

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 25, 2019 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Schloss

OFFICIALS PRESENT: Fiscal Officer Romanowski, Fiscal Auditor Lechman, Solicitor Matheney

VISITORS: Chris Kostura, 995 Bell Rd.; Robin Rood, Silver Springs Rd.;
Chris Berger, Whitetail Dr.

Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Fiscal Officer read the roll. Nairn made a motion to approve the Council meeting minutes of November 11, 2019, seconded by Canton. Voice vote – ayes, all. Motion carried.

Chris Kostura, Bell Rd., addressed the suggestion of building the Veterans Memorial in the South Russell Village park across from his house. He stated he was opposed to this, as are his neighbors, the Bakers and Malloys, who would all be impacted by the additional lighting and flags. He felt that the U.S. and Ohio flags that are currently displayed are perfect and should remain there. He thought there were other locations that would not have the impact on residential properties. Kostura wanted to keep the park as natural as possible. He had exchanged emails with Nairn about his concerns and emphasized this did not reflect on his respect for the Armed Services. He just wanted to keep the park quaint and as green as possible. Carroll asked Kostura if the lighting from the pavilion is bothersome, and Kostura said he is used to it, but did not want more. He recognized that this would be a big undertaking and ultimately a permanent structure. He added that in addition to the flags in the park, there are flags that run up and down Bell Rd. and there are already plenty of flags displayed in the Village. Carroll stated he concurred with Kostura and thought it would be a mistake to put the memorial in the park. He added that the location on the corner of Bell and Chillicothe Roads is not obtrusive to residents. Carroll stated he understood Kostura's concern. The Mayor asked Kostura if the current light and the flagpole are adequate, and Kostura stated, "absolutely." He said it is only one small lightpole in comparison to the proposed memorial. Kostura described the current display as appropriate for the park.

Robin Rood, Silver Springs Trail, stated she agreed with Kostura that the Veterans Memorial would be too much in the park. She drove by the other side of the park to see the display placed by the Mayor, and thought it was okay, but far away. She did not think it would get the desired respect. She liked the idea of her previous suggestions and indicated the location as the left side of a building she was viewing on a map. She did not mind Chief Rizzo's idea of putting it in front of the Police Department. She liked the Cemetery location but thought it might be too morbid. She also liked the idea of placing it where the rental house is currently located. It

would have the benefit of the traffic but not be as hazardous as the location at the corner. She added that she did not like the park for various reasons.

As an update, Chris Berger, Whitetail Dr., advised that the attorneys for the Whitetail Community Association contacted Thomas and Thomas and were told that the attorney who had been handling the matter for Thomas and Thomas "is no longer." They are waiting to hear who will be handling the issue. The association is going forward to gain control of the property. Porter asked if they had filed suit, and Berger stated they had.

Nairn thanked the residents who had taken an interest in the Veterans Memorial. Nairn stated her thoughts had changed. She would like to see the rental property razed and thought the property would be a beautiful space to place the Veterans Memorial. She advised she would not put it as close to Chillicothe Road as the rental house is currently, but not too far back either. She envisioned the possibility of this property eventually becoming a South Russell center, and thought the memorial would be beautiful frontage for a metropolitan center 50 years from now.

Canton said that two weeks ago he felt that the park would be the best place for the memorial. However, he has been listening to the residents across the road from the park. Two weeks ago, he proposed that the rental house be razed. He thought if placed correctly, a parking lot could be built, and a road created for future development on the back of the property. Canton stated he changed his view, but if the residents across from the park on Bell Rd. did not object, he would put the Veterans Memorial in the park.

The Mayor stated that the first choice for the location of the Veterans Memorial of Eric Kimball, a South Russell Police Officer, would be the corner of Chillicothe Rd. and Bell Rd. and his second choice would be the pavilion. The Mayor further reported that Maureen Heefner, a resident, preferred that the memorial be placed in the park. According to the Mayor, Tom Meyer requested that the memorial not be placed at South Russell Park because it is starting to get congested. He thought Village Hall seemed most appropriate.

MAYOR'S REPORT: The Mayor distributed a picture of the rental house location. He said it was his last attempt to say "do you really want to tear down this house?" He said he had heard from people and was trying to ask Council, "do you want to tear down the house?" The second sheet he distributed showed the value of the property as being \$179,000. The Mayor reported that one person said that tearing down the house was not a good idea. Rood asked if it was a historic house, and the Mayor said it was not. She asked if there was any reason it should not be torn down, and the Mayor stated his thought was that the Village could sell it. He advised that there was a person who looked at it and wanted to rent it for two years and have an option to buy it. The Mayor said if the two acres appraised at \$179,000 could be sold, there would be plenty of room for the cemetery and it would not cost the Village. He realized action had been taken to raze the property but added that action could just as easily be undone. He wanted to go on record to say he did not think razing the house was the best thing.

Carroll asked if the house was scheduled to be torn down December 4th. The Fiscal Officer stated it was, but the utilities needed to be disconnected, and it may have to be rescheduled for the following week as a result. Canton stated it was his understanding that the property was

originally purchased to preclude the construction of a four or five story building. If the Village were to sell it, Canton stated this could happen. Galicki concurred. Porter stated it was zoned residential right now. Canton stated that this could change, and Porter agreed. Canton stated, "tear it down," and added that he did not believe that Council was in the mood to be a landlord anymore. He was concerned about the possible development of the property if it were out of the Village's control. He suggested razing the house, putting the Veterans Memorial there, and keeping the property in the back.

Galicki stated that his thought, again, was that something the Village was not making more of was land. The land is a great asset strategically for the Village in the future. He was not in favor of being a landlord and was in favor of demolishing the house and retaining the property.

The Fiscal Auditor asked if the Village would have the land characterized as a park would it pay lower real estate taxes on it. Porter stated it was municipal property and the Village would not pay anything on it. The Fiscal Officer stated there is a process where the Village can apply to have the property become tax exempt, and that takes about a year. She explained that every property owned by the Village is tax exempt except for the rental house because the Village was collecting money on it. The status could be changed after that application process.

Galicki reminded Council that it voted unanimously at the last Council meeting to demolish the property.

Carroll favored demolishing the house and keeping the property. He saw flexibility for the Village with keeping the property and did not see any rush to sell the property. Getting out of the rental business and razing the house was action Council took unanimously.

The Mayor addressed playground trees. He said they were available, marked, and sitting at a nursery. The nursery said it was fine if the Village wished to plant them this year. They asked for several days' notice. Four trees had been paid for at \$600 each, so the Village had \$2,400. The Village could easily buy seven trees. Carroll stated the whole idea of the trees was that they were to be a donation, and that the trees acquired with the donations should be planted. Beyond that, Carroll did not think Council should be using tax dollars for trees when the idea was to set it up as a donation vehicle. The Mayor reiterated that the Village has \$2,400 paid for trees. Seven trees would cost around \$2,000. He added there would not be tax money involved. Carroll asked why the Village was charging so much if the trees were not that expensive. Canton stated that Ted Kruse at a Park Committee meeting, thought that a 2 1/2" to 3" diameter tree installed would cost approximately \$500; \$75 to \$100 would be added for a plaque. Later, Craig Cawrse was able to get the trees at a discount. Canton added that he had seen the benches and they were high quality. The possible locations for seven trees and seven benches had been marked. What Council might want to do, if the experts were to say it was not too late would be to plant, Canton suggested planting the seven trees or waiting to do so in spring. Then the benches would be installed. After this, the number of trees could be assessed.

Galicki clarified that Kruse said trees would cost a certain amount and Cawrse said he might be able to get trees for less. Canton explained that at that time, Cawrse did not say this. He said he might be able to get a discount rate. Galicki asked if the Village was gouging the citizens for

their donations. He thought the donations should cover the cost of the tree, but it seemed there were profits above and beyond the cost of the tree. He thought perhaps the cost of the trees should be calibrated if there were no associated labor costs incurred by the Village. If this was the case, he questioned whether the labor costs should be budgeted over to the Streets Department and whether installing the trees was part of the total cost. Canton said that the Village could recalibrate. He stated that people knew how much they were paying for the trees and had an option not to buy. Galicki stated that in good faith, the donors thought the donation would cover the cost of the tree and not be two to three times the cost of the tree. Canton said he could not be sure when the \$600 price tag became a fundraiser. Canton said Kruse had planted a lot of trees and was the one who said a good tree would cost \$500. The plaque was figured in to the total \$600. When the Village received the email regarding the tagged trees, this was the first time Canton had seen this price. Nairn asked for clarification about the email she received concerning the price of the trees. Canton described nine trees that were tagged and said Cawrse emailed this information to Canton. He thought he had emailed this to Council, and the Fiscal Officer concurred he had. Nairn clarified that it was from Klynn Nursery in Lake County.

Carroll said it was still being determined who gave Cawrse the direction to proceed with the trees. Canton stated Cawrse did this on his own and said that his \$180 charge could be waived. Galicki asked if he did it on his own initiative, why he charged the Village. Canton said this was a good point. Galicki said it did not make sense. Nairn added that Council was told in April that he did not make these decisions and that the person over him at CT Consultants made these decisions. Canton asked if Cawrse was with CT at the time, and Council verified he was. Canton stated that Cawrse said he tagged the trees on his own. Canton added that there was a savings of 50% on the trees. He agreed that if Cawrse was doing it on his own for the good of the order, he should not charge. Nairn asked about the plaques, and Canton stated he did not know anything about the plaques. She heard they would be plastic, and Canton did not think this was the case. The Mayor stated there were two trees in the park, and they had plastic plaques on them. One was his, and he paid \$425 six years ago. Canton said he would say no to plastic.

The Mayor stated that Cawrse did this to help the Village to get the best available trees at a good price. He did the same thing for Chagrin Falls, and they thanked him for it. He could not believe Council was raking him over the coals because he did something that someone would have had to do. Nairn stated that he should not have because in a meeting in April, Council was told that he was not supposed to take the initiative on his own, but rather his superior was supposed to direct him. The Mayor stated this was an issue with CT. Carroll said he did not take exception with him taking the initiative, but with his charging the Village \$180 on the back side. There was a difference with doing something from the heart and then charging for it. Canton said he definitely did charge but waived it.

The Mayor suggested that Canton would make a motion to buy some trees during the Park Committee portion of the meeting. Canton said he was listening to Council. Carroll stated there was money for four trees that were sold. If there were extra money, it should be necessary to recalibrate on what was being requested as a donation. Furthermore, he asked what plaques would be put on the extra three trees, whether they would be sold after the fact, and who would pay \$600 for a plastic plate on the base of the tree. Canton clarified that Council wanted to purchase and plant four trees. Carroll said if the experts thought four trees could be planted this

fall. He suggested that the Village could potentially wait for additional donated trees to be purchased. He also suggested contacting the past donors to let them know the Village only needed \$400. Canton asked about buying seven trees for the benches. Carroll stated that he thought when there was money for seven trees, seven trees should be planted. He clarified that the donations would come from seven people. Currently, there were four donations for the purchase of four trees. Nairn stated that it was forecasted that 18"-20" of snow was predicted to fall in the midwest in the coming week. The first half of December was predicted to be bitter in the Cleveland area. Canton said Council agreed at the last meeting the planting should be done in the spring. Porter agreed. Galicki stated that the Mayor reintroduced planting them now. Canton said this was because the nursery staff thought it could be done. Nairn was concerned about the timing of planting and the possibility of losing the trees as happened with improper timing of the installation of the trees in the cemetery. The Mayor stated that the man from the nursery said there was plenty of time. He added that there was money to buy seven trees and seven plaques. Galicki questioned the seven plaques, three of which would not be engraved. The Mayor stated that was unless someone bought it.

The Certified Public Management Class was coming to an end March 4th, and the Mayor stated his goal was to do a strategic plan. He would be asking each member of Council to submit to interviews with him to discuss plans for the future. He would be asking Council members about the current year, plans for the next year, and committee preferences. He would send out a calendar.

The United States Geological Survey (USGS) information was received.

The Mayor distributed and read a letter from Dave Hocevar which read:

“Mayor William Koons and South Russell Village council:

Although I was not at the last council meeting, I have reviewed the draft of the minutes and found there are some misconceptions about the Building Department and how it functions, and some questions about how inspections are covered in my absence.

With respect to the addition at Jim Flaiz’s house, The first inspection was done by me on August 23, 2019. The next inspection was not requested until October 24, 2019 and was done by me. Before I went on my vacation, I told the contractor he could take pictures of the foundation work and that I would accept that for the inspection. I was on vacation for seven days, not two weeks. The Building Department was not open for business for part of that time. No other inspections were ever requested at the Flaiz residence. Had an inspection been requested, Kris Wilson knew that she was to contact the County and the inspection would have been done by Dan Spada of the Geauga County Building Department as the back-up inspector. Each Certified Building Department in the State of Ohio is required to have both a primary and a back-up inspector for each type of certification for this very reason. For at LEAST the past 30 years, the Building Official in the County has agreed to fill some of those back-up positions, and the Plans Examiner’s positions have been filled by the engineers at CT Consultants. When Laura was in charge, she served as the Primary Building Official, she certified the department, and

some back up positions were filled by the County and some were filled by me along with the engineers. These back-up positions are commonly filled as a courtesy and neither jurisdiction pays any fee for the service. Before Council Members make public comments on these issues, it would be prudent to find out the facts surrounding individual cases such as the Flaiz case.

If the Building Department closed, the only controls South Russell would then have would be for zoning. Zoning controls property maintenance issues, such as high grass, and placement of buildings on properties for setbacks ONLY. ABR would not be functional because there would be no enforcement. The County enforces the Building Codes ONLY. The functions of Planning Commission would be severely limited, again because there would be no enforcement. A zoning department does not have any authority to enforce stipulations made by an ABR.

Should the County be willing to take on South Russell, the Health Department would issue all plumbing permits and handle those inspections. The Geauga County Building Department would issue all other permits and retain all of those fees, and do the inspections as needed. The County Building Department does not issue permits or do inspections for flat work, concrete (inside or outside), windows, doors, roofs, or siding. There would be no enforcement of contractors paying income taxes here on the money made in the Village. This fact should also be considered when discussing the revenue brought in by the Building Department. There would also be no recovery of deposit money for the residents or the Village in any event.

Last March, there was a public meeting in which several residents and other professionals in the building industry spoke in favor of keeping the department. Not even one person said they were favor of closing the Building Department in that public meeting and no other names in favor of closing the department have been brought to light since then, only vague numbers have been thrown about, but Council seems to continue to go against the wishes of the residents, under the disguise of saying this is a financial decision when the Village has been a running a surplus every single year. Furthermore, the Building Department was never set up to be a profitable endeavor. It has always been a valuable service that was offered to the residents, like keeping the roads salted in the winter and providing our own police force. The services provided by the Building Department have helped maintain high property values and provided a means of control for the Village over what was being built and how land is developed. Among the former Council people that support the Building Department for all of these reasons are Jim Flaiz, Jack Binder, Bill Howell, Kathy O'Donnell, Brian Kostura, Sally Butz-Voss and John Dishong as well as former mayors Matt Brett, Tom Harvey, and Bill Young. It has also served to intervene in many cases where there is a dispute between a contractor and homeowner. There are members of this Council who have personally benefited from this intervention, yet, it seems that fact is easily forgotten as a service that should be available to all residents. Several times, at least three members of *this Council* have promised they would spend some time with Laura learning what the Building Department does and how it functions, but never showed up. In addition, you should know that both Laura (with her new Mayors support) and Kris have been available and continue to make themselves

available to Nancy to answer her phone calls and questions on a daily basis, because they all recognize the importance of the department.

Sincerely,
David T. Hocevar”

The Mayor stated the Christmas party will be on December 20th at Augie’s.

The Turkey Trot is scheduled for November 28, 2019, at 9:30 a.m.

FISCAL OFFICER’S REPORT: The Fiscal Officer stated she had to correct the transfer ordinance because there was a Safety transfer she needed to add. She distributed the corrected version to Council.

Regarding the rental house, the Fiscal Officer contacted the gas and electric companies about having the utilities removed. She is waiting for confirmation before beginning demolition. The pricing for capping the well was also distributed. She clarified the well was located in the basement. For \$1,225, the well could be capped, and the hole filled in, which would eliminate access to the well. The other option, for \$1,426 would be to extend the pipe to ground level. This would be in addition to the original estimate of \$9,300. She added that there was enough money to cover it. Carroll said it made sense to have it at ground level. The Fiscal Auditor suggested donating the house for training to the fire department before tearing it down. It would not be burned down. The Mayor stated he would call the Fire Chief to see what could be arranged.

The Fiscal Officer stated that her administrative assistant had completed all the past board minutes, so the board minutes were up to date. Porter stated that this was great news. The Fiscal Officer advised that she was aware the boards would be meeting and some of the issues were continuations and some had legal issues. Carroll asked whether all these minutes had never been done after losing the former Board Clerk. The Fiscal Officer stated that the former Building Secretary did a couple of them, but there were no ABR minutes done. She added that they now were all caught up.

Regarding Charlie Kukla’s Eagle Scout project, excavation had begun for the footer. The Fiscal Officer wanted Council to know that the footer consisted of 3 ½ feet deep of concrete which would be underneath the stone. The Service Department would be helping to dig this.

FISCAL AUDITOR’S REPORT: The Fiscal Auditor distributed his report. He acknowledged the fund balances had already been approved. He noted that the interest rate had been dropping and was 2%. The total fund balances were \$3.145 million at the end of October. Balances went up in October because of the receipt of the second installment from the Homestead and Rollback. The Village also received a \$10,000 refund from the Bureau of Workers Compensation. The Village received more interest income even though the rate had been going down. This was related to a change made to the checking account suggested by the Fiscal Officer called Positive Pay which is a fraud prevention feature. The Fiscal Auditor called Council’s attention to the net amount of Income Tax and stated that \$1.449 million was budgeted for the year. The Village surpassed this in October, exceeding the goal for Village Income Tax. He stated this was

important because it was a big source for revenue for the Village. Porter asked if the Village would end the year in the black and the Fiscal Auditor stated without knowing what big-ticket items were planned, a large deficit was planned and currently the Village is up \$466,000 for the year. He thought the Village would end up a little in the black.

FINANCE COMMITTEE: Nairn advised that the Fiscal Officer had been working on the 2020 Annual Appropriations, which were before Council for consideration for adoption.

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

Galicki asked the Solicitor to explain her findings about the Building Department certifications. She said the Building Department is currently certified and Hocevar is listed as the Building Official. The list that is on the Ohio Board of Building Standards website is outdated. There were a number of reports that had not been filed, but they could be submitted. She recommended that the Building committee or Hocevar and the Administrative Assistant/Board Clerk work together to get the reports submitted. She added that the yearly report was filed correctly after 2018 was filed in 2019 and everything was up to date. The Solicitor stated that the alternate for Hocevar was Dan Spada. Galicki clarified that the County served as the Village's backup. The Solicitor stated she did not know if it was technically the county, or whether if Spada were not available if it would be someone else from the county. Galicki stated that in the correspondence read by the Mayor from Hocevar, it would appear the county is the Village's backup. The Solicitor did not know and added that if there were any sort of memorandum of understanding about the backup, it should be forwarded to the Ohio Board of Building Standards. Galicki stated that he was not clear whether this was a formal or informal agreement. He asked that if the county were the Village's back up, why was the Village providing redundant services. The Solicitor stated it was necessary to have a backup per the code. Porter said the Building Committee could address this with Hocevar and the Administrative Assistant/Board Clerk at the next meeting. The Solicitor thought this would be best.

STREET COMMITTEE: Galicki stated the Street Committee had nothing to report. Galicki stated that there was a question, however, about the status of the appointment of the new Street Commissioner. The Mayor asked to address this in Executive Session. The Mayor stated he interviewed two people. He is meeting with two Chiefs of Police who serve in this position. He hoped it would be done this week and report to Council at the December 9th meeting.

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

Carroll asked what the status was on the appointment of a Zoning Inspector. Porter stated it was in the hands of the Mayor. Carroll asked the Mayor if he conducted the interview and what Council was waiting on. The Mayor stated he was waiting on Council to make a decision. Carroll reminded the Mayor that the Village was required to have a Zoning Inspector and it was his understanding that Hocevar did not want it. Carroll added that there were zoning issues outstanding and Council needed to move forward regardless of what happened to the Building Department. With the requirement to have a Zoning Inspector, Carroll was confused as to why the Village was waiting. He asked again why the Mayor was waiting. The Mayor responded,

“probably just wait on me to make a decision is what I’m going to do.” Carroll asked how much longer Council would be waiting. The Mayor replied two weeks. Porter clarified it would be at the December 9th meeting. The Mayor agreed.

SAFETY COMMITTEE: Galicki had nothing to report.

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

PROPERTY COMMITTEE: Canton reported there was nothing to report.

PUBLIC UTILITIES REPORT: Carroll reported that the USGS conducts the water well assessment every year. Carroll asked if the county was participating in the contracted services, and the Mayor replied that he had not heard. Carroll explained that USGS monitors approximately 6 wells across the Village. There was concern with some, particularly when the Lantern was being built, with maintaining and watching water levels in the Kensington Green area because of the potential the Lantern had on the water table. The wells around Gurney School have also been monitored. For the fee of \$8,500, they continue to monitor the wells. They are all doing well, monitoring above normal or normal. A negative impact had not been noted in Kensington Green or Sheerbrook neighborhoods from the Lantern facility being built. Carroll attended a Chagrin Falls Exempted Schools Board meeting, in which there was discussion of the creation of a strategic plan. The facilities master plan for the school district included considering work at the bus garage, which would not necessarily have an impact on the well. Also included in the strategic plan could be expansion of Gurney School. There had been well issues in the past in this area. Carroll thought it would be prudent to continue the monitoring of the wells. Nairn questioned two wells that had historically been of concern. Porter stated these wells, 362 and 357, the western most wells are shallow, but showed some unexpected drop. The deep-water wells did well, however. Porter agreed to continue the monitoring. Carroll thought it would be beneficial to continue at least until the school district completed its plan. He asked the Mayor to request USGS to come earlier in September of 2020. Carroll made a motion to continue the well monitoring program for fiscal year 2020 with the caveat that the Village needs USGS to come late summer or early fall to review what and how they are doing the well monitoring, seconded by Porter. Voice vote – ayes, all. Motion carried.

Carroll added that on the Nextdoor App, there was a comment that South Russell had entered an agreement with Waste Management for pricing. He clarified that the Village had not gone this route, although some neighborhoods had. He felt this would need to be considered by the Public Utilities committee next year. He encouraged residents to price shop.

PARK COMMITTEE: Canton reported that the windscreens for the Pavilion had arrived and were being stored at the Service Department.

ORDINANCES/RESOLUTIONS:

Porter provided a third reading on an ordinance enacting new chapter 1483 of the Codified Ordinances of the Village of South Russell “Outdoor Lighting” ordinance. Porter made a motion to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **ORD 2019-65**

Carroll provided a second reading on an ordinance authorizing the Mayor 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 introduced an ordinance amending Section 260.02 of the Codified Ordinances of the Village of South Russell by providing for the appointment of one alternate member of the Planning Commission and declaring an emergency.

Nairn introduced and consider adoption of an ordinance transferring \$450,000 from the Income Tax Fund to the General Fund \$100,000 and to the Safety Fund \$350,000 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-66**

Nairn introduced and consider adoption of an ordinance amending Annual Appropriations increasing Special Land and Building Fund expenses \$10,000 and General Fund expenses \$28,000 and declaring an emergency. Nairn made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-67**

Nairn introduced the 2020 Annual Appropriations as presented with \$1,110,153.00 in General Fund expenses, \$2,954,538 in Special Fund Expenses, \$1,822,000 in Income Tax Transfers, \$272,494 in Capital Fund Expenses, and \$81,000 for Trust and Agency Expenses, totaling \$6,240,185. Nairn made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-68**

Carroll asked if the budget was locked in for the Park Committee, and Porter stated yes. Carroll also questioned the Mayor's discretionary fund and whether it was staying at \$5,000. He saw that Woodmere Village had reduced their Mayor's discretionary fund to \$2,500. The Fiscal Officer advised that it was still at \$5,000. Carroll asked how the Office of Mayor should look at the Mayor's discretionary fund. The Mayor stated that it is for use when issues come up. He stated that the biggest example was 100 years ago when the Village did not have enough money for flags. The money was taken out of the Mayor's discretionary fund. Carroll asked the Mayor how he had looked at it since he had been in office. The Mayor stated it allowed him flexibility to do some special things that he wanted to do. Carroll stated that it seemed at times when things had not been budgeted, such as his class and the sign for the park, that it had been used as a safety net. Now that there was a purchase order (PO) system, there were other ways to address these situations. As a point of reference, Carroll stated that from 2009 to 2015, there was a total of 12 expenditures of the Mayor's discretionary fund. From 2016 to 2019, there were 36. Carroll stated that Matt Brett used it for the dumpster when there was flooding and for chipping after a storm. Carroll expressed concern that the fund was being used for items that were not approved by Council, which possessed the legislative authority of holder of the purse strings of the budget. Carroll explained, for example, if Council decided it did not want the trees for the

park purchased, the Mayor would say he would buy the trees with his discretionary fund, which would be going against Council's wishes. Carroll further explained that the class being taken by the Mayor had not been preapproved or discussed with Council before the Mayor enrolled himself in the class, which involved an expense. The Mayor's discretionary fund was being used as a 'stop gap,' and Carroll was concerned that meals, lunches, and other things are not necessarily how the fund should be utilized. Other than for Service Department lunches for the past five or six years, the fund was not used for this purpose. He asked the Mayor if he could get away with \$500, or if that would be too tight. The Mayor stated that would be too tight. He said it had been \$5,000 for how long? Carroll stated the Mayor of Woodmere had a \$10,000 discretionary fund that was dropped to \$5,000 and again dropped to \$2,500. Porter stated that there were a bunch of good reasons this was done by their Council which were not present here. Carroll reiterated that there is a PO system and there are means to address emergency issues. He asked the Mayor if \$1,000 would be enough? The Mayor stated he wanted to see the information that Carroll had, and have it provided to all of Council so that there could be an intelligent discussion. Carroll explained these were questions he had and explained that this was why he asked the Mayor how he perceived the use of the funds. Carroll did not want to see the Mayor's discretionary fund used to circumvent Council's decisions. The Mayor stated it had been done that way, if that was what he was saying. Carroll asked, for example, if the class the Mayor was taking was preapproved. He added that there was no discussion on it. The Mayor stated that before he had any expense, he applied for the class, was accepted, and then came to Council and said he would like to take the class. Carroll asked about the sign at the park for the playground. Nairn advised that this was never discussed in a Council meeting. The Mayor stated it probably was not. Nairn stated it was not. The Mayor said it was probably true.

Carroll stated if this was just the first reading for the budget, he would make sure the information requested by the Mayor was emailed to Council to give them a fair chance to review, compare, and contrast it. Using the trees in the park as an example, Carroll stated he did not want to see the Mayor's discretionary fund used to circumvent Council's decisions. Nairn stated that as Chair of Finance, she wanted to add that across the board, when there was money in a budget, invariably it would be spent. She felt it was necessary to cut costs where possible. Nairn stated this was owed to the taxpayers. She reiterated that in general when there was money in the budget, it would be spent by any department. Nairn asked the Fiscal Officer for her opinion, and the Fiscal Officer stated that previously, at the year end, the department heads would use up what they had. However, she felt the current department heads have an understanding that this is not necessary, and typically they have not spent the entire amount. Carroll confirmed that the Village does a good job with this and added that the Mayor had not completely spent his budget for the most part. He added that there were prudent expenditures, but stated that the Village had the flexibility with the PO system for emergencies.

The Mayor stated he found it ironic that this had become an issue, and that Carroll presented this to Council without providing it to everyone. He added that there they were covering \$42,000 and \$12,000 of cost overruns and not a word was spoken. Carroll asked for clarification and asked if the Mayor was addressing the playground. The Mayor stated there were unexpected expenses, but not over the \$120,000. He was saying that Carroll was talking \$5,000 here which he had not

even seen. Carroll offered to forward the information to the Mayor and Council could discuss it. The Mayor stated that if Council was going to be that tight, they should be tight on everything. He said there should not be a double standard. Carroll asked the Mayor what he wanted to be tight on. The Mayor stated that when an issue came, the Village had an account in May that was \$42,000 in the red, that was fine. Carroll asked to what account the Mayor referred. The Mayor stated he thought it was legal. Carroll stated there were good reasons why there were those costs in the Solicitor's fees, but Council was not presently discussing this. Carroll offered that Council could discuss it, but he thought that Council needed to be cognizant of all these things.

His question specifically pertained to the Mayor's discretionary fund, which occurred to him when he saw the article in the Chagrin Valley Times about Woodmere. Carroll reasoned that with the PO system, he did not see the downside of decreasing the fund. There would still be flexibility for the Mayor to come to Council to ask for more money. Porter stated the question was timeliness. He recalled when Mayor Brett used the discretionary fund for the May Day snowstorm. Porter stated that Brett took pride in the fact that proper planning allowed him to use very little of the Mayor's discretionary fund. In 2013, Brett only spent \$150. In 2018, the current Mayor spent \$2,228 of the \$5,000. In 2016, \$582 was spent. Porter stated that the fund was intended to handle things that pop up out of nowhere that require immediate action. He agreed that there is a PO system, but this depended on contact with the Chair of Finance, and if it was expeditious, he felt it made sense to have a small amount. He thought \$5,000 compared to the budget was pretty tiny. Porter did not think the funds were to be used for anything that was contrary to the will of Council. He added that he did not recall discussing a sign at the park, so Council did not express what it wanted, and the Mayor acted as he saw fit. Carroll stated that this was a great example of something that should have come to Council. If it just popped up, the PO system was in place. He appreciated Porter's position about having flexibility.

Carroll stated he would email the expenditure report from the Mayor's discretionary fund from 2009 through the present. He did not want to delay the budget over this one item. Porter stated that Council could end the discretionary fund by amending the appropriations any time Council saw fit. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried.
ORD 2019-68

BILLS LIST: Nairn made a motion to ratify the November 14th 2019 Bills List in the amount of \$38,051.46, seconded by Porter. Voice vote – ayes, all. Motion carried.

NEW/OTHER: Porter had no new business.

Nairn addressed Council for the record:

“I have eagerly and faithfully been a member of South Russell Village Council for 3 years and 11 months. I have always taken this position very seriously – just as seriously as I did my classroom teaching career. And by quietly, I mean I do not sit up here bragging about myself and bloviating about me personally and all I am accomplishing as a Councilperson. I gladly accept requests and assignments each and every time, all without expecting praise and accolades, notoriety, my picture in the newspapers, or public recognition. I am not a politician and never will be. Narcissism and egocentrism

are not what I am about. The work I do as a member of Council is for my fellow residents and our Village – not for fame and garnering votes when the polls are open.

I did not seek praise when I developed a great deal of the verbiage and format of the Village's new Purchase Order form and the updated purchasing process. Nor have I ever expected kudos for the fact that I bake every year for the annual Police Department Open House and help every June at the Cops and Kids Fishing event. For many years, even before becoming a Council member, I have wrapped dozens and dozens of toys and family member gifts every December on Shop-with-a-Cop Day. I have gladly and willingly assisted with the interview process for several Village employment opportunities. I've spent hundreds and hundreds of hours over the years, proofreading Council and committee meeting minutes for every Council packet along with various legislation, the quarterly Village newsletters mailed to all residents, and other important pieces of Village business needing careful attention to detail. I worked tirelessly back in early 2016 to rectify a problem with vicious dogs. The first two meetings I discussed this outrageously dire situation, my fears about those Dalmatians attacking the baby and toddler next door were met with dismissiveness and indifference on the part of everyone sitting up here with the exception of Chief Rizzo. I had stacks of emails from four different families at both of those meetings. When an elderly deaf lab was attacked and dragged off her property by the Dalmatians and I was personally charged by one of them while walking west on Bell Road, only then did Council pay attention and agree to remedy that horrific state of affairs. Safety for everyone is of utmost importance to me, but especially that of little children and helpless animals. I was not about to "give up," no matter how hard the fight to do the right thing! There you have it – lots of reasons I'm on this Council.

So for you, Mr. Canton, on November 11th to verbally assault me in front of my peers when you stated – excuse me – YELLED in front of everyone in this room, "The ONLY reason you are on this Council is because you are a WOMAN" is not only demeaning and insulting to me and the elected Officials of our Village, but also a TOTAL REFLECTION on YOU and who you REALLY are, not the person you try to convince us that you are when you boast and talk about yourself. Your verbal attack upon me was mortifying, insulting, and humiliating. You diminished yourself in the eyes of everyone in this room when you shouted, "The ONLY reason you are on this Council is because you're a WOMAN." Mr. Porter's immediate response to your boorish outburst was proof of just how outrageous you acted at that moment."

Porter interjected that he did not mean to interrupt Nairn, but stated that if it was in Executive Session, it should not be commented on publicly. Canton asked the Solicitor if this was true. The Solicitor stated that no, it could be commented on. Porter stated it should not be.

Nairn stated it was proof of just how outrageous he acted at that moment. She continued, "Mr. Canton, you were sworn in on January 11, 2016. I was sworn in on January 25, 2016, just two weeks after you. You have had four years to learn my first name. Your appalling outburst two weeks ago tonight goes a long way toward explaining your rudeness to me. I have never in four years heard you say "Hello, Cindy" when I greet

you. It's a muffled perfunctory "hello" if you even speak at all.

Yes, Mr. Canton, I AM a woman, and yes, I AM a card-carrying member of the human race. YOU HAVE BEEN A MEMBER OF COUNCIL ONLY ONE MEETING LONGER THAN ME. In this day and age, yelling about a woman's place or position ANYWHERE is astounding, despicable and hateful. Shouting, "The ONLY reason you are on this Council is because you're a woman" portrayed you to be misogynistic, crass and cruel. You made other statements that night that were out of character for you, Mr. Canton. These statements were also very much out of line, such as the comments you made about Village employees being "thin-skinned" and "overly-sensitive." You usually stick up for the down-trodden, not STOMP on them. Your past comments about the renters are a perfect example of your "we must be sensitive to others' hardships" mantra and "Can't we all just get along?" plea. So which is it, Mr. Canton? One minute you're sarcastically telling some of us on Council, "all you care about is the money so while you're at it, why don't you evict the renters on Christmas Eve and put their belongings out on 306?" and then a couple of months later you're purposely shouting, "the only reason you're on Council is because you're a woman!" You "flip the script" on us, so I ask again – which is it going to be, Mr. Canton – you can't have it BOTH ways.

One of the first things I did the morning of November 6th before I even started my day was send you an email congratulating you on your re-election to South Russell Village Council; I didn't have to do that, particularly because you don't make any effort to connect or be cordial toward me. Little did I know that I would be so viciously blindsided by your personal attack five days later. Your verbal assault upon me gives one cause to wonder just how SINCERE a man you really are when you stated to the November 7th Chagrin Valley Times newspaper, and I quote, "I'd like the Village Council to become more congenial and to work more as a team for the betterment of our Village." These overt flips back and forth on just where you stand and what you stand for foster a toxic environment. Specifically, how do you plan for this "congeniality on Council" you're telling the newspaper you wish to see, Mr. Canton, when you are also "A-OK" with shouting at your fellow Councilperson?

That your demeanor indicates you resent women is your own personal problem. Please DO NOT make your personal struggle Council's problem. I am currently being encouraged to further pursue your horrific treatment of me on November 11th. I am reminding you about our Codified Ordinances Section 220.02 Part E-1 entitled, "Decorum at Meetings." It states, "while Council is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise interrupt the proceedings or the peace and dignity of Council." The comments made to me certainly were against my dignity and the dignity of all.

The fact that you've had 14 days, which is a half a month, to extend an apology speaks volumes toward the fact that you believe your behavior to be acceptable and legitimate."

Nairn thanked Council for their attention.

Canton asked if he could make a comment and the Mayor stated, "I wouldn't." Porter stated it was up to Canton. The Mayor stated that Canton's time would come in a second.

Canton stated he wanted to make a comment, that first, this was all said in Executive Session. One of the reasons it was Executive Session was for free and open debate. Just because he questioned Nairn, did not mean that he was anti-woman. Secondly, he stated he had been sitting there listening to the reasons why Council was in Executive Session, and he thought it was about time somebody supported the individual who the Executive Session was calling for. The fact was that individual supported Nairn fully, 100 percent. In his opinion, the reason why she was interviewed for the job to begin with was because of her work on the Cemetery. But he firmly believed the reason Nairn was on Council and was voted on by a three to two vote, was because the individual who was presiding over the meeting pushed and lobbied for her. That individual wanted to have the opinion of a woman on Council because Council went too long without a woman on Council.

During that meeting, it was brought up that the fact that someone would say, 'I would like the opinion of a woman,' could be sexist, that was just about all he could take. He took the liberty last week to talk to 12 women of different ages and asked them if a man would say he would like the opinion of a woman, would they consider that to be sexist? Every one of them said no. They would appreciate the fact that a man would want the opinion of a woman, like he appreciates the opinion of a woman. Canton stated he had known Nairn for four years and told her not to say he never said hello to her. He stated this was a falsehood. He respects everybody's opinion on this Council. He further stated that he would be damned if he was going to sit there time and time again and listen to someone ridiculing a member of this Council without any reason. He just was not going to do it. Canton resented the fact that Nairn said he was anti-woman just because he criticized Nairn. He stated that Nairn criticized him tonight, and he did not consider her anti-man. So this was why he made the point that he made during the privacy of Executive Session. The fact is, in his opinion, the individual presiding over the meeting four years ago wanted a woman's opinion. That was brought up as if it was sexist, and he had enough of it. Canton went on record to say that he was not anti-woman, he appreciated a woman's view, he seeks a woman's view. He was not going to sit there and take that from Nairn or anybody else. Just because he criticized Nairn did not mean he was anti-woman. If he criticized a man, he was not anti-man. This was all he was going to say.

Carroll made a motion to go into Executive Session to discuss employee compensation and also to go into Executive Session to discuss the investigation of an elected official.

Galicki asked about the status for the vote for the location of the Veterans Memorial. He stated that for the past several weeks there had been several proposals and a lot of discussion. He asked if Council intended to take it to a vote, specifically at the December 9th Council meeting. The Mayor stated no, he would not expect a vote. There was just another location proposed two weeks ago, so there were now seven proposed locations and he did not think they were anywhere near a vote. He added that some people had not seen all the locations. He would not propose a vote but added he did not have the right to do so. Galicki asked then if it would be tabled forever. He stated he never brought up the Veterans Memorial and did not really have a dog in the fight. As a veteran, Galicki stated he did not really care if the Village had a Veterans

Memorial, although it was a nice idea. He did not know what Council was waiting for in terms of having it or not having it. If the Council wanted to have one, Galicki felt Council should determine a location. Carroll stated if anything, he would make a motion not to put it in the park. He thought shoehorning it into the Village park would be a mistake. There were alternate options. Galicki asked if perhaps Council should just drop the issue until sometime in the future. He said it seemed like it had gone on for months. The Mayor asked if Galicki had seen all seven locations, and Galicki said it was not difficult when traversing the Village on the major thoroughfares. For a period, there had been a number of flags at every one of the locations. Then all the flags disappeared except for the one location in the park. Subsequently, those flags went away. He added that the Village was not that big where it would be necessary to identify a location. The locations are known, and Galicki asked if Council should bring it to a vote or table it for the future.

Porter stated there was no overarching hurry to make the Veterans Memorial happen. He thought selecting the location was crucial, and Council had just heard about demolishing the rental house and putting it in that location. Meanwhile, Charlie Kukla was putting his stone on the corner of Bell Rd. and Chillicothe Rd. Porter stated that it sounded like one potential location would be eliminated, being in the park. He did not know if Council was in a position to go one way or another and he did not want to do a permanent installation to turn out later to be a problem. Galicki stated he understood this. He was just wondering if Council wanted to set a date to decide. How much more deliberation was necessary? Or was Council waiting for public opinion to turn to a particular location? He was just trying to understand what further discussion was needed. Citizens had come forward and there were votes of the committee members for a location and it did not seem there was overwhelming consensus on any location. His question was whether Council wanted to table the idea for the future.

Nairn asked if there had been a formal meeting of the committee since the ad-on locations were identified. She advised that there were five locations and now there are seven. Nairn acknowledged that she missed one meeting but did not think all seven had been discussed by the entire committee. The Mayor said this was correct and no vote had ever been taken. Porter stated he would want to see a vote by the committee on the location. Council could then consider it, and accept it or reject it, or choose another one. If the committee was unable to decide, perhaps the site at Chillicothe Rd. and Bell Rd. would serve as the Veterans Memorial with Charlie Kukla's stone. Carroll agreed, but encouraged the Mayor to address the issue with the opposition to the park with the committee and advised that he did not support putting it in the park. He felt this location should be taken out of the mix if it was not favored by the majority of Council.

Galicki also questioned whether there was a status or anticipated vote on the status of the Building Department. Council had been in discussion for a year. Was there any intent by Council to bring it to a vote? He advised that the Chair of the Building Committee was not present, but Porter, a member of the Committee was present and could possibly comment. Porter said if he had to guess, he said that one member of the committee was in favor of ending the Building Department and the other was in favor of continuing the existing structure until such time as a part-time Building Official could be engaged by the Village. This way, the Village would be in a position where if Hocevar decided to leave, the Village would have someone in

place to continue the operation. With a divided committee, Porter did not think a recommendation could be made to Council. He commented on the Solicitor's email quoting \$10,000 or so to scrub the Village's Ordinances, which he characterized as putting the cart before the horse. Porter said some Council members were in favor of continuing the Building Department as it is. Galicki asked if Council was at the stage to take such a vote or was the inevitable being delayed. Porter stated it would have to be an ordinance to end the Building Department. With it being the last meeting in November and only one meeting in December, it would likely not happen because time is running out. Galicki asked then if it was the anticipation that it won't be continued into the following year, or what was the intent of Council of the continuance of the Building Department? Porter said he thought the Building Department should continue in its current form and he would not propose an ordinance to end it. If another Council member decided to do this, that would be up to that member.

Carroll asked the Solicitor if the \$10,000 was to create the ordinance and unwind everything. The Solicitor responded that it was but it was also to start the Zoning amendments. Carroll clarified that it would cover what would be necessary to dismantle the Building Department.

At 9:12 p.m., Carroll made a motion to go into Executive Session for two issues. The first was to discuss employee compensation. After this, Council would come out and then go back into Executive Session to discuss the investigation of a public official, seconded by Porter. Roll call – ayes, all. Motion carried. At 10:17, Porter advised Council was out of Executive Session.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki