

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 24, 2020 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Matheney

VISITORS: Tim Schaaf, Bell Rd.; Giovanna Cantor, Sugar Bush Ln.; Chris Tروف, Sugar Bush Ln.; Elke Neumeyer, Sugar Bush Ln.

The Mayor addressed the passing of former Mayor Harvey. He then called the Regular Council meeting to order and led the Pledge of Allegiance. Fiscal Officer read the roll and noted Porter was absent. Nairn made a motion to approve the Council meeting minutes of February 10, 2020, seconded by Canton. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the minutes of the Special Council Meeting of February 10, 2020, seconded by Berger. Voice vote – ayes, all. Motion carried.

Galicki observed that there were members of the Sugar Bush neighborhood present and asked if the minutes from the February 10, 2020 Special Council meeting could be shared with them since the meeting concerned stormwater issues in their community. One copy was provided by the Mayor, and the Fiscal Officer offered to email the minutes as well.

MAYOR'S REPORT: The Mayor stated that the First Energy Solutions helicopter would be examining the power lines in the area to determine the tree trimming that would be necessary.

FISCAL OFFICER'S REPORT: The Fiscal Officer did not have anything to report.

FINANCE COMMITTEE: Carroll stated there was nothing to report, but the Finance Committee has a meeting scheduled for Thursday, March 19, 2020 at 7:30 a.m.

The Mayor stated he asked the committee to look into a checking system. He stated that the Village had an account that ran over \$100,000 in the red. He wanted the Finance Committee to explore options of what could be done differently to preclude this from happening again.

Carroll asked what had happened, and the Fiscal Officer stated she did not know to what the Mayor was referring.

The Mayor stated that the Village was over \$100,000 with the Solicitor. The Fiscal Officer stated that the budget had been amended by Council throughout the year. Carroll clarified that it was the line item that went over the amount originally budgeted, but that Council amended it

throughout the year. Carroll asked if the Mayor wanted the committee to determine why the costs were excessive in better detail. The Mayor said he would look at more safeguards to avoid it from happening in the future. He thought there should be some alarms that go off when it is nearing the budget. Nairn stated that before the Solicitor is contacted, research should be conducted first. She acknowledged the necessity and value of the Solicitor, but advised she first tries to research matters before contacting her. Carroll agreed, and stated the Village often looks to the Solicitor for answers when a simple solution would be to contact the Fiscal Officer or one of the Department Heads instead of going through the Solicitor. Carroll added that there were issues last year that cost the Village in legal fees, but he did not anticipate this would be the case moving forward. He explained that Council had heavily investigated the Building Department issue in late 2018 and 2019, which resulted in charges. Zoning issues and grants would continue to require the Solicitor's input. He suggested that the Fiscal Officer provide Council with a report about the percentage of the Solicitor's budget that had been used. Carroll further advised that the committee discuss it. Berger stated that 20% of the budget had already been used through the end of January. If this continued, the budget number would be hit in May. Either the budget would need to be changed or the way the account is used would have to change.

The Mayor stated that in speaking to other mayors, he was told that Council should not call the Solicitor, but they do. Nairn stated that this was because it is easy and safe and ensures getting the correct answer. However, she conducted extensive research about a levy issue four years ago before contacting the Solicitor. Carroll stated that Council should not be afraid to reach out to the Solicitor, but on the same token, on examination of the bills, there are issues addressed by the Solicitor that could be addressed by the Fiscal Officer. The Mayor further advised that the Mayor of Hunting Valley had Council discuss the Solicitor bills line by line in the public meeting. Mayor added he did not want to go that far. Nairn clarified that the discussion was to determine who called the Solicitor the most and the reasons. The Mayor stated, "yes." The Fiscal Officer advised that a summary had recently been included with the Solicitor's bills by topic so that Council could have an idea of how the funds were being spent. Carroll and Nairn thought this was helpful.

The Mayor acknowledged that he was part of the problem and would be part of the solution.

SOLICITOR'S REPORT: The Solicitor referred to the matter of the Village's receipt of a determination for an initial application for unemployment benefits of a public elected official. Council had asked the Solicitor to appeal this based on the ineligibility of the individual having been a public elected official. She stated through contact with the Ohio Department of Job and Family Services, the determination was vacated.

The Mayor stated that in speaking to another mayor, it was suggested billing the person who put in the request. The Solicitor asked for clarification. The Mayor explained that whoever incurred this expense to the Village, the Village would then bill the individual. The Solicitor stated this would not be her recommendation.

Regarding Dave Hocesvar and his Inspection Solutions contract with the Village, Carroll asked if the Village could contract with anyone for this service. The Solicitor said it could. Carroll

referred to previous discussions about dismantling the language of the Village's ordinances if the Village were to use the county services for inspections. He stated much of the language in the ordinances is tied to zoning. Carroll questioned the difference between contracting with a private contractor or going with the county in terms of dismantling the language of the ordinances.

The Solicitor stated she would have to review the analysis she previously provided. She thought there were sections that might be able to remain like the Building Inspector if the Village were then going to have a contracted county Building Department. She added that there was verbiage that discussed what the Building Inspector did for the Village based on the codes the Village had adopted. Carroll surmised that there would be some impact. The Solicitor agreed and added it might result in fewer changes if it just involved contracted service with the county. She said there were other things in the analysis she previously provided. For example, the Building Inspector enforces certain property maintenance standards, and she was unsure whether the county Building Department would do this, or whether the Village would have it done through the Zoning Inspector. She thought some changes of the Codified Ordinances would be impacted as well as the Zoning Code.

Carroll explained that the inspections that would be conducted by Hocevar or a company like SAFEbuilt, which conducts fire and building inspections, might exceed what the county would provide, and thus changes would be required for these areas.

The Solicitor added that one of the first sections of one of the chapters states, "there is hereby established a Building Department in South Russell." She did not know if this would or would not change. If the Village would no longer be doing the administration, this also could change. Carroll stated his perspective was that it would stay the same whether it was Hocevar or another entity. The Village was contracted with Hocevar and Carroll noted Hocevar had certain expectations in his contract. If the Village contracted with SAFEbuilt, they would have the same expectations as Hocevar. Therefore, Carroll questioned if the Village contracted with the County, for which there was no fee for services, why the Village couldn't keep the Building Department, per se, as it is. The Solicitor stated she did not think the County would enforce the Village's rule. Carroll agreed, but he said this comes back to there being some elements that are not as strict.

Carroll stated he just wanted to know the Solicitor's thoughts on this, and she said that it could be minimized if it was just going to be that the Village was contracting with the Building Department but not having them take over. She was uncertain as to whether the county would enforce the Village's rules.

STREET COMMITTEE: Carroll stated that the Street Committee met Friday, February 21st. Carroll advised he was not present at that meeting and referred to notes provided to him by Porter. He noted that the department would like to go out to bid for a pick-up truck that had been approved during the budget meeting. The issue of purchasing a bucket truck for limited tree work was discussed but required further discussion due to the limited use of the equipment. He

questioned whether it would be more cost effective to rent the equipment when needed or possibly make a joint purchase of the equipment with another community

Carroll made a motion to go out for bid for a new pick-up truck based on the budget amount approved at the budget hearings, seconded by Canton. Voice vote – ayes, all. Motion carried. Nairn stated that she liked the idea of working in tandem with another community. It would result in a savings for both communities. Carroll said this arrangement had worked out well for other communities like Russell sharing labor for when the Village did the Trash Day. Carroll stated that some communities have their Shredding Day at the same time as their Trash Day, and asked Council whether this was something the Village would want to consider offering. Nairn suggested that both days are very busy and questioned the wisdom in combining the events. Carroll stated he had not discussed this with the Street Commissioner, and Galicki advised he would like the Street Commissioner's input. He suggested addressing it at the next Council meeting.

In January, Carroll stated the Street Committee discussed enclosing or connecting the center corridor behind the Building Department. The Street Commissioner had discussed getting a shed, and during the course of the conversation came about the idea of enclosing the back section of the building and whether this would serve the same purpose. Carroll said he was not opposed to building another outbuilding, but he thought there would be too many things spread out everywhere. The Village stores things for the Farmers' Market, but has limited storage. The Street Commissioner reached out to Ann Dunning to see what it would take to enclose the center corridor and add more space. Carroll was concerned about adding space leading to accumulating more, but at the same time, he did not want to have equipment kept outside. Galicki asked if there was an expense related to Dunning's services, and Carroll thought it was pro bono.

The Mayor stated that Dunning was at the Village earlier in the day with pictures, but he thought Council should think about the project before incurring the expense of an architect. He stated the Mayor should have been notified first. Carroll explained that the matter came up in the Street Committee meeting as a thought and some preliminary exploration was done. He added that the Village did not have a good strategic plan for the Village buildings and said the Police Department was in an old house. The Service Department was functional, but Carroll said he was not a fan of putting band aides on some of the issues. A larger discussion of a strategic plan for the properties was needed for 25 to 30 years in the future. Carroll related this to not wanting to build miscellaneous out buildings, wasting space, and taxpayer dollars. Carroll added that a simple conversation snowballed into something much bigger. The Mayor stated that it did.

Berger added that he spoke to the Street Commissioner, who explained that in order to have the workspace to put a new bed on the truck, personnel were taking storage space and turning it into workspace. They were saying it would be beneficial to have more storage facilities so that there was a working bay for the service work they do.

Galicki asked how Ann Dunning became involved, and neither Berger nor Carroll were aware. The Street Commissioner may have reached out to her for information. Carroll thought Council should not be short sighted by spending money in the near term. If there was a good strategic

plan long-term, which Carroll thought would be prudent, it would preclude spending money on temporary fixes.

The Mayor said his first comment was whether South Russell would exist in twenty years with regionalism. He did not think this would happen. He was happy the Chagrin Valley Times was not present because he would not want to see this get in the papers. The Mayor stated that 30 years ago, it was estimated that it would cost \$1.5 million to have one facility for the Village.

BUILDING COMMITTEE: Canton stated that the committee met February 20, 2020, at 1:00. The meeting included the Fiscal Officer and the Building Department Administrative Assistant. He reported a positive and productive meeting. Canton stated that Berger asked how the committee could help the Building Department be successful. Canton further stated that the Mayor suggested the Village create operational handbooks for each department or committee. Every two years, Council assignments are rotated to various committees, and the Mayor thought the reference handbook would help the committee members, and Village staff would be supported by having a paper trail handbook for operating procedures. The Building Committee had agreed to working on creating the Building Department handbook.

Regarding staffing hours and workload, Canton stated that workload would determine hours worked and staffing. The committee was cognizant to the fact that new home construction in the Village was limited due to the lack of available properties. However, with ever changing consumer tastes, the Village may realize an increase in home remodeling for the next five to ten years. If this were the case, hours and staffing may need to be increased. Canton stated that the committee supported such modifications. He suggested adding a survey question to the Village newsletters to seek information as to whether or not homeowners planned to remodel in the future.

Regarding working space, now that the administrative staff had relocated to the Building Department, office space had become a concern. The Streets Department had previously asked for additional storage space. If additional space were to be made available to the Streets Department, the remodel of the service and administrative areas would enhance and promote a positive working environment. Canton stated the committee supported expansion.

Canton addressed cooperative working strategy, and said that the Fiscal Officer, Administrative Assistant, and Building Department Administrative Assistant had begun to cross train and understand the need to learn each other's roles in case of absence. The committee commended such action, according to Canton, and promoted the proactive strategy.

The Building Department budget was discussed, and the committee planned to coordinate with the Finance Committee to have a comprehensive budget plan that reflected all departmental revenue and costs. Canton stated that the committee was reviewing permitting fees and deposits and would bring proposals to Council to amend permitting ordinances as necessary to reflect current practices as well as opportunities to improve the Village's permitting process. With firm numbers, Canton stated, the committee would be better able to offer Council an educated view of the Building Department's function.

Relating to how the committee could help the Building Department be successful, the committee planned to ask this question at the beginning of each monthly meeting.

Concerning the Fire Marshall and Zoning Inspector, the committee has the resumes that are being reviewed. The names of candidates would be forwarded to the Fiscal Officer in the near future to schedule interviews.

The next meeting is scheduled for April 2, 2020 at 8:00 a.m. at the Building Department.

Carroll asked if the Building Committee could reach out to SAFEbuilt to determine what their fee structure would be for taking over fire inspections and building inspections since they do both. Carroll thought they might also do zoning, and he thought it would be beneficial to determine the fee structure for the Village to consider.

SAFETY COMMITTEE: Canton stated the Safety Committee will meet March 5, 2020 at 7:00 a.m.

HUMAN RESOURCE COMMITTEE REPORT: Nairn stated she had no report.

The Mayor stated he had begun to look into timesheets that are submitted by the employees. He stated that the Village was all over the place and that some people got breaks and lunch breaks, and some did not. Some people worked from home, which had been discussed earlier. He asked the HR committee to look at this in the next month or two to determine if something standard was needed. Nairn asked if there was something in the employee handbook to address this. The Mayor stated that things were being done differently. He added that there were people who worked 8:00 a.m. until 4:00 p.m. with no breaks and no lunch and others worked from 7:00 a.m. until 3:30 p.m. and got lunch and breaks. The Fiscal Officer stated that the police get paid for all their breaks including lunch because they are on call for emergencies. The Fiscal Officer stated that she, the Administrative Assistant, and the Building Department Administrative Assistant choose to eat at their desks and continue working. It is understood that a lunch break can be taken, but they choose to eat their lunch in this manner. The Service Department personnel take an unpaid 30-minute lunch break. She further explained that the timesheets are on Google Sheets, and this is working well with the ability to share the documents. Carroll clarified that it is a matter of how breaks are structured. The Fiscal Officer stated that the Google Sheets had been used by all employees for over five years. The Village unsuccessfully tried the Paychex system the previous year. Carroll clarified that Google Sheets were working well for payroll purposes and questioned whether there was an issue with breaks. The Mayor said he looked at the timesheet and saw that some people said they worked 7:00 to 3:00, and added that they don't do timesheets, frankly. He said every day they put 7:00 to 3:30 with a half hour. Other people get breaks and some people don't get breaks. Some people sign in by the minutes. Carroll asked if they sign their time sheets. The Fiscal Officer explained that the employees type their name in which serves as an electronic signature. Nairn asked if every department gets a break, and the Mayor said no. The Fiscal Officer reiterated that the police could take breaks and lunch and are paid because they are on call. The other employees can take a break, but the breaks and lunch are not paid. She explained in the administrative offices it is possible to eat while working and

there does not seem to be a need to stop to take a break. The Service Department staff comes in from the road for a half hour lunch break. She added that the Department Heads check the time sheets.

Berger asked if the Street Department wrote down 7:00 to 3:30, would they be paid for 8 hours or 8.5. The Mayor stated 8. Berger stated they get paid for 8 because they take lunch, but the Building Department would get paid for 8.5. Berger thought there was a problem with wage and hour and said that if an employee works over 4 hours there is a requirement to have a lunch break. The Solicitor stated that this depends. Berger thought this is State law and suggested she investigate this. Berger stated that if he were looking at all the timesheets for the Village and two people from different departments wrote the same times but would be treated differently, how would he know that they were treated differently if it were not documented. He advised that the legal question needed to be addressed and the Village would also need a written policy describing the differences in treatment.

Carroll raised the issue of employees who are smokers and asked how many smoke breaks this employee would get. The Solicitor referred to the Employee Handbook and said on page 9, there is a pay period and work schedule description that describes that the lunch period for employees is one half hour, and breaks may be approved from time to time by supervisors.

The Mayor asked that the committee return to Council with information in April or May.

PROPERTY COMMITTEE: Nairn stated the Property Committee attended the Chagrin River Watershed Partners (CRWP) meeting on February 20, 2020. She was surprised by the number of projects in the tri-county area that have or will be started soon, to include the Manor Brook Downstream Restoration project.

The Mayor asked whether on March 3rd at 10:00 a.m. it would be possible for the Property Committee to take a road trip with the Mayor and Street Commissioner to look at things.

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

ORDINANCES/RESOLUTIONS:

Carroll made a motion to table the ordinance establishing a capital project fund to be known as the “Manor Brook Headwater Restoration Project” and declaring an emergency, seconded by Nairn. Voice vote – ayes, all. Motion tabled.

Carroll introduced an ordinance employing USI Midwest, LLC as insurance agent for the Village of South Russell and declaring an emergency. 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. Berger stated the policy identified the rental house, and the Fiscal Officer advised this had been corrected. Canton questioned the reference to Village Hall having decreased in value. The Fiscal Officer stated that in the past, Hocevar used to provide values for the buildings. In switching to the Public Entities Property (PEP) pool last year, all the buildings

were appraised by a professional appraiser for free, and it was determined Village Hall was overvalued and the Police Department was undervalued Roll call – ayes, all. **ORD 2020-08**

Nairn introduced a resolution of appreciation for Ray Schloss.

Nairn introduced a resolution of appreciation for Darrell Johnson.

Nairn introduced a resolution of appreciation for Joan Demirjian.

Carroll introduced an ordinance increasing Operating Fund expenses \$2,300; Special Equipment Fund expenses \$47,707; Street Maintenance Fund expenses, \$4,800; Headwater Fund expenses, \$112,870; NatureWorks Playground Fund expenses, \$11,821; Manor Brook Fund expenses, \$50,000 for a sum total of \$217, 677 and declaring an emergency. Carroll made a motion to waive readings, seconded by Canton. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2020-09**

Carroll introduced an ordinance transferring from the Income Tax Fund to the Operating Fund, \$2,300; \$47,707 for the Special Equipment Fund; Street Maintenance Fund, \$4,800; Headwater Project Fund, \$112,870; and the Manor Brook Fund, \$50,000 and declaring an emergency. Carroll made a motion to waive further readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2020-10**

BILLS LIST: Carroll made a motion to ratify the February 13, 2020 Bills List in the amount of \$46,209.34, and approve a payment of \$18, 236 to the Public Entity Pool for 2020 Property and Casualty Insurance, seconded by Berger. Voice vote – ayes, all. Motion carried.

NEW/OTHER: Galicki and Canton had no new business.

Nairn made a motion to approve the contract with the Farmers' Market, seconded by Canton. Voice vote – ayes, all. Motion carried.

Nairn questioned the quoted expense of a generator for the Police Department which appeared in the Chagrin Valley Times. She asked if this was brought before Council. The Fiscal Officer said that it was not. She explained that Council agreed to pursue the Northeast Ohio Public Energy Council (NOPEC) grant, and one of three ideas was to replace the Police Department generator. There was also the idea of LED lights in the service garage. No quotes had been obtained for either. Nairn said she did not hear the figures at the last Council meeting and did not know how they had been determined. The Mayor stated that last year when another generator was replaced, the comment was that it would cost about \$8,000 for the Police Department generator. He added that they had looked at LED lights last year or two years ago. The Mayor said he was roughly saying that it would probably be about \$7,000 and the other one would be about \$8,000. Nairn asked what the total amount the Village would get from NOPEC, and the Fiscal Officer stated just under \$15,000.

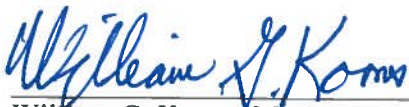
Galicki noted that the reporter was present at the previous meeting and asked where the figures came from and asked if someone provided those numbers to the paper. The Fiscal Officer said

she did not. The Mayor said it could have been him or it could have been the Chief or the Street Commissioner. He said it was probably him saying what the Village was thinking about doing. Galicki offered that in the future discussing figures before they are committed to by Council should be avoided. The Mayor said it may have been him, and probably was because he had talked about it for a while.

Berger made a note that as part of the Building Committee meeting, they were looking at job descriptions so that everyone in the department had a job description and an expectation of what was required of them. He anticipated this would happen in the next month or so. The Solicitor advised that Council passed job descriptions recently and wondered whether he was proposing amending some of them. Berger said that there was not one for a department head job description. Carroll clarified that they were looking at the job description for the Fiscal Officer who was serving as the department head and what her roles and responsibilities as such were, to include the chain of command. Berger agreed.

Carroll asked how the Fiscal Officer felt the supervisory situation was working. The Fiscal Officer said it was going well and that the Building Department Administrative Assistant knew her job. The Fiscal Officer, as the Department Head, had concerns with the probationary period being up in a couple of weeks, on March 16th, and her newly taking on this responsibility and not having a lot of time in to evaluate during the probationary period. Carroll offered that there would still be time for Council to discuss the possibility of an extension of the probationary period. Carroll wanted to be sure there was time to evaluate the situation. The Mayor asked if there was a reason to extend the probationary period. Carroll stated potentially yes, which was what he wanted to discuss with the Department Head. The Mayor asked the Building Committee if they saw any reason to extend the probationary period but acknowledged he had caught them off guard. Carroll advised that there was time to discuss it at the next meeting and it would be something that Building Committee could consider. He added that he had concerns and he would go to the committee and the department head. He further stated that Council had had robust discussion about the individual and the position, and he wanted to be sure there were no more surprises.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki