaiz was unable to get an inspection done on his housing addition. The Mayor said he was disappointed it ended that way. Galicki asked where it would have gone if the Village had no agreement with anyone else to do inspections. It was not like Hocevar appeared to leave a point of contact with the Building Department to identify an individual who was doing the inspections in his absence. The Mayor said he would talk to Flaiz. He added that he knew inspectors cover for each other. Galicki said it did not appear this happened in Flaiz's case. The Mayor said he would check with Hocevar to see if he knew. Schloss said he did not know Hocevar had a colleague, and Carroll said this was the first time he had heard Hocevar had a back-up or cover. Porter stated before he retired, Heilman was his back-up depending on what the inspection was.

Carroll clarified that she was the Inspector, and Porter stated she could not do commercial. Galicki stated that if Hocevar had a back-up and was going to go on vacation, he should have told the Building Secretary the point of contact.

The Fiscal Officer stated she spoke to Flaiz, who was upset by the situation. Flaiz had spoken to Hocevar before Hocevar went out of town, which was while Flaiz was in the middle of his project and inspections were required. There was a discussion about having Flaiz take pictures to show Hocevar what had been done, but then the contractors would continue to work. The Mayor asked when this occurred. Galicki thought it had occurred in August. The Mayor stated that he was just hearing about it the last two weeks, and Galicki clarified that it had been addressed previously. Carroll stated he was still confused about who Hocevar's back-up was. The Mayor said he did not know and would find out. Carroll pointed out that the Mayor said that Hocevar's colleagues back him up, so either he did, or he did not. The Mayor said he did not know. Galicki said that based on the information provided by the Fiscal Officer, it appeared that there was no back-up and that there were photo inspections instead.

Carroll made a motion that Council start the process of going towards the County for inspection services, seconded by Galicki. Porter asked what the purpose of the motion was because an ordinance was required to disestablish the Building Department. Carroll responded it would be a way to start the process. Porter asked what this meant and what was going to be done. Carroll replied that it would be to ask the Solicitor to investigate creating the ordinance and then to begin the process of putting everything together. Porter asked if a motion was necessary to do this. Porter stated he would want to see the Building Department continue in its current form until next May when Hocevar's contract expired. He asked the Village to have another try at finding a part-time Building Inspector. He realized it did not work the last time. One qualified individual was identified, but the Village did not engage the individual. Circumstances may have changed over time, and the Village might find a suitable candidate. For now, the Village had Hocevar and the Administrative Assistant/Board Clerk and needed a Zoning Inspector. Hocevar was currently acting as the Zoning Inspector, but Porter felt that the Administrative Assistant/Board Clerk should fill this job. This could be done in the Department's current form, according to Porter. He added that the Village should find someone to be a part-time Building Official.

Carroll asked what the status was of hiring a Zoning Inspector. The Mayor suggested addressing the motion first.

Galicki asked if Porter was contending that a motion was not needed. Porter concurred. Regarding Council authorizing the Solicitor to start the process of the ordinances, the Solicitor wanted Council to know she had an entire legal pad full of references in the Codified Ordinances and Zoning Code that would have to be repealed or changed. She was trying to clarify what Carroll meant by starting the process and asked if he wanted her to draft an ordinance with the proposed contract with the County. Carroll said that it would be preferable for the Village to contract with the County for inspections and keep most of the boards intact. It would be free with the county and the Village would not have to pay Hocevar for services. Porter said that Carroll was suggesting keeping ABR and BZA as they are, but if the Village did not have its

own Building Department, they would not be that anymore. Carroll clarified that his question was what the difference was between contracting with Hocevar and contracting with the county. Porter stated Hocevar's contract went to May 2020 which meant he was in the Building Department every day that he was there part-time, charging the Village for what he did in addition to his retainer. The Village would keep what it had to include ABR, BZA, and PC the way it is. He added that Hocevar was here and the county was way up in Chardon. Carroll said that was the difference, and Porter said that was a big difference. Carroll said his point was that if the Village had a contract, whether it was with Hocevar or the county, he would like the Solicitor to see what kind of impact it would truly have on ABR, BZA, and PC. It may not be as severe.

The Solicitor stated, for example, that ABR was paid on certain plans that were submitted for review, which would no longer happen other than for signs. Porter clarified that ABR would no longer review a project for a home consistent with the Village's overall character. Porter added that there was a notable exception and added that rules were not made based on exceptions. He explained that there was a streetlight at Chillicothe Rd. and Bell Rd. and he occasionally saw people run through it even though it was red. He explained that no one here was talking about taking the streetlight down. Porter stated that one incident does not make the general rule. ABR would be reduced, PC would be reduced but not as much, and BZA would have to be significantly reduced, according to Porter. The Solicitor clarified that BZA was different because of the zoning code, but there would be certain things that would be reduced. She said PC would have the second most reduced role because the developmental review and approval would not occur. Porter said he wanted to keep control of the Village and consequently he did not think the Village should move to the county because he did not think it was worth it. Porter stated he moved to South Russell because it was unique and had the Chagrin School District.

Galicki asked to task the Solicitor to investigate the Building Department's certification. She provided Council with the Ohio Administrative Code extracts which addressed the qualifications and requirements needed to maintain certification of the Building Department. The Village was currently on the list of certified Building Departments, but his concern was that the Building Official who maintained the certifications was listed as Hocevar. Galicki requested a determination of whether the Village submitted the proper paperwork when Laura Heilman took over the duties as the Building Official or whether Hocevar as a contractor retained the certifications for the Village. Galicki added that the Ohio Administrative Code indicates that if the municipality went with a contract service to provide the certifications, there was paperwork that needed to be submitted to the state requesting permission for the contractor to fulfill these duties. Galicki questioned whether this was done, or whether the Village had just carried Hocevar on the roles since before Heilman left. Galicki felt that the answer might determine whether the Building Department was currently certified as a Building Department or not.

The Mayor stated that no one had come to the Village saying, 'lower your standards, give up control of your Building Department.' The Village has a top-rated Police Department, and 85% of the people voted for the levy. Two years ago, people voted to raise taxes for streets. He added that the Village has a Fiscal Officer who is highly regarded. The Mayor asked again why

the Village would lower its standards and questioned whether this was the start of lowering standards. He thought the residents wanted high standards. The Mayor reiterated that no one had come to the Village or sent correspondence saying to close the Building Department. Galicki asked the Mayor to show Council the correspondence that asked the Village to keep it open. The Mayor said six people walked through here in January and February who told the Village to keep the Building Department open. Schloss stated that he had at least a dozen people talk to him in his neighborhood asking him why the Village was keeping it. The Mayor said this was the first time he had heard about it. Schloss argued that he had spoken about it in the past. The Mayor asked who these people were and asked if they had stepped forward and said anything to anyone besides to Schloss. Schloss said they told him. The Mayor told Schloss that he did not believe that the community wanted Council to lower standards.

Nairn stated the Village had a BZA, ABR, PC, and the Building Department which had been in place year after year. She questioned how totally effective all four entities were when there were search lights/beacons on a property on Daisy Lane. There was also a property on East Washington St. across from the Cleveland Clinic that was abominable. It was incredible to Nairn that a property would be allowed to look like this for so many years. The Village had complaints periodically where there were multiple cars parked. The Chief had to deal with it, and it was temporarily resolved, but then the complaints would begin to trickle back in. She clarified that this was not just one property. Given this, Nairn asked how effective these four entities were when there continued to be these kinds of problems. The Mayor stated there would always be some problems and added that the Village was stretched with the employees in the Building Department. He further stated that there was no residential lighting code, and what was done on Daisy Lane was legal. He said it would be changed after tonight, but it was grandfathered. The Mayor stated there would always be issues and that the Village had taken people to court and would be going to court before Thanksgiving with another person. Schloss asked who this was, and the Mayor said he would rather not say publicly. Schloss asked if it was the residence on Fernwood and Bell, and the Mayor said he would not say publicly. Schloss said this property needed to go next. The Mayor said there were some houses in many neighborhoods with issues and he suggested the Village needed more enforcement, but said the Village was running lean right now. He felt that ABR and PC had done their best. If something needed to be done, then the Village should change its rules. Porter stated the county would not do zoning. Galicki stated that the Village would always do zoning. Porter said that the Village would only have a part-time Zoning Inspector, not full-time. Galicki said the Village would never have a full-time anything, whether it was Building or Zoning. Porter stated the Village certainly could. Porter stated from what Nairn was describing, maybe the Village should have a full-time Zoning Inspector. Galicki pointed out that when the Village had one, it did not do anything to preclude any of the issues described by Nairn. Porter stated that the full-time person left over a year and half ago. Galicki stated that the problems described by Nairn go back further than a year. Porter stated they had been addressed over time and suggested that the Village needed better residents.

The Mayor stated the motion was to begin the investigation and questioned whether it would be fair to ask about timeframe or expense involved in the process. The Solicitor stated she could provide an estimate timewise. She said there were specific incidences where the Building

Inspector was also designated as the Flood Plan Administrator, the Disabled Special Assistant Coordinator, Explosives, as well as the official responsible for computerized sweepstakes licenses, right of way permits for sidewalks, streets, and drainage. The county did not do these, so the Village would have to make this determination. She added that the Building Inspector did the permitting for the small cellular ordinance that was just put in place. The Solicitor continued with stating the Building Inspector handled the drilling permits for water wells and septic systems. Galicki asked if all of this would defer to the county. The Solicitor replied that she did not know that the Village would want to do this, but rather have the Zoning Inspector or the Police Chief take the responsibilities. This would be up to Council. Carroll said these would be among what Council needed to weigh. Some of the things mentioned by the Solicitor could be moved to the Zoning Inspector or Police Chief. The Solicitor added it could be assumed by the Engineer as well. The Solicitor asked if Council had considered issuing Mayor's permits for contractors and people who came in to register. The Mayor asked if this would take months, and the Solicitor said maybe not months. She said the Zoning Code would be the most involved and would take at least 40 days.

Carroll said the elements of what the Village would lose and how it could be redone would be what he was interested in identifying so that the full impact and how responsibilities would be redirected would be known. Porter stated that there might be certifications required to hold the positions. The Solicitor said maybe. Over the course of the next two meetings, the Mayor asked the Solicitor to provide lists of things that needed to be done, and Council could look at unravelling the process.

Carroll amended his motion to have the Solicitor start the process to looking at the impact of what transferring to the county would have and what that would look like and where different responsibilities would be redirected. Porter suggested adding "look at, assess, and report." He said if it was going to be like reinventing the wheel and building the pyramids with a cost that comes with that, Council would want to know that. Voice vote – ayes, all. Motion carried.

POLICE CHIEF'S REPORT: The Chief thanked Council for the condolences sent relative to the passing of his father. He reported "No Shave November" had begun and South Russell had raised \$1,400 thus far. The fund raiser is a competition between departments, and thus far the combined total raised by participating departments was about \$9,300. The funds are given to Cleveland Special Wish Foundation. Schloss asked where donations could be made, and the Chief advised the link was on the Facebook page.

The Mayor reported that 85% of the voters voted for the Safety Levy.

SAFETY COMMITTEE: Galicki reported that the Safety Committee meeting was rescheduled from November 5 to a date to be determined. He had nothing else to report. Nairn stated the next scheduled meeting was December 3, 2019 and Galicki said there may still be one scheduled in November.

HUMAN RESOURCE COMMITTEE REPORT: Galicki stated that one HR issue was the compensation of the employees for 2020 and raises which would be addressed in Executive Session. He stated renewal of Health Insurance was also an item and made a motion to continue

the current health insurance program for the year 2020 as it stands for the Village's eligible employees, seconded by Carroll. Carroll asked the Fiscal Officer what the increase was, and she advised it was 5.44%. Carroll said it was a very reasonable increase in healthcare. He suggested adding the \$100 incentive again. Porter said he was in favor. Galicki added an amendment to the motion that the Village continue the \$100 incentive for the employees who elect to have a physical conducted during the 2020 year. Voice vote – ayes, all. Motion carried.

Galicki stated that the Mayor had been provided the results of the Interview Board for the position of Street Commissioner, and the committee would await further comment after the Mayor conducted interviews. The Mayor asked when he received this, and Galicki advised that it was that day.

PROPERTY COMMITTEE: Canton reported that the committee met November 1, 2019 with the Chief. On November 13, Geauga Habitat for Humanity would decide which items it wished to take from the rental house. The remaining items would be discarded. The Chief advised that Habitat was interested in the washer, dryer, and refrigerator. The hospital bed, a bedroom set, and furniture in disrepair remained. The Mayor asked if the dryer was electric or gas and stated that Habitat would not take it if it was gas.

PUBLIC UTILITIES REPORT: Carroll advised there was no report.

PARK COMMITTEE: Canton asked Carroll if he had a question about the trees. Canton reported that Craig Cawrse visited a nursery in Lake or Madison County. Nairn stated it was Klyn Nursery in Lake County. Cawrse tagged 15 trees that were in ground, and not one would be paid for until the Village had the money to pay for it. At such point, Canton reported, if there was money for four or five trees, the Village would transport the trees to the park. He thought this would occur in spring. Canton verified that the trees had not been purchased.

Nairn asked if Canton knew what kind of trees they were, and Canton said he did not know. The Mayor said there were three different types of trees.

Canton thanked the Fiscal Officer for ordering the windscreens.

The Mayor asked why not buy the trees? There were 15 trees that cost \$3,600. The Village sold five, which he said totaled \$3,000. The Mayor stated that the Village had found money for other things, why not get the trees, get them in the ground in fall and get it done. Canton stated that they probably would not plant them now. Porter advised there would be snow that night and asked if it was a good time to plant the trees. Nairn said that prime time for planting was gone. Canton reported that the benches were in.

The Mayor asked Canton if the discussion could remain on the trees and verified that Canton did not want to buy the trees and plant them. Porter and Nairn said it was too late, and Canton agreed that for now it was too late. Carroll said he would buy the trees that were donated, but if the Mayor was asking about buying additional trees, Carroll asked what the incentive would be for people donating to buy trees. The Mayor said namely putting their name on the tree. Carroll asked whether people would pay \$600 to put their name on a tree. The Mayor said that five people had. Canton said the only negative in waiting and harvesting the trees when there was

money for them would be transportation. He stated it would be more costly to have multiple deliveries instead of one delivery of 15 trees. Canton noted that there was a concern about where the money would come from for the trees. He added there was a lack of communication about the trees, so when he contacted Cawrse, he said no money was spent. He only went to the nursery, picked out 15 trees and they were waiting there until the Village wanted them. Nairn asked who gave Cawrse the directive to go to Lake County to choose the trees? She asked if it was from Canton, the Park Committee, or CT Consultants. The Mayor stated that basically Cawrse was giving a service and it was the same thing he did for Chagrin Falls. Carroll said this was not the question. The Mayor stated no that he did not know that anyone told him. The idea was service. If the Village was going to buy 15 trees, this was the schematic from 2018. The Village had known that it would put in 15 trees, and Cawrse went out, picked out, and got the 15 best. The Mayor stated he thought this was high quality service from Cawrse to go out there and get the trees marked off. Porter clarified that what the Mayor was telling Council was that Cawrse did it on his own initiative. The Mayor stated yes, and said he assumed. Galicki asked the Engineer whether Cawrse, a CT Consultants employee, was authorized by CT to do this. The Engineer stated that he was the account manager for the Village and did not authorize Cawrse to pick out trees and added that there should not be a bill associated with it because it did not come through him. Galicki asked the Engineer to find out for the next Council meeting on what authority Cawrse may have done this, whether it was out of the kindness of his heart or taking exceptional initiative on his part to do this for the Village. Canton stated he had a feeling that was what it was. Galicki suggested they find out. The Engineer said he would do this.

Galicki asked Canton to explain how it was that the revenue from selling five trees provided enough funds to buy 15 trees, and asked if the Village was gouging the residents who wanted to donate the trees? Canton asked how the Village was doing this, and Galicki said he did not know, but obviously, the Village could buy 15 trees for the amount of money donated for five trees as explained by the Mayor. Porter asked if the 15 trees could be purchased for \$3,000? Galicki said this was what it appeared the Mayor just explained. The Mayor stated, "15 trees for \$3,600." Porter said that was \$250 per tree. Galicki stated it was \$250 per tree, but the residents were charged \$600. Canton stated he did not set the price. The Fiscal Officer interjected that the residents were getting the tree and a plaque. Nairn stated it was a brass plaque. The Fiscal Officer did not know how much this cost. Porter stated that the resident was paying to have their name next to the tree on a plaque in the park and they were not buying a tree. Porter said this was Galicki's answer, but Galicki said it did not answer the question about charging the residents over twice what it would cost the Village to install the tree. He said there appeared to be a windfall of funds that were provided by five people buying trees which now supported the purchase of 15 trees, and he was questioning this. Nairn stated the trees were \$240 each and the Village was charging \$600. She felt this was a considerable mark up.

The Mayor asked Council if they wanted to get 15 trees or do nothing. He said Council had a chance to get the 15 trees and get them here for \$3,600, and they could be installed when convenient. He said they had the schematic for a year. Nairn said the trees would die if they were delivered now. The Mayor said he was not the authority on this. Porter asked whether it would not be better to wait until spring to plant. Nairn clarified that it should be early spring.

Porter suggested leaving the issue to the Street Department who had more tree planting experience and possibly by then, more people would have purchased trees and more trees could then be planted at the same time so that they would grow uniformly.

The Mayor stated the Village did not want to do more than 15 trees. Porter clarified that five had been sold and maybe by spring it would be 10. Nairn suggested putting it in the spring newsletter to rekindle interest when good weather came.

The Mayor suggested the Interim Street Commissioner contact the nursery on November 12, 2019 and say 15 trees and get their advice as to when they should be planted. He also asked for the Interim Street Commissioner to find out if the price would go up in the spring. Carroll asked if Council had agreed on 15 trees, and the Mayor said no, and Porter said he just identified them. Carroll said the Mayor mentioned 15 trees, and thought they were down to four or five. Porter stated by that time they may be \$600 apiece.

ORDINANCES/RESOLUTIONS:

Schloss introduced an ordinance enacting new Chapter 1483 of the Codified Ordinance of the Village of South Russell, "Outdoor Lighting" ordinance. Porter called the Solicitor's attention to a correction in subsection D, Light Fixtures used to Illuminate, that should read "statute" and not "statutes."

Porter introduced and consider adopting an ordinance authorizing the Mayor and Fiscal Officer to enter into a Clean Water Act Section 319(h) Grant Agreement with the Ohio Environmental Protection Agency for the Manor Brook Headwater Stream Restoration Project and authorizing all actions necessary to accept such grant for costs associated with such project and declaring an emergency. Porter made a motion to waive readings, seconded by Carroll. Carroll stated that he wanted to be clear that Council was not incurring cost on a right of way regarding the verbiage of "for costs associated with such project." The Solicitor clarified that Carroll was referring to the easement. She verified it was not included, but there was mention of legal fees and engineering fees for the easement. Carroll expressed his concern that there would be \$15,000 spent when the Village did not need to do so. Because Nairn and Canton recused themselves, the Solicitor advised there would not be five votes to waive readings. Nairn explained that she does not live in Manor Brook, but Whitetail HOA is different. Berger stated it was not the Manor Brook HOA that was moving to take the property, but the Whitetail Run Community Association, which Nairn is a member. Nairn acknowledged that she needed to recuse herself. The Solicitor questioned Canton's need to recuse himself. Berger explained that Canton was also under the Master Association because he was part of the water plant.

The Mayor and Porter stated this would then be a first reading. With three readings being required, Porter asked the Engineer if this would work with the timing. The Engineer said it would. The Solicitor did not see an issue. There was further discussion of the timing of the readings and adoption of the ordinance. The Engineer maintained that the timing would be fine.

Canton introduced an ordinance accepting and approving the Zeigler's Excavating, Inc. estimate dated November 7, 2019 to demolish house and foundation located at 5244 Chillicothe Road,

South Russell Village and declaring an emergency. Canton made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2019-64**

The Mayor asked where the money would come from to raze the house. The Fiscal Officer stated it would be necessary to amend appropriations.

BILLS LIST: Nairn made a motion to ratify the October 30, 2019 Bills List in the amount of \$15,714.56, seconded by Porter. Voice vote – ayes, all. Motion carried.

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

Carroll wanted to remind Mayor and Council that when the Road Levy was passed, it was not to do the five longest roads in South Russell. The Village had tried to do a levy for stormwater issues but were unable to do such a levy. Then the Road Levy was proposed so that the Village could spend money on stormwater issues without a negative impact on the overall Road Levy. The PCI ratings dictate what roads the Village addresses. While it may end up addressing the five longest roads, he wanted to be clear about the matter and added that it was addressed at several Council meetings not only by Carroll but by former Councilmen Bryan Kostura and John Dishong. Again, Carroll reiterated the Road Levy was not specifically for the five longest roads in South Russell. It was because the Village could not do a stormwater levy per the county. He wanted it to be clear and for the record that it had been put out there several times and was not an accurate statement. The Mayor asked what the people voted for and asked wasn't it for the language of what they voted the money for? The Solicitor could not recall what the actual language was. The Mayor stated it was November 2017 and it was whatever the ballot said. Carroll stated that to be clear, the intent was that because the Village could not do a stormwater levy. The Fiscal Officer explained that the first one Council did was for a stormwater levy, and the levy could not be for a stormwater because there were only certain reasons a levy could be done. The Village was allowed to do one for roads, so Council passed one for roads instead. The title of the Levy was Resolution declaring it necessary to levy a tax in excess of the 10 mil limitation for the purpose of general construction, reconstruction, resurfacing, repair of streets, roads, and bridges and declaring an emergency. It did not list which roads. Carroll recalled that this was what Council had to do and kept it very generic. He said there was much discussion and debate about the levy and the driver was to be able to begin to address the stormwater issues without negatively impacting the roads. This was the purpose and was heavily discussed. Carroll added that shame on him and shame on Council for not reacting in a timely fashion to some erroneous information that was published. However, the levy was not for the five longest roads, but to enable the Village to address stormwater.

The Mayor stated that based on the comment at one of the Homeowner's Associations (HOA), the feeling by some in the community was that it was a bait and switch. They voted for a Road Levy and the Village was using the money for stormwater. He said this was the feeling by some people. Carroll stated that he spoke to some people with the HOA and found that this was information they were told. Once it was further explained, which included urging the residents to look at the minutes of the meetings as to what was actually discussed with regard to the purpose of the levy, it was clear Council's intent was never to do a bait and switch. There was an HOA group that was told the Village was doubling the Road Program, but this was never said

or put out by Council. Carroll added, however, that it was in the paper, and Council failed to respond in a timely fashion to this. Carroll reiterated that the Road Levy was necessary to address stormwater issues.

Carroll made a motion for Council to go into Executive Session at 9:13 p.m. to discuss salary and employee compensation which would require all of Council. He further stated that Council needed to discuss the investigation of a public official, seconded by Porter. Voice vote – ayes, all. Motion carried.


The Mayor stated Council was out of Executive Session at 9:20 p.m. Carroll made a motion that Council gives a 3% raise to all full and part-time employees of the Village of South Russell for the year 2020, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Carroll made a motion to go back into Executive Session to discuss investigation of a public official, seconded by Porter. Roll call – Schloss, Canton, Porter, Carroll, Nairn aye. Galicki recused himself. Motion carried.

Porter advised Council was out of Executive Session at 10:04.

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


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki