

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 10, 2020 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Doug Turrington, Chagrin Valley Times; Eli and Gaela Witter-Jones, 306 Hazelwood Dr.; Avery Shinkawa, 212 Greenbrier Dr., Chagrin Falls.

Mayor called the Regular Council meeting to order and Avery Shinkawa, Eagle Scout Candidate, led the Pledge of Allegiance. Fiscal Officer read the roll. Nairn made a motion to approve the Council meeting minutes of January 27, 2020, seconded by Carroll. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the minutes of the Special Council Meeting of February 1, 2020, seconded by Canton. Voice vote – ayes, all. Motion carried.

Shinkawa, Greenbrier Dr., Chagrin Falls, stated he was planning to create bat houses in South Russell Village Park for his Eagle Scout project. He said he had done research on the different Ohio bat species and was designing bat houses and choosing a location that would accommodate multiple species. The Mayor asked Shinkawa how he would get other scouts involved. Shinkawa said there were eight scouts in his troop, and he had connections to Troops 150, 241, and 380 who would help with community service. The Mayor relayed that bat houses were recently built on Fields Road by the Foundation for Geauga Parks. He added that this organization had funding available to help with projects. Nairn stated she understood that bats were beneficial for insect control, and asked Shinkawa if there were other reasons the Village would want bat houses. Shinkawa said they were good for agriculture. Nairn asked how many houses the project entailed. Shinkawa advised there would be one on the Washington Street side of the park and two to three on the Bell Rd. side. Shinkawa further advised that he had sought the guidance of a bat specialist from the Cleveland Zoo. Carroll asked whether maintenance was required of the bat houses. He explained that the houses would be mounted to poles.

Regarding the construction deposit forfeiture, Eli Jones, 306 Hazelwood, explained that in May 2018 he contracted with Biltmore Construction for a new garage roof, vinyl siding, and gutters. The work was completed August 10, 2018. He stated he and his wife were subjected to verbal abuse during this time by the contractor when they asked for corrections to the work. At the time, they consulted former Building Department Inspector Laura Heilman about their options. They were unwilling to approach the builder because they felt threatened. She suggested waiting until after winter to have an inspection. If approved, she recommended claiming the deposit

submitted by the contractor. On May 24, 2019, they met with Dave Hocevar who found the caulking around the windows to be incorrect and said that the deposit would be forfeited. Hocevar explained the process of forfeiture to the Jones'. Jones' followed up with the Building Department for two months before the forfeiture letters were sent on July 24, 2019 and September 5, 2019. For the next three months, the Jones' called the Building Department to check on the status and determine when they should appear before Council but received no response other than that the situation was being investigated. On November 22, Jones reached Hocevar, who told Jones he should appear before the Council to request the deposit. Jones was unable to attend the December 9, 2019 or January 13, 2020 Council meetings. Jones requested refund of the full \$500 to cover the necessary caulking around the windows and doors and to cover additional repairs needed in the future since he had no warranty.

Galicki asked if Hocevar passed the work on the house. Jones said Hocevar did not pass it because the caulking was incorrect. Galicki asked to whom Jones spoke at the Building Department who advised him that the issue was being investigated, and Jones stated it was the current Building Department Administrative Assistant.

Carroll verified that Hocevar conducted an inspection on May 24, 2019, at which time he noted the calking was incorrect and the Jones' could submit for the reimbursement of the deposit. Carroll further clarified that two letters were sent to Biltmore for corrective action. Jones stated yes. Jones stated he referred to the South Russell Village Codified Ordinances, and noted that Ch 100440, subchapter 6, section f stated, "where no significant activities occurring with regard to construction activities associated with such deposit and the Building Inspector shall cause a notice to be sent to the depositor setting forth any Village requirements that are outstanding and allowing said depositor 30 days for amending such deficiencies." Jones' understanding from Hocevar was that no response was received from Biltmore. Jones continued, "after the expiration of such 30 days, if the deficiencies have not been remedied, the Building Inspector shall cause a notice of forfeiture to be sent by certified mail to the depositor and allowing for 10 days from the date of said notice in which the depositor may appeal such proposed forfeiture in writing to Council by Certified Mail." According to Hocevar, Biltmore did not send this either. Jones read, "If no such appeal is timely received, said deposit shall be forfeited to the Village. At Council's discretion, the deposit may be refunded to said depositor and/or owner."

Canton clarified that initially, the contractor paid \$500 and charged the Jones. Jones advised the contractor charged \$23,156. It was not itemized to reflect the payment of the deposit. Canton asked if Jones wrote the check for the \$500, and Jones said he paid Biltmore and Biltmore was supposed to issue the deposit. Galicki verified that Jones did not know if he assumed the cost of the \$500 deposit. Jones verified he did not have records of this.

Nairn asked if there was more than one inspection. Nairn recalled that Council was informed that the work had passed inspection. Galicki agreed. Jones advised they had six constructions that had gone to the Council. In addition to the siding and roof, they had an electrical upgrade, kitchen, air conditioning, fence, and exterior and interior sewer lines. Jones thought perhaps this was what Council was recalling. Galicki stated that Council was informed that all the projects

for Biltmore passed construction inspection. He noted that the Solicitor was nodding her head in agreement. The Solicitor stated that through the Building Department Administrative Assistant, she received this information. She thought follow up with Hocevar was needed. She further stated however, that Council had discretion to address the forfeiture. Galicki verified that the Solicitor also understood that the project was satisfactorily passed. The Solicitor stated this was correct. Jones said this was not the information conveyed to him.

Berger referenced correspondence dated September 5, 2019, in which Hocevar stated that the required inspections had cleared. Berger clarified that it was not passed. Galicki asked if there was another piece of correspondence from Hocevar that stated that although everything passed inspection, it did not meet the satisfactory expectations of the customer. Canton recalled this as well. Without Hocevar present, all Council had was hearsay at this point.

Carroll asked Jones if he acquired an estimate to get the caulking redone. Jones speculated on a cost. Carroll felt that Council was lacking information but stated if a letter was sent stating that it did not pass, he was inclined to refund the \$500. On the other hand, Carroll reiterated that Council had also received information that the work had passed, and it was a matter of dissatisfaction by the customer.

Porter reiterated the confusion and agreed with Carroll that the \$500 should be refunded. It was his impression that the \$23,000 check Jones wrote to Biltmore included the \$500. Porter made a motion for the Fiscal Officer and the Mayor to be authorized to refund the \$500 deposit previously made by Biltmore for the Jones' home, seconded by Nairn. Carroll said he was concerned that there were two conflicting pieces of correspondence stating that the work did not pass inspection when Council was told it had passed inspections. If the work passed inspection although the homeowner might not like the work, Council would not want to refund. Carroll said, however, that he thought the Jones should be reimbursed. Gaela Witter-Jones advised that when Heilman was still with the Village, the Jones' were told not to worry about getting the deposit back, and that it would not be an issue. She thought there was confusion within the department, and Carroll agreed it sounded like a breakdown in communication between Building Officials. Voice vote – ayes, all. Motion carried.

Doug Turrington, a reporter with the Chagrin Valley Times, introduced himself to Council. He advised he was a recent graduate of Cleveland State. He further advised he had worked with the Mayor on a story for the last Eagle Scout project with Charlie Kukla.

MAYOR'S REPORT: The Mayor stated that the Chagrin Valley Jaycees would be having their DSA award night, and last year the Village was given \$500. The Mayor stated the Village did not apply this year for a distribution of funds. If Council members were interested in attending, the tickets were \$45. He stated that the Village paid for Canton's the previous year.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. Nairn and Carroll addressed the Building Department log-in sheets provided in the Fiscal Officer's report and noted that the average over two months was about two people per day. Nairn questioned why the Building Department Log indicated that a contractor signed in on Saturday, January 11,

2020. The Fiscal Officer clarified that the contractor must have written the wrong date because the office is not open on Saturday.

FISCAL AUDITOR: The Fiscal Auditor's report was distributed. He stated that the fund balances as of January 31, 2020, were \$2.9 million. He added that the interest rate was holding steady from December 2019. The Fiscal Auditor pointed out that the balances reflected on his report were arrived at independently from the balances of the Fiscal Officer and matched to the penny. For the year, the Village was down \$100,000, which was not unusual. Typically, February is a good month because of real estate collections. Notable revenues included Salt Reimbursement from the Chagrin Schools and Village Income Tax collection. He stated that for the year, the Village was showing a deficit of \$592,000 although in past years, deficits had been projected but the Village had come out in the black. The Fiscal Officer did not note any unusual expenses and stated that there were two new funds, the Lake Louise Bridge Fund and the Natureworks Playground Fund. The Fiscal Officer explained that when grant funds are received, a separate fund must be established for tracking.

Berger recalled the Fiscal Auditor's statement that it was hard to predict the amount of Income Tax the Village would receive. He asked how, then, the Fiscal Auditor arrived at the budget number. The Fiscal Auditor said he did not come up with this number, that it was probably based on past trends. The Fiscal Officer stated it was determined based on past numbers and the Budget Work Session that occurred in the fall of 2019. The Fiscal Auditor reiterated that it was difficult to project income tax, and Berger added that the income tax the previous year was \$160,000 more than projected, which was a significant variance. If it was to the negative, this could have a significant impact. The Fiscal Auditor stated that this had happened, during the recession of 2008 – 2009. The Village did not experience dramatic swings, and most of the revenue came from residents who work in other communities and was not driven by payroll.

Porter stated that the Village tended to be conservative in estimating revenues, so typically the Village ended the year in the black. He expressed thanks to the Fiscal Officer and the Fiscal Auditor.

FINANCE COMMITTEE: Carroll made a motion to approve the fund balances as presented by the Fiscal Auditor and Fiscal Officer, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Carroll made a motion to approve the \$1,529.22 Credit Card ACH payment to Wex Bank for Gulf Fleet gasoline as reported in the credit card report, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Carroll stated that the Finance and HR Committees met on January 30, 2020, the minutes of which were distributed to Council. Pay Ranges were discussed. The Zoning Secretary job description was also discussed. The next Finance Committee meeting would be determined.

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

ENGINEER'S REPORT: The Engineer distributed information pertaining to the condition of the roads and the cost to repair and maintain the roads for Council's review and consideration. He explained that the PCI rating worksheet ranked the roads from worst to best. The Engineer provided a repair estimate for any road receiving a ranking below 70%. Kensington Circle was the first on this list. The repair estimate was \$275,000. The Village was slated to receive an Ohio Public Works Commission (OPWC) grant for a portion of the repair. The construction portion of the grant was \$164,000, which brought the repair bill down to \$111,000. The Engineer advised he would like to attend the next Street Committee meeting to work through and balance what the Village had available with the Village's needs in terms of repair. This would enable the Engineer to make a recommendation to Council for the 2020 Road Program.

The Engineer added that prior to leaving office, former Councilman Schloss strongly recommended that the Village act early to establish which streets would be addressed because it was his professional opinion that asphalt and asphalt binder prices would become volatile. Given this information, the Engineer was acting early on the Road Program.

Carroll asked what the total amount was for the Road Program, and the Mayor stated \$663,560. He stated that Kensington Circle and Sheerbrook Drive were going to cost about \$584,000, taking out the grant.

Porter added that it would be possible to do Kensington, Sheerbrook, and Garden Park and stay within the \$600,000. The Engineer stated he would recommend against doing Garden Park now because of the replacement of the Lake Louise Bridge. He wanted to wait and discuss the matter in committee. Nairn questioned that Kensington Circle was rated the worst road, and the Engineer explained that materially, it was the worst although the rideability of Sheerbrook was worse. He added that the failures on Sheerbrook were largely in the middle at the centerline joints and Kensington's failures were on the edges of the roads where there was less support. This was what necessitated the lower PCI rating.

Berger addressed the possibility of releasing the PCI rating to the community and providing the list and projection of the anticipated timeframe of the roads that would be addressed. Carroll stated this had been discussed by the Street Committee. The Engineer stated the Village had all the information and it would just be up to Council how it was presented to the community. The Mayor stated that although it was something Council wanted to do, it was necessary to be careful because some people would mark it on their calendars. The Engineer recommended publishing the PCI ratings. He would be reluctant, however, to publish when the roads would actually be addressed because of variables faced by the Village. Berger agreed and added that at least different residents would know where their streets were on the list.

STREET COMMISSIONER: The Street Commissioner distributed his monthly report.

STREET COMMITTEE: Porter stated the committee would meet at a date to be determined and would discuss the PCI ratings and the 2020 Road Program. He advised that the Street Committee met on January 31, 2020 and would provide the minutes to the Fiscal Officer. Carroll stated that one issue addressed in the Street Committee meeting was that the bid on the

2012 dump truck was falling apart. The Street Commissioner investigated repair and replacement. Replacement would be \$76,000. To replace the bed in-house would cost \$3,680. Other than the bed, the truck was in good repair. With replacing the bed, the Village could get two more years out of the truck. The Street Commissioner said that at this point, the truck would have over 100,000 miles on it and the Village could still sell it and get something for it. Carroll stated that a regular replacement plan, like the one for the patrol cars, was discussed in an effort to spread out the expense and be able to budget accordingly.

Porter asked if repair of the bed was in the Street Commissioner's budget under maintenance. The Street Commissioner advised that there was \$76,000 for replacement if it would be possible to take the money from there. The Fiscal Officer stated that the necessary amendments to the budget would be available for the next meeting. The Street Commissioner stated that he believed there was money in Vehicle Maintenance that could be used to accomplish the repair.

BUILDING COMMITTEE: Canton stated that the committee would meet February 20, 2020, at 1:00 p.m. in the Building Department.

POLICE CHIEF'S REPORT: The Chief submitted his monthly report. He added that a new association had been formed, the South Russell Police Association. The Association was formally requesting permission to use the Village campus for the second annual Car Show. The proposed date would be Sunday, August 2, 2020 from 8:00 a.m. to 5:00 p.m. He added a rain date would be August 9, 2020. Canton made a motion that Council gives its blessing to the annual Police Car Show on August 2, 2020 on the Village campus sponsored by the South Russell Police Association, seconded by Nairn. Voice vote – ayes, all. Motion carried.

SAFETY COMMITTEE: Canton addressed the schedule of Safety Committee meetings and requested a change from the last Friday of the month to the first Thursday of the month at 7:00 a.m., at the Police Department. Porter agreed.

HUMAN RESOURCE COMMITTEE REPORT: Porter stated the committee met jointly with the Finance Committee on January 30, 2020. Filling the positions of Village Fire Marshall and part-time Zoning Inspector was discussed. He added that the Village had received many resumes for the positions. The committee would review them and conduct joint meetings with the other committees and determine candidates for interview.

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:

Carroll provided a second reading of an ordinance establishing a capital project fund to be known as the "Manor Brook Headwater Restoration Project" and declaring an emergency.

Carroll introduced an ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2020 Energized Community Grant Funds and declaring an emergency. Carroll made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-06 Carroll** added that the grant would potentially be used to address issues with the Police Department generator, or possibly lighting or siding.

Carroll introduced an ordinance amending ordinance numbers: 2015-41, 2016-33, 2017-08, 2018-07, and 2018-44 by amending pay ranges for South Russell Village employees due to increases over time. Carroll made a motion to waive readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. **ORD 2020-07**

BILLS LIST: Carroll made a motion to ratify the January 30, 2020 Bills List in the amount of \$75, 141.72, seconded by Berger. Voice vote – ayes, all. Motion carried.

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

Regarding the Chagrin Falls After Prom, Carroll stated historically, the Village had donated \$500 to the committee. He added that all but one of the communities serviced by the school district made donations as well. Carroll supported the event and made a motion to donate \$500 to Chagrin Falls After Prom Committee, seconded by Canton. Voice vote – ayes, all. Motion carried.

Carroll stated that he would be making a motion to go into Executive Session to discuss employee compensation and the employment of a public employee.

The Mayor stated that the annual Trash Day would take place April 25, 2020. The Street Commissioner verified the dumpsters had been secured for the event.

Carroll made a motion to accept \$313.35 donation for a flood light for the Memorial Stone Eagle Scout project by Charlie Kukla, Berger seconded. Porter asked if the funds could be returned to Kukla, and Carroll explained that if the funds were to be returned, they would have to go back to the benefactors of the Eagle Scout project. Kukla would then have to donate them to the troop or another organization. Carroll clarified that the Village would be purchasing and installing the light, and the funds would cover the cost to the Village. The funds, in other words, were part of Kukla's project and not coming out of his pocket. Voice vote – ayes, all. Motion carried.

The Mayor stated that on Monday, February 24, 2020, Porter would be unavailable to attend the Council meeting. On Monday, March 9, 2020, Berger would be unavailable to attend the Council meeting. On Monday, March 23, 2020, the Mayor would be unavailable to attend the Council meeting. Nairn made a motion to cancel the Monday, March 23, 2020 Council meeting, seconded by Carroll. Voice vote – ayes, all. Motion carried.


At 8:28 p.m., Carroll made a motion to go into Executive Session to discuss employee

compensation and the employment of a public employee, seconded by Porter. Roll call – ayes, all. Motion carried.

At 8:51 p.m., Council was out of Executive Session. Carroll made a motion to advertise for a full-time maintenance laborer for the Street Department, seconded by Porter. Voice vote – ayes, all. Motion carried.

Carroll made a motion to bring Tim Alder up to the salary of \$71,070 during his probationary period as Street Commissioner, effective Jan 13, 2020 and completed July 13, 2020, seconded by Porter. Voice vote – ayes, all. Motion carried.

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


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki