

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 13, 2020 - 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Berger, Canton, Galicki, Nairn, Porter

**MEMBERS ABSENT:** Carroll

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

**VISITORS:** Kate Jacob, Foxhall Dr., Darrell Johnson, Olivia and Amy Cline

Mayor called the Regular Council meeting to order and the Pledge of Allegiance was led by Olivia and Amy Cline. Fiscal Officer read the roll. Porter made a motion to approve the Council meeting minutes of December 09, 2019, seconded by Nairn. Voice vote – ayes, all. Motion carried. Porter made a motion to approve the Special Council meeting minutes of December 13, 2019, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Canton made a motion to nominate Porter for President Pro Tem, seconded by Berger. Voice vote, ayes Berger, Canton, Nairn, Porter. Nay, Galicki. Motion carried.

The Mayor requested a motion to accept the Council Rules and Procedures. The Solicitor stated that there were changes needed for the Rules and Procedures, including the item addressing the advanced notice. She added there were some discrepancies between the way some of the rules were written and how they had been practiced and suggested forming a committee to examine them. She added that the rules as written could be adopted and then changes could be made to them. Nairn asked specifically if they would be adopted with the 12-hour rule or with the 24-hour amendment. The Solicitor stated that an ordinance would be necessary to amend the rules. The Mayor suggested adopting the current rules and then making the changes. Porter asked if these were the only changes, and the Solicitor said she thought there would be others, which was her reason in recommending the formation of a Rules Committee. Galicki asked if there was merit in preliminarily just amending the section pertaining to the required notice without the other changes, and the Solicitor stated she thought there was because per ORC the Special meetings require a 24-hour notice to the media. For consistency, she thought the timeframe should coincide with notification of Council. She thought the amendment could be made at the current meeting and then other changes be made through the Rules Committee. Porter made a motion to adopt the Council Rules and Procedures as amended by Council, seconded by Canton. Roll call, ayes, all. Motion carried.

The Fiscal Officer addressed the Public Records Training Designee. Porter made a motion to designate the Fiscal Officer to be the Public Records Designee, seconded by Canton. Voice vote – ayes, all. Motion carried.

The Mayor acknowledged a display provided by Darrell Johnson of an award previously received by the Service Department from the Geauga County Department on Aging relative to the Senior Trash Day which was instituted by the Service Department in 1995. Johnson explained that the display acknowledged the work of the Service Department, Police Department, and the Village.

Kate Jacob, Foxhall Dr., thanked the Police Department for the excellent Vacation Watch program. Jacob then addressed an issue where a Village employee with a chainsaw removed limbs from trees on her property on Thursday, January 9<sup>th</sup>. She had received no prior communication from the Village before having Village employees with chainsaws come on to her private property. On seeing the employee, she called the Village and spoke to the Interim Street Commissioner, who was apologetic. Jacob wanted to raise the matter and asked if there was a policy in place that required advanced communication and due process before such action were taken. She said it was her understanding that in the future she would receive notifications before Village employees came onto her property. She asked Council to determine whether there was a procedure and how it was being implemented or enforced. If there was no policy, Jacob advised that one was needed. She added that no resident of South Russell should come out of his or her home to find a man with a chainsaw cutting down trees on his/her property. She strongly suggested Council look into the matter and get a policy in place if there isn't one.

**MAYOR'S REPORT:** The Mayor referred to the following proposed committee appointments and asked for a motion to approve:

Building – Canton (Chair) and Berger  
Finance – Carroll (Chair) and Berger  
Human Resources – Porter (Chair) and Nairn  
Properties – Nairn (Chair) and Galicki  
Public Utilities – Galicki (Chair) and Nairn  
Safety – Canton (Chair) and Porter  
Streets – Porter (Chair) and Carroll

Nairn asked what Properties Committee entailed and asked if it involved all Village owned properties. The Mayor stated it did. She further questioned what the committee would oversee. The Mayor stated that he asked the Interim Street Commissioner to be the head of the Park Committee because the Village had never had an employee as the representative to the committee. The Mayor explained that the Village included the 500 Bell Rd., Park, Cemetery, land south of the Cemetery, the southwest corner of Bell Rd. and Chillicothe Rd., and Nairn added the Village campus. Nairn asked how often the committee met. Canton stated he chaired the Property Committee and was the representative to the Park Committee. As such, the committee puts together the Fall Festival every year. He was also responsible for the property belonging to the Village. Nairn clarified that the chair of the committee was also the

representative on the Park Committee. Porter added that this was by ordinance. Nairn expressed concern with the fact that she would be gone for much of the summer and early fall and felt she should not chair the committee this year. Canton stated that the committee did the majority of the work for the festival. Porter stated he was on this committee for five years and considered it the best committee he had served on. Canton added that there was nothing to do over the winter with the park. The meetings begin in April and are short. Nairn again expressed reluctance to chair a committee in absentia. The Mayor suggested approving the committees and changing them in two weeks if necessary. Porter made a motion that the committee appointments made by the Mayor be approved, seconded by Canton. Voice vote – ayes, all. Motion carried.

The Mayor addressed the forfeiture hearing of Eli Jones. He explained that Jones is a resident at 306 Hazelwood Dr., who had a company working with him and he was not satisfied with their work. He filed a complaint with the Better Business Bureau and the company is no longer working. Jones asked the Village that he receive the forfeiture of \$500 from the deposit that was made. The Mayor said that the Village can return it and/or can take out its fees. He added that the Village did not have to return the \$500. The Solicitor advised that the Village had the option to keep the deposit, keep a portion of it, or return it. She explained that a portion of the money could be kept for fees and inspections that had been conducted. She was hoping that Hocevar would have submitted something regarding what had been done with the property. The Solicitor added that the notice went out to Jones in July and September. Sixty days elapsed for him to ask for the refund. This constituted 30 days outside of the Village's timeframe. She clarified that Jones did not ask for the refund. He was sent a notice, and the Solicitor thought Council should consider this. Galicki clarified with the Solicitor that she was saying due process had been done and that Jones was informed and had 60 days to ponder whether he would submit for a return of deposit, and that he elected not to do this during the 60-day window. Subsequent to the deadline date, an additional 30 days also passed. The Solicitor clarified that 30 days was as much time as an individual would get to respond after receiving the notice. 60 days had elapsed since Jones was notified. Galicki stated then that Jones was 30 days over the deadline. The Solicitor reiterated that this was something that should always be considered whenever Council receives these requests. Porter stated that the correspondence from July and September from Hocevar indicated that the required inspections were not done. He added that the Village did not incur any expenses because of this. The Solicitor was not certain what this meant. She added that the discussion could continue to the next Council meeting so that Hocevar could provide more information. Berger asked if it was possible that Biltmore Exteriors would have applied for the return for the money, and the Solicitor stated yes. Berger questioned whether Biltmore Exteriors could make a claim for the funds after they were given to Jones. The Solicitor stated perhaps but added that they also received notice and did not appeal within the 30 days. She said that the Village can subtract the fees for sending the letters, etc. Galicki asked who made the deposit, Jones or Biltmore. The Solicitor did not know. Berger surmised that Biltmore may have paid it and then billed Jones. He thought that the matter should be tabled until more information was obtained from Hocevar. Galicki concurred. Porter noted that Canton and Berger were on the Building Committee and could delve into the matter.

The Mayor then provided a State of the Village address:

“We are blessed to have quality employees who take great pride in working for the Village.

We need to look at the demands based on some of our employees. Sometimes we are attempting to operate the Village with the same number of employees when expectations, legal requirements, and workloads are continuing to grow. Something is going to have to give.

Our handbook says we will evaluate employees annually, something we only do in the Police Department.

Financial stability continues under the watchful eye of our Fiscal Auditor and Fiscal Officer.

With almost three million dollars in the bank we continue to be good stewards of our residents’ money. 6. Budgets continue to be balanced with each year ending with a surplus.

The state audit process needs some discussion. Something is out of whack when you can recognize the auditors’ cars in the parking lot because they have been here so often. Come to find out, sometimes the auditors are here in our building, but they are working on other communities’ audits.

Our Police Department implemented the new time schedule that was designed to save money but more importantly, improve the health and quality of the life of our officers and their families. It has been a big success. Nice job.

Vacation watch program has been another successful program growing each year. It tripled this past year, over 10,000 vacation watches.

We tested our ability to handle a disaster through a drill provided by the Geauga County Emergency Management Department and found that we have everything in place to protect our residents in case of a large crisis.

The community responded to the work of our Chief and his men with 85% passage of the renewal of the Safety Levy.

The Building Department saw a yearlong examination of its entire operations. Though it was a very trying year, we set a record of over \$61,000 income from over 300 permits.

Fire Inspection needs to be improved.

After 25 years of service, Street Commissioner Darrell Johnson decided to attempt retirement. Keeping up the Village tradition of service to our residents, Darrell was the trusted face of someone residents would turn to for advice and assistance. The smooth

transition from Darrell to Tim is a tribute to both men's ability to rise above, rise to the occasion, and put residents first.

Besides assuming a new leadership position, Tim has been asked to lead the Property Committee as we complete the playground, improve the Cemetery, and maintain our investment in our buildings.

The five-year five mill road levy passed in the fall of 2017 allows us to expand our Road Program and maintain the high quality of roads for which we are known.

Last year, our 1992 dump truck/snowplow was sold to a Missouri contractor sight unseen. Keeping a 1992 running was tribute to our Street Department, but we need to reexamine our vehicle policy. We now own a rusted white Ford pickup, a one-ton truck that is used everyday rusting out more each day, a 1999 dump truck so rusted the bed was tilted. It's time to consider if we are making the correct budgetary decisions about our vehicles.

Our Engineer endured a long selection process and will now continue to provide the leadership and advice for many projects scheduled over the next few years. With an expanded road program, construction of the Lake Louise bridge, the 319 grant beginning within the month, and a large stream enhancement coming in 2021, CT will be very busy. Thanks for your ability to continue to work with our Street Department and bring everything to life including our playground. It was a very nice job by you guys.

We used the services of our Solicitor so often she should have opened an auxiliary office in the basement of Village Hall this past year. I think that's where Eric is going to be this summer or this year. From Airbnb operations to tricky and difficult legal issues, she was able to keep us quickly informed of the correct methods to run the Village.

I do not know what will happen in 2020 but I do know I will do my best to not have the repeat of the sometimes-toxic atmosphere that crept into Council chambers in 2019. We do not have to end each Council meeting with a group hug and singing kumbaya, but at least let's attempt to disagree without being disagreeable.

Committee assignments contained in the agenda are changed every two years to allow Council members to learn about the operations of each of our seven committees. Department head leadership coupled with Council member advice have proven to be a very effective way to administer the Village.

South Russell Village is an oddity. We were cut from the bottom of Russell Township in 1923 because our residents wanted their kids to attend the Chagrin Falls School District. We're a four-square mile Village in a county that is 400 square miles with 16 different townships. Whenever you ask somebody where they live, they seldom say South Russell. It's always 'I live in Chagrin Falls.'

We like to believe we live in a bubble shielded from the issues often found in other areas. However, we need to consider what's happening in the city of Cleveland because it's the heart of our lives. If a company like Sherwin Williams were to leave the area, quality citizens, income tax, and housing prices might leave with them. Northeast Ohio mayors and city managers are working together to promote the area and to keep us moving forward.

As a small Village, we have learned to work with others to provide quality services to our residents. We get our police dispatch from 31-member Chagrin Valley Dispatch, the group we helped to create even as Cuyahoga County leaders worked to stop us.

Our hazmat protection comes from the Cuyahoga Valley Southeast COG, twenty communities working together to handle all types of disasters. We get all that for \$3,500 a year.

The Valley Enforcement Group COG provides us with SWAT, CART, drones, and a wide variety of services all for \$10,000 a year.

The Geauga County Health District works to improve the lives of the residents in a cooperative manner.

Gauga Growth Partners continues to grow. They're improving Geauga County. Chagrin Valley Chamber of Commerce promotes the Chagrin Valley. Both groups provide low cost training, in-service, and professional development that we are able to take advantage of.

I want you to think what life would also be like without the Western Reserve Land Conservancy protecting our land. Think what could have happened if our park had been developed into 103 homes instead of a haven for Bobblelinks.

Chagrin River Watershed Partners protect our water for under \$2,400 a year.

We're a very small player when compared to some other municipalities involved in the Northeast Ohio Area Wide Coordinating Agency (NOACA). Still we will continue to work to become a player because NOACA's where the money is. If we want to some day repair and repave Bell Road possibly with a bike or pedestrian path on either side, NOACA can help us provide the funds. With a Geauga County Commissioner serving as President of NOACA, it's imperative we court county officials by being involved in the county trustee association and other groups.

With good people in place, good support for our residents, and everyone pulling in the same direction, we can continue to make South Russell Village a place we're proud to serve. We just have a good thing going here folks and let's just keep it going."

**FISCAL OFFICER'S REPORT:** The Fiscal Officer distributed her monthly report. She reminded Council that when the committee meeting schedule was set to let her know for Sunshine notices. If they were done sporadically, she asked for a 24-hour notice. The Fiscal Officer stated that she had distributed an email she received from the Fire Inspector. She advised that a motion from Council would be necessary to acknowledge receipt of the resignation letter. The Fiscal Officer also informed Council that regarding the 2020 census, every municipality required a certain number of census takers. The Village had 4 but needed a total of 12. Information would be put on the Village's website. She added that the census helps the Village get its portion of funding from the State.

The Mayor stated that Jim Davis, the Fire Inspector, is resigning January 15<sup>th</sup>. Porter made a motion to approve Davis' resignation, seconded by Canton. Voice vote – ayes, all. Motion carried.

**FINANCE COMMITTEE:** Berger made a motion to acknowledge receipt of the credit card report and ratify the credit card payment made in the amount of \$1,475.84, seconded by Nairn. Voice vote – ayes, all. Motion carried.

**SOLICITOR'S REPORT:** The Solicitor had nothing to report. The Solicitor stated that per the rules, the Mayor was to appoint one Council representative to the Planning Commission at the organizational meeting. She stated that this might change, but it was supposed to happen. Porter stated he thought the representative served for the period that they served on Council. The Solicitor advised that it said, "Mayor appoints one Council representative to the Planning Commission." Galicki stated that he believed that this had been amended because the last time the issue of the individual serving on the Planning Commission came up, the language of the Mayor appoints, but Council approves was in effect. The Solicitor agreed it was approved by Council. Galicki stated he believed there was change to the language. The Fiscal Officer reminded the Solicitor that Council appoints someone to Planning Commission and they serve for the length of their term, and that person is a voting member of the Planning Commission. The Solicitor stated this was different, and the Fiscal Officer stated that Council did not understand what the Solicitor was addressing. The Solicitor thought the Council Rep was Galicki, but it was clarified he was the voting member. The Solicitor clarified that Council had never had a Council Representative. Porter stated that he recalled the Council member who voted was also the Council Representative. The Solicitor said this was usually not how it worked. Porter agreed that the ordinance reads differently, but that was what Council had done in the past. However, Porter did not see a reason to continue that practice. The Solicitor thought this was another example of why the rules needed to be amended and addressed by a Rules Committee.

The Mayor stated he said he would have the 22-page guide for Council members of the Village of South Russell ready, but he did not. He stated that he had a lot of discussion with a lot of people about how Council meetings go and looked into a lot of different things. One of the first things he said Council would try is a "restart" with the Council meetings. On the other hand, the Solicitor had a packet of information 22 pages long that the Mayor would get to Council on

procedures and process of being a member of Council. He thought it was important to get a refresher course. The Solicitor offered to email it to all of Council, and the Mayor agreed.

**ENGINEER'S REPORT:** The Engineer reported he was invited to attend a meeting with representatives from the Paw Paw Lake neighborhood. He reported it was the hope and ambition of the residents to improve their road to a degree the Village would find it acceptable to assume ownership and maintenance of the road. He thought it was a lofty goal, and a long way off, it would ultimately be Council's decision. The Engineer was just conveying the neighborhood's ultimate desire for their road to become a public road. The Engineer said they have challenges to overcome if they were serious about the transition. Porter asked if they were talking about widening the road, and the Engineer explained it would be reconstructing it in its entirety. He further explained that the road they have now did not meet any semblance of standard for a Village road. It would have to be substantially widened and a 60-foot right of way would have to be constructed. In some cases, this would mean it would come up to some residents' front doors. The road would have to be built to be on par with a new road that would be built in the Village.

The Mayor asked the Engineer for the status of the 319 grant. The Engineer advised that it was moving along, and a design meeting for the Village Hall 319 grant had taken place. This involved an area on Village campus and the low spot on the northwest corner of the park property. Davey Services provided the design, and the Engineer said they had great ideas. They took into account the Engineer's concerns about overall watershed drainage and possibly adding some storage capacity to not only make it a better habitat and improve the upper regions of the stream, but also to help with flooding issues. He considered the partnership a success.

The Engineer also advised that two weeks ago, there was a kick-off meeting for the Manor Brook Stream Restoration 319 grant. He stated that the pieces were still being assembled for this. Canton asked when the Engineer would have the roads graded. The Engineer said he had the PCI and revised estimates at his office. He would email them to Council.

**INTERIM STREET COMMISSIONER:** The Interim Street Commissioner addressed Charlie Kukla's Eagle Scout project, the Veterans Memorial stone. The stone was cemented in place over the previous weekend. The work remaining involved marking the area for gravel around the stone and installation of the light.

The Interim Street Commissioner stated that the Service Department assisted a contractor in installing a conduit for the Cemetery flagpole light on January 13<sup>th</sup>, and weather permitting, it would be wired up as soon as possible.

**STREET COMMITTEE:** Porter stated the committee would attempt to meet Friday, January 17<sup>th</sup> at 8:00 a.m. If Carroll was unable to attend, Porter stated the meeting would be rescheduled.

As the former Chair of the Streets Committee, Galicki stated he wanted to comment on an item in the Mayor's State of the Village report because he felt the public could infer from it that there are a couple of vehicles within the Village's inventory that are rusting away. He clarified that at



the end of 2019 in terms of formulating the 2020 Budget, both vehicles to which the Mayor referred are included in the 2020 Budget for replacement.

**BUILDING COMMITTEE:** Canton stated that the committee would meet Friday, January 17<sup>th</sup> at 8:00 a.m. in the Building Department.

**POLICE CHIEF'S REPORT:** The Chief submitted his year-end report. His only comment concerned a correction to the incident totals at the end of the report, he noted that the formula did not carry down and pointed out that it should reflect a difference of minus 10 in the total number of incidents.

**SAFETY COMMITTEE:** Canton stated the committee would be meeting Friday, January 17<sup>th</sup> at 7:00 a.m. at the Police Department.

**HUMAN RESOURCE COMMITTEE REPORT:** Porter stated the committee had not set its first meeting but would inform Council when it does.

**PROPERTY COMMITTEE:** Nairn stated there was no report.

**PUBLIC UTILITIES REPORT:** Galicki stated there was nothing to report.

**PARK COMMITTEE:** The Mayor stated there would be no report.

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

Porter introduced an ordinance amending section 220.01 Meetings of the Council Rules and procedures subsection (c) provide for 24-hour notice to each member with regard to special meetings. Porter made a motion to waive further readings and declaring an emergency, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Nairn. Motion carried. **ORD 2020-01.**

Berger introduced an ordinance requesting advance of taxes from the County Auditor. Berger made a motion to waive readings and declare an emergency, seconded by Porter. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Canton. Roll call – ayes, all, motion carried **ORD 2020-02**

Porter provided the third reading on an ordinance amending Section 260.02 of the Codified Ordinances of the Village of South Russell by providing for the appointment of an alternate member of the Planning Commission. Porter made a motion to adopt and declared an emergency, seconded by Nairn. Roll call – ayes, Berger, Canton, Nairn, Porter. Nay, Galicki. Motion carried. **ORD 2020-03**

Canton introduced a resolution adopting the 2020 Geauga County Natural Hazards Mitigation Plan. Canton made a motion to waive further readings and declaring an emergency, seconded by Porter. Roll call – ayes, all. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2020-04**

**BILLS LIST:** Berger made a motion to ratify the December 13, 2019 Bills List in the amount of \$92,386.45, the December 19, 2019 Bills List in the amount of \$10,330.80, the December 28, 2019 Bills List in the amount of \$37,873.84, and the December 30, 2019 Bills List in the amount of \$2,183.82, seconded by Canton. Voice vote – ayes, all. Motion carried.

**NEW/OTHER:**

Berger, Galicki, and Nairn had no new business.

The Mayor asked the Solicitor what should be done with the Ohio Department of Job and Family Services (ODJFS) issue. He clarified it involved a former Council member. The Mayor stated that the Council member texted him and said that he did not apply for this. The Solicitor stated there was a certain amount of time to appeal the request for benefits. She suggested having the former Council member call ODJFS, or she could call, but would require authorization. Galicki asked for clarification about what was being discussed. The Solicitor stated that there was a claim for unemployment benefits by Council member Ray Schloss. She did not believe he was eligible even though he had been appointed, stating that it was the service of an elected official and it would not allow the claim. She advised that Schloss said he did not apply, and the Solicitor was confused how this occurred. She would need to review the paperwork and Council would then have to decide whether to let the matter go or appeal it. The Solicitor added that if no action were taken, the claim could go through. The Fiscal Officer surmised that since Schloss worked for Kokosing, he might apply for unemployment each year, and in doing so, all of his income sources would be examined. When she filled out the paperwork for unemployment benefits for him the previous year, she indicated that he was an elected official, and the Village should not be paying the claim. However, it appeared that Schloss applied, and the Village was again included in the claim. The Solicitor thought that Schloss needed to address the situation with ODJFS, or the Mayor could authorize the Solicitor to do it. The Mayor stated he would give Schloss a call. The Solicitor cautioned about observing the time requirements of the claim. Porter suggested authorizing the Solicitor to oppose the claim, and she added that at least respond to ODJFS indicating that Schloss served as a public elected official and therefore was not eligible. The Mayor suggested passing a motion opposing the claim, and Galicki expressed confusion as to whether Schloss made a claim given that Schloss said he did not request unemployment of the Village. Galicki thought clarification should be obtained before making a motion. Porter indicated that the Village received correspondence from ODJFS asking the Village about Schloss' employment at the Village because he had applied for unemployment compensation. Whether he applied or not, ODJFS had a pending application. Porter thought the Fiscal Officer was correct that it was associated with Kokosing, but Schloss would have had to list all sources of income. Porter stated that the Village did not want to have to pay unemployment compensation to a former Council member. Galicki added that perhaps ODJFS was under the assumption that he was a former Village employee. Porter made a motion to authorize the Solicitor to oppose by letter the application if any by former Councilman Schloss for unemployment compensation that might be attributable to the Village, seconded by Berger. Voice vote – ayes, all. Motion carried.

Canton thanked his family, especially his granddaughters for being present at the meeting.

Porter asked if there was a forthcoming replacement for the Fire Inspector. The Mayor stated there were two possibilities. One would be to go through a group of Fire Inspectors in Northeast Ohio, or the Village could hire the Chagrin Falls Village Fire Inspector, who charges \$150 with a three-hour minimum. He further explained that with the Village having over 120 businesses, it would cost almost \$20,000. The Mayor stated that this individual had already looked around the Village and noted items that had not been inspected in many years. The Mayor stated that for many years the Village used a part-time Fire Inspector on an hourly basis. He summarized that the Village could consider having someone on an hourly basis or hire Chagrin Falls to really go after this for a year or two to make sure everything was up to speed. Nairn clarified that Davis had been with the Village for years, and the Mayor stated his letter indicated 17 years, but the Mayor did not remember him being with the Village that long. Nairn asked what he had been paid annually. The Mayor stated it was an hourly rate. Nairn asked again what he had earned from the Village. The Fiscal Officer stated it was in the \$20's range but worked 30 hours last year. Galicki added that this was compared to \$450 for a one time shot with \$150 per hour and three hour minimum. Berger asked if it was \$150.00, was it per hour with a three-hour minimum? The Mayor stated it was \$150.00 and he would have to get the exact information since it had all been verbal thus far. He said basically it would be \$150 per establishment. Berger clarified that this was per visit, so this meant it was \$50 an hour with a three-hour minimum. Galicki asked if this was correct. Berger stated this was the question. Galicki said Berger raised an interesting point, and there were unknowns. Galicki added that he is a proponent of having a process where the job is posted, and applicants can apply rather than appointing a friend or relative. He thought HR should consider posting the position and speaking to interested parties. Potentially, Council would negotiate the compensation instead of the individual dictating what he charges. Galicki also questioned whether these were services that could be contracted under the Village's contract with Chagrin Falls Suburban Volunteer Fire Department (CFSVFD). He questioned whether the Village had been paying someone else for services that are included in the existing contract. Galicki felt there were some unknowns. The Mayor stated Galicki brought up a couple of good points. He stated that everyone who utilizes the CFSVFD all use the Chagrin Falls Village employee as their Fire Inspector. He did not know why it had never been in the Village's contract, but the Village had always had an independent contractor for Fire Inspector. Galicki asked if the use of the Chagrin Falls Village employee was part of the contract the other CFSVFD municipalities had. He explained that if it is inferred in the contract that this is a service that CFSVFD is providing, potentially the Village would not have to do anything, and it might be in the existing contract. Perhaps the Village had been paying Davis when there were services that were covered in the existing contract. Porter stated he did not recall this from the contract, but he added it had been awhile. He suggested calling Chief Zupan for clarification and added that if it was not in the contract, perhaps for a nominal fee it could be added. Galicki agreed. The Mayor stated he did not know if it was or was not part of the contract. He met with the Chagrin Falls Village employee, Jim Finley, who said that when this happened to Moreland Hills, which contracts its fire services from CFSVFD, they immediately entered into a contract with Chagrin Falls Village for fire inspection because they felt they were sitting out there all alone without protection. The Mayor stated information would be gathered.

Berger asked whether Davis had been paid \$20 per hour for a total of 30 hours for the year. The

Fiscal Officer said the Village was getting minimal service. Berger stated that this was \$600, and he compared it to the tens of thousands of dollars eventually with the proposed alternative. He acknowledged that the Village had not been getting service, but now the Village would be taking a hit for much more money. He felt more information was required. Porter added that this was not in the budget either. The Mayor stated he met with a retired Cleveland fireman who works for Cleveland State and runs its Emergency Management Program. He gave the Mayor the name of a group of fire inspectors in Northeast Ohio. The Mayor added that he had spoken to Chagrin and he would get information from both and will present it at the January 27<sup>th</sup> Council meeting.

The Mayor asked the Solicitor if the Village would be at risk with Davis' resignation being effective January 15<sup>th</sup>. Galicki pointed out that in his letter of resignation, Davis stated that he would be happy to provide any services to the Village in the interim time until a successor is appointed. Given this, the Solicitor recommended on an hourly basis as necessary. Porter suggested asking Carroll, who is a fire chief, to help determine a suitable replacement. Galicki said that would also be his recommendation. The Mayor stated information would be gathered.

Regarding the Interim Street Commissioner appointment, the Mayor asked the Solicitor if the matter had to be addressed in Executive Session by Council or if it could be in the open meeting. The Solicitor stated it could be done at the present time. The Mayor stated that the Interim Street Commissioner had been appointed as such, and it was determined there was no such position according to Ohio Revised Code. As a result, it would be necessary to appoint a Street Commissioner with a six-month probationary period. He stated he was looking for a motion to appoint Tim Alder as the Street Commissioner effective immediately. Porter stated he thought it was the Mayor's appointment and Council confirmed or denied and clarified that the Mayor was appointing Alder subject to Council confirmation. The Mayor stated yes. Nairn stated she wanted to go into Executive Session with the matter. Galicki thought it was not appropriate for Executive Session because Council would not be discussing compensation. The Solicitor stated that it would be acceptable because employment would be discussed. Porter stated that two members of Council would have to want Executive Session, and a motion would be required to enter and come out of it. The Solicitor questioned whether a motion was required to come out of executive session, and Galicki stated it was just a motion to come out. A roll call vote was required to go in and just to adjourn from Executive Session, a motion was required. Porter added that it had to be on the public record. The Solicitor stated it was just necessary to come out and say that they are out of Executive Session. Galicki stated this did not agree with the procedures distributed to Council. Porter suggested the Fiscal Officer and the Solicitor confer. Porter added that it would do no harm to officially come out of Executive Session by motion. Galicki wanted to ensure there was no other new business before entering Executive Session.

The Mayor stated that the Geauga Health District Advisory Council was looking for a representative and an alternate, if anyone on Council was interested.

At 8:37 p.m., Narin made a motion to go into Executive Session for employment of a public employee, seconded by Canton. Roll call – ayes, all. Motion carried.

Porter made a motion to come out of Executive Session at 9:12 p.m., seconded by Canton. Voice vote – ayes, all. Motion carried.

The Mayor stated he would like to appoint Tim Alder as Street Commissioner effective January 13, 2019 with a six-month probationary period. Porter made a motion to confirm the Mayor’s appointment of Tim Alder as the Street Commissioner, seconded by Canton. Roll call – ayes, Berger, Canton, Porter. Nays, Nairn, Galicki. Motion carried.

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

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki