

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 14 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Nairn

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

VISITORS: Mike Baldwin, SRO; Dave Conley, Solon Rd.; Dyanne Thomas, Maple Springs; Chris Berger, Whitetail Dr.; Gayle Linamen, Sheerbrook Dr.

At 7:30 p.m., Mayor Koons called the Regular Council meeting to order. Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Carroll made a motion to approve the Council meeting minutes of September 23, 2019, seconded by Galicki. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the minutes of the October 7, 2019 Special Council meeting - Budget Work Session, seconded by Schloss. Voice vote – ayes, all. Motion carried.

Dave Conley, Illuminating Company, provided information about managing through a power outage. He emphasized the need for residents to report outages because the Illuminating Company's system could not distinguish how many and which residents did not have power. Residents can report through the company's website, call the company, or utilize a mobile app. Conley emphasized that the company utilizes reported outages to help prioritize power restoration. Pamphlets were provided. Schloss asked for a point of contact for residents to call relative to trees overhanging power lines. Conley stated they would call 1-888-LIGHTSS. He advised that the Illuminating Company does trimming in its right of way. If the trees are on private property, the company assesses the situation, but the homeowners must contract with a licensed professional. More information is available on the First Energy Corps website.

Mike Baldwin, School Resource Officer, provided his report. Since he last reported, he instituted a program called the Life Skills Program and taught it to 4th, 5th, and 6th graders. The curriculum pertains to decision making, drug avoidance, mental health, and bullying. The classes were taught throughout the year, and he felt it was beneficial in positive relationship building with the children. He also addressed his collaborative efforts. Specifically, he worked with Chagrin Falls Schools personnel to find a balance between building safety and schools appearing open and friendly. He continues his collaborative efforts to include technology safety, substance abuse, vaping, mental wellness, student behavior, and traffic control. He has also been active in writer's workshop and critical thinking exercises with the students at Gurney Elementary School. Canton thanked Baldwin for his service and relating to Baldwin's report,

asked Baldwin about the time he spends in each building. He asked if the numbers are picked out of the air or are research based. Baldwin explained that they are research based. Canton relayed to Council that in working as a substitute teacher in the Chagrin Schools, he can see that Baldwin has the respect of the students and staff. Carroll asked if there are any secondary lock-down devices at Gurney. Baldwin said there were no secondaries, other than training provided to the teachers for using ropes to tie down the door, which can be used as a secondary device.

Gayle Linamen, Sheerbrook Dr., expressed her concern that South Russell has not finished considering the possibility of a single waste hauler including recycling for the residents. Other than Waste Management, local haulers stopped recycling as of January 2019. This matter was addressed at the January Council meeting by Lorraine Sevich. Additionally, there was a news article published about recycling in Geauga County. There was mention in the article about Chardon, Burton, and Middlefield having single haulers with recycling services for residents. Chardon and Burton formed contractual agreements with Waste Management, and Rumpke for Middlefield. Linamen proposed to Council that this arrangement be considered for the residents of South Russell. She further stated that eight to nine years ago, there was an opinion poll to determine the hauler preference of residents, and she understood that it met with negative responses. She did not think, however, that it addressed recycling. With Waste Management being the only hauler to still take recycling, Linamen said it has a captive audience. She suggested that if the Village could approach a hauler to determine the possibility of a contract, it might be beneficial to the residents in providing more affordable hauling and recycling services.

Porter shared that a poll was taken of residents eight to nine years ago, and 85% of responses were positive for a single hauler arrangement. There was then a public hearing where 85 people showed up. Virtually everyone in the room was in favor of a single hauler arrangement, but only wanted their individual hauler. It became clear that the residents did not want a single hauler unless they could have their choice. Porter was in favor of the arrangement, and favored using Waste Management, but cautioned that it would involve getting consensus from the residents. He did not know that the Village would want to order the residents to pay the Village for trash hauling as a public service. Porter stated that perhaps it could be revisited. Carroll advised that he had spoken to Linamen on the phone about the issue and reiterated that the Public Utilities Committee could look at the issue to see what options were available. He was aware of individual neighborhoods that had negotiated with Waste Management, and offered that as a Village, it might be possible to negotiate a better price for everyone to include the option for individuals who did not want to participate to arrange their own provider. He thought it would be difficult for the Village to take on this cost but offered that the Village should consider the issue.

Galicki asked if Linamen was proposing that the single hauler would be a Village provided public service and be paid through tax dollars, or did she want the Village to negotiate a contract for the residents that they would pay. Dyanne Thomas, Maple Springs Dr., asked Linamen if it was her goal to have the city pay for it, and Linamen said she would appreciate if South Russell would negotiate the issue and discuss different possibilities. Linamen referenced discussions occurring on the Next-Door App and said there is a keen interest in the community as far as

recycling. She asked if South Russell could have a recycling center. Linamen added that climate change and worry about the planet is a focus and many people want to do their part with recycling, and the timing might be right.

Carroll added that although Kimball will not recycle in South Russell, they will in Chagrin Falls. Potentially, if the Village were to negotiate with Kimball, they might do the curbside recycling. He also addressed the pricing discrepancies with Waste Management. The Mayor said that when Russell considered the single hauler, it was so split that there was legal action to prevent it. He added that having a facility available can be a headache because people dump everything, and he did not know that the Village would be interested in having a facility. The Mayor said that he does not know anyone who fills up the provided recycling containers in one week, and suggested that with a single hauler, perhaps the recycling could be done every other week. He said that Sevich was before Council with the matter in January, and Linamen would be back in January 2020 when Council would be looking at new goals and committees. The Mayor acknowledged it was a big issue and a financial issue and added that there was interest in the community to have something done about the recycling and trash hauling.

MAYOR'S REPORT: The Chagrin River Watershed Partners (CRWP) would be administering the Ohio Department of Natural Resources (ODNR) Grant for the playground. The Mayor explained that they would be coming to Council with a proposal for under \$1,000 on the \$23,000 grant for the playground. He said it would boil down to making sure that the Village gets the proper sign and finishes some things.

The Mayor said a motion would be necessary to approve the agreement between South Russell Village and Davey Resource Group, Inc. for the Headwaters Stream and Wetlands Restoration project. He asked the Solicitor what would be necessary and explained it would just be to get things started. The Solicitor stated that a motion could be made, but that the issue was that approval was still required from the Ohio Environmental Protection Agency (EPA). She said the motion should include that the pending grant is subject to OEPA approval. She further advised that there would still be a meeting the following day with CRWP and Davey to discuss the contract. The Solicitor added that Davey was in favor of it, and the Village has revised it. The Mayor clarified that when Council came to the motion, it would include what it has but pending Ohio EPA approval. The Solicitor concurred. Then, she explained when approval is obtained, an ordinance will be presented for adoption. At the time of signing the resolution or the ordinance, the contract would then be signed. Davey would have already signed. Galicki asked if this was the contract that needed to be rewritten because of the verbiage with extraneous items in it. The Solicitor said that Davey did not change the language of what they proposed. Instead, in the fifth whereas clause it discusses that the Village is accepting their proposal except for the elevated walkway, for which grant funds cannot be used and the other was the sledding hill. The Engineer developed language to say that excess spoils can be placed at any location designated by the Village, not necessarily at the park and not for a sledding hill. Again, she advised that grant funds cannot be used for this purpose. Galicki asked if it was premature going forward with the contract proposal. The Solicitor said she did not think so and explained that CRWP has experience in this area and utilized a stock contract that had been previously approved by Ohio EPA. There were changes made with the inclusion of new Federal Law. CRWP did not see any

reason Ohio EPA would not approve it. The meeting on October 15 would essentially be a meet and greet kick-off meeting. She explained that Ohio EPA would not make revisions but would make suggested changes, and it would be necessary for the Village to make the changes to obtain the grant. Davey had asked to visit the site, which the Solicitor suggested not doing until there is a signed contract.

Carroll made a motion to approve the agreement between South Russell Village and Davey for the Headwaters Stream and Wetlands Restoration project pending Ohio EPA approval, seconded Porter. Voice vote – ayes, all. Motion carried.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her report to Council. Regarding the report, Carroll noted that she was asking for an increase of hours for her assistant. She explained that she is still struggling to catch up which is complicated by the extra special meetings. Additionally, her Administrative Assistant is attempting to complete all the Board minutes that had not been done. Regarding the Village's Safety person, Carroll said it had been the Fiscal Officer, but then was assigned to the former Building Inspector. Currently, there is no designated Safety Person. The Fiscal Officer said that this responsibility was included in her job description adopted by Council and she is handling it. Carroll verified that the Fiscal Officer was going over to the Building Department to work with the Building Department Secretary. The Fiscal Officer said she had but was limited because of her work with the budget over the last two weeks. Although she speaks with the Building Secretary several times a day, her intention is to spend time with her on October 15. The Fiscal Officer advised that the Building Department Secretary is proposing positive changes to streamline processes and improve efficiency. The Fiscal Officer verified that the Building Department Secretary is working out well.

The Fiscal Officer addressed Shredding Day, which occurred Saturday, October 12, which fell apart. The company picked up the shredding, and according to the Interim Street Commissioner, are willing to return on Friday, October 18 from 10:00 a.m. to 11:30 a.m. They would only charge \$100.00 for residents who were not comfortable leaving their shredding on Saturday when the company failed to show up. Carroll asked why the company did not show up, and the Fiscal Officer explained that it was a personnel issue with the company. They were responsive and came out on October 14 and took what they could. Carroll asked if it could be on Saturday, since it was originally scheduled on a Saturday. He thought this would be more convenient for the residents. The Mayor did not think there would be many more customers. Carroll thought since it was the company's fault that they did not show up on the scheduled date, it would be nice if they would offer to come in on another Saturday date, or potentially allow residents to participate in another community's shredding day. Porter suggested asking the company, and if it were not possible, to keep the date for Friday, but to remember this next year when looking for a shredding service. The Interim Street Commissioner advised that other communities may have a residency requirement and added that the company did not charge the Village to come October 14th. Carroll noted that the Village paid personnel to come in for the event, and the company should come into the Village on a Saturday for an hour, even if it is inconvenient to the company. It would be doing what is best for the residents since they did not show up when scheduled. The Mayor said that getting a truck was a problem for the company. The Interim Street Commissioner said that the company tried to get a shredding truck to come to the Village but could only get a box truck. Carroll clarified that they did not shred the documents on site,

and the Interim Street Commissioner said they took the shredding downtown and shredded it there. The Interim Street Commissioner verified that the company utilizes extremely secure processes, and services hospitals. He added it is too time consuming to shred it on site. Carroll emphasized he would want to make it right, and the Mayor and Interim Street Commissioner stated that materials were left by residents on Saturday and for those who did not want to leave their documents, contact information was obtained. Porter again suggested contacting the company to see if they would come Saturday, if not it would stay on Friday.

Porter suggested using an eblast. The Mayor asked how effective this is. He said a sign would be put out. The Mayor thanked the Street Department staff for working Saturday morning.

Regarding the discussion about the Road Program during the Budget Word Session, the Fiscal Officer said it would be about \$600,000 to do both Kensington Circle and Sheerbrook Dr., which she confirmed with the Engineer. The Engineer advised that he would be pursuing a grant for about \$94,000 for Kensington Circle, so the Road Program may be closer to \$500,000 if the Village were to get the grant. The Fiscal Officer would still be putting the \$600,000 in Budget.

FISCAL AUDITOR'S REPORT: Fiscal Auditor distributed his report for the month ending September 30, 2019. The Fund Balances were \$3.1 million. He indicated that the interest rate had declined and continues to do so. The fund balances dropped, which was not unusual because the Village did not receive a lot of income in September. The notable items were the Cable Franchise Fee installment; the \$2,500 Walmart Grant for Shop with a Cop; the last of the Real Estate money; and Village Income Tax. The big drop was the result of cutting checks for the Road Program. For the year, the Village is positive by over \$400,000. He pointed out that the fund balances reflected on his report are identical to the penny to fund balances arrived at independently by the Fiscal Officer.

FINANCE COMMITTEE: Porter made a motion to accept the September 30, 2019 balances, seconded by Carroll. Voice vote – ayes, all. Motion carried. Porter advised that Finance Committee minutes were distributed to Council. One topic addressed was increasing the hours of the Administrative Assistant to the Fiscal Officer to 24 hours from 16 hours for the purpose of assisting the Fiscal Officer in the completion of various backlogged projects. Porter made a motion that Leslie Galicki's hours be increased from 16 to 24 hours per week on a part-time basis, seconded by Carroll. Galicki recused himself from the vote. Voice vote – ayes, all. Motion carried.

Carroll addressed the item in the Finance Committee minutes pertaining to having Lorraine Sevich assist in training the Building Department Secretary in Board Clerk responsibilities. The former Building Department Secretary had previously been offered 10 hours to assist in training, but she declined. Carroll thought it would be beneficial to have Sevich provide this training for up to the designated 10 hours at the same rate. The Fiscal Officer concurred that 10 hours could be required because of the details and legality involved with the position. She added that the Building Secretary is comfortable with most of Building Secretary responsibilities, but still has questions relating to the Board Secretary position. The Fiscal Officer spoke positively of Sevich's attention to detail in this position. Porter asked if 10 hours was enough. The Fiscal

Officer said she was not sure. Carroll suggested offering 10, and Porter added that they could start with 10 and see what happens. The Fiscal Officer emphasized the need to utilize the time for instructing the Building Secretary on the legal aspects of the Boards, instead of focusing on catching up on the minutes of the previous meetings. She currently has the Administrative Assistant working on the Board Minutes. The Mayor addressed Porter and said \$22.84 for 10 hours. Carroll stated that Council had already allocated this for the former Board Secretary and should just reallocate it to Sevich, Porter made a motion that instead of engaging the former Building Secretary for the purposes of assisting the Building Secretary in the Building Department, that the funds so allocated be done for Lorraine Sevich, and that she would work under the Fiscal Officer's supervision for the purposes of clearing the backlog in the Building Department minutes, Carroll seconded. The Mayor clarified it would be 10 hours at \$22.84 an hour. Voice vote – ayes, all. Motion carried.

SOLICITOR'S REPORT: The Solicitor thought she would have something to report regarding the deposit forfeiture on Snyder Rd. but did not have anything. Her understanding was that Hoces conducted a preliminary inspection but observed that there were permits that had not been pulled. He would issue a letter to Council regarding his time spent, the Solicitor's time spent, and a recommendation that those charges be deducted from monies refunded. Porter clarified it was a \$1,000 bond.

ENGINEER'S REPORT: The Engineer said that October 15, 2019 was the due date for the Ohio Public Works Commission (OPWC) applications. He said he had it complete but needed certification by the Fiscal Officer and a resolution from Council that authorizes the Mayor to apply for the money. The Fiscal Officer acknowledged that this was on the current meeting agenda. The Engineer said it would be preferable to have the resolution past, but that he could submit it to the county Engineer's Office with this pending. Carroll verified this was for the grant for \$95,000. The Engineer confirmed it was the grant for \$94,300 to help offset the Road Program costs on Kensington Circle for the coming year. Porter asked if there was any reason to wait, and the Engineer said that these things tend to come up at the last minute, which does not give Council much time to get legislation with three readings.

Carroll addressed the issue of communities having a regular ditching program in conjunction with the Road Program and asked the Engineer about the effectiveness of such a program. He added that the Village previously may have done it, but now it seemed to be on an as needed basis. The Engineer acknowledged that the Village had not been doing this. He explained that 20 years ago, the Street Commissioner would identify ditches that required ditch clearing that was done in-house. The Engineer explained that in dividing the Village into four quadrants, it would be possible to concentrate efforts on clearing ditches in one quadrant per year. That way, the ditches are cleared every four years. He thought this would be beneficial and did not know why the Village got away from regular ditch maintenance. Carroll surmised that this would help with stormwater issues, and the Engineer agreed and said it is a cost-effective remedy.

Canton addressed the Interim Street Commissioner and said that the Service Department would like to get started laying the concrete foundations for the benches and wanted to know if CT Consultants should be involved. The Engineer said they could if the department needed exact elevations of the bench footers. Canton asked for guidance. Porter asked Canton if he was

talking about the Park benches or Cemetery. Canton clarified it was the park benches. He said there are seven benches and asked if it would be better if the Park Committee, Service Department, and Engineering firm meet at the Park and then report to Council where they would like to have the benches placed. Or, Canton asked if the Service Department, Engineer, and Parks Committee could get the work done. Carroll asked Canton if this would be done this year. The Interim Street Commission said this would be possible. Carroll said the weather would start to turn and asked whether Canton would have enough time given that Council would meet again on October 28. Canton explained that this is what he was asking. The Mayor asked whether this was something that could be figured out and then just done. He did not think it needed to be brought back to Council to approve the location of the benches. Carroll thought Council should be aware of the general layout. Canton asked why it should be done now and not in spring. The Interim Street Commissioner explained that it could be done either way. He added that the ground is drying out now, enabling the staff to dig the footers one day and pour the next. Canton recommended going to Gates Mills to see how they did their playground and the placement of benches and trees next to each bench. Porter thought it was too rushed and should be planned out and done in spring. Canton agreed. He wanted to stake it out and bring it to Council to look at it and then go forward. Carroll suggested that if the weather were to cooperate, perhaps it could still be done this year.

The Mayor asked the Interim Street Commissioner whether it was better to get the benches in or the trees. The Interim Street Commissioner advised that fall is for planting. Canton thought there were four or five trees, and the Interim Street Commissioner said five trees could be installed in one day. Porter asked how many people would be using the benches in the winter. The Interim Street Commissioner said they could pour the footers when it was convenient, and the benches did not have to be put in right away. Canton asked if the benches had arrived, and the Interim Street Commissioner said he had not seen them. The Mayor thought Canton had a good point to have people look to determine where the benches would go, but he thought the trees should be planted because they are just sitting at the nursery. Carroll asked if it would be necessary to know where the footers would be going to put the trees in. The Interim Street Commissioner said with a diagram of where the trees go, the footers would be easier. The Mayor said to get it figured out this week or next week. The Mayor said the Interim Street Commissioner would do it, and that Ike Tripp should be consulted since this was his baby. Canton explained that Tripp is in Europe and did not know when he would be back. The Mayor said he thought they could go out and say 'this is where we think the benches should go and this is where the trees should go,' and put stakes in the ground and people can look at it over the next week.

In reference to the Engineer's bill, Schloss asked what the Village's relationship is to Paw Paw Lake. The Engineer said there is no relationship. He explained that representatives from Paw Paw Lake engaged the Village in potentially having the Village take over the maintenance/infrastructure responsibilities of the street and associated storm sewer, ditching, etc. According to the Engineer, the Mayor said this was an interesting question and asked what it would take to get their road up to the Village's standards. The Engineer spent several hours in a meeting with the residents and representatives and informed them of what the Village would require, which would be in excess of \$2,000,000 in work. After this discussion, he did not think the Village would be hearing much from them for a while. Schloss said he understood what the

Engineer was doing and verified that the Engineer billed the Village for this consultation. The Engineer acknowledged that he did. Schloss questioned whether the Paw Paw Lake residents should have been billed for this. He further asked whether this would be an ongoing process. The Engineer said he is billed out on Paw Paw Lake and had done everything the Mayor had asked him to do to address the situation. Unless the residents come back with a strong argument, which the Engineer did not anticipate, he thought the discussion was complete.

Carroll explained that when Paw Paw Lake addressed the matter with Council that Council offered to have the Engineer look at the situation to let them know what would be required before the Village would consider the proposition. The Engineer explained that when he is addressed by Mayor or Council to assist a resident with an issue, this is a service the Village extends to its residents.

Porter asked if the Village were to get the \$94,000 grant, it would essentially be spending \$500,000 on the Road Program instead of \$600,000. The Engineer said this was essentially correct. He asked if there were other streets that would require attention almost immediately for another \$100,000 and a triple Road Program. The Engineer said Lakeview West has a preliminary construction estimate of \$94,500 and Lakeview East of \$104,000. Although these have been done separately in the past, the Engineer would prefer to do the whole thing. Porter said it was about \$200,000. The Engineer stated that Reserve Trail is not quite as bad and has a \$102,000 estimate. Carroll asked when the PCI ratings would be redone, and the Engineer said it would be in the coming weeks in fall. Typically, the 2018 PCI ratings are used for the 2020 Road Program. If Council was looking to spend the \$600,000 on the Road Program, the Engineer would know in May 2020 if the Village will be getting the \$94,300. The Engineer was confident it would. He thought the remaining \$100,000 could be spent on a worthy candidate. Porter asked if they could be bid as alternates to the main bid. Carroll acknowledged this was a good idea.

The Mayor congratulated the Engineer on pursuing the \$94,300. The Mayor asked the Engineer if he would have an estimate of the Village park parking lot soon. The Engineer said he was looking at two materials, a composite that would allow the grass to grow up through it but would carry a vehicle load; and a concrete modular system that did the same thing. He has a cost estimate of the concrete and would have the estimate for the other material shortly for comparison. The Mayor addressed Paw Paw Lake's use of the composite material and asked the Engineer why it had not been filled in. The Engineer provided a number of explanations and explained that if the Village were to use it, there would be topsoil and grass planted over it.

STREET COMMISSIONER: The Interim Street Commissioner thanked Mayor and Council for the opportunity to serve in this capacity. He submitted a monthly report for September.

The Mayor complemented the Interim Street Commissioner and staff on their knowledge of the pricing of equipment.

STREET COMMITTEE: Galicki had nothing to report.

The Mayor asked the Fiscal Officer about Chagrin Falls and Salt. The Fiscal Officer explained that every year Council passes a motion to allow Chagrin Falls Schools to purchase salt. She explained that the Village would be purchasing 110% of the ODOT bid.

The Mayor suggested making a motion to enter into an agreement with the Chagrin Falls Schools to purchase salt from the Village at a rate to be determined. The Fiscal Officer explained that the schools pay the Village at the rate the Village paid. Galicki asked if this was typically a request from Chagrin Falls Schools, and then the Village provides it to them. The Fiscal Officer explained it is done by motion to ensure Council agrees to let the schools have some of the Village's salt. Porter asked about the price of salt this year, and the Interim Street Commissioner thought it was \$65. Porter verified that whatever the Village pays is what the School pays.

Galicki made a motion to enter into an agreement with Chagrin Falls Exempted Village Schools to provide salt for their winter needs this season, seconded by Carroll. Voice vote – ayes, all. Motion carried.

BUILDING COMMITTEE: Schloss stated that the committee interviewed another candidate for Zoning Inspector and added that the Mayor will hopefully interview her. In the meantime, he and Porter discussed the possibility of the current Building Secretary/Board Clerk taking over the position. He spoke to the Solicitor to determine if there would be a conflict and was told that there was not. He and Porter felt there could be a conflict and that an outside person other than the Building Secretary take the Zoning Inspector position.

Carroll asked when the Mayor would be conducting interviews so that Council could get the ball rolling. The Mayor said that if Council did not look at the Building Secretary for the Zoning Inspector position that he would bet she “is gone.” He hated to say it publicly. Carroll asked why he would say this. He asked if the Mayor had this conversation with her and if she was hinting towards this. The Mayor stated that the Building Secretary thought she had applied for it when she applied for the job. Carroll stated he did not know how she would have thought this because the committee was very explicit about the job she was getting. He further explained that she indicated she would be interested in it, and even when the committee did the original interviews, they spoke with her about a possible conflict. Carroll thought they were very direct in identifying the job she would be getting with no guarantees of full-time and no guarantees of getting the Zoning Inspector position because they did not want to have her get a false sense of other opportunities that may not be realistic to her. The Mayor said he would like to meet with the Building Committee as soon as possible to discuss the matter.

Galicki asked the Solicitor whether there had been a discussion with Council about the potential conflict of having the Building Secretary in both positions. The Solicitor stated that the two positions were not incompatible, and there was no Ohio Attorney General commune saying the Village cannot do both. In the township realm, the Fiscal Officer can also be the Zoning Inspector as well as the Board Secretary for Zoning Board of Appeals and Zoning Commission. There is nothing similar to this in the Village's Codified Ordinances, but if it is something that can be done in the townships, maybe there is no conflict. The Solicitor explained that the conflict was that a Zoning Inspector testifies at a Zoning Board of Appeals Hearing, and that

same person then is taking the minutes. However, the meetings are recorded. She was uncertain of the retention of the recordings. She stated that the recordings provide the control to ensure the integrity of the minutes in relation to the Zoning Inspector's testimony. The Solicitor said there is nothing written or with the Ethics Commission that say it cannot be done, but it is a matter of considering that the person testifying is also the person taking the minutes. Schloss asked if there was a problem years ago with the former Building Inspector doing this, and he said there appeared to have been a problem then. Porter stated at the time, Heilman was the Building Secretary and Hocevar was doing zoning. He said he supposed she worked for him, so somehow it might be an issue, but she was not doing zoning and the minutes. At the time, another person was doing the minutes. The Fiscal Officer explained that there was a time when the Board Clerk position was vacant, and the Fiscal Officer asked Heilman if she could do the minutes. Heilman told the Fiscal Officer it was a conflict because she was the Building Inspector and she could not give testimony and do minutes.

Carroll asked what the records retention policy was for recordings, and the Fiscal Officer replied two years, but she would check. He asked with zoning appeals, how long would it be necessary to keep the audio file. He was anticipating that the safety mechanisms were in place for the necessary records. The Solicitor thought that with an administrative appeal on a ZBA issue, the litigation would last six months to a year. Carroll recommended that a hold be placed on the recording at the time an appeal was filed until the matter would be resolved. The Solicitor agreed and explained that the Village would file a Transcript of the Proceedings, which would be whatever was in writing, and did not know if the recording was needed. Carroll recommended keeping the audio file because if the written record were questioned, the Village would still have it.

Carroll stated if there was no conflict and the Board Secretary was interested, and Galicki added it depended on whether she is the best qualified candidate. Carroll agreed that this is what it comes down to, that the Board Secretary would need to be the most qualified candidate for the position, and not just chosen because she is here. He suggested she be interviewed by the HR and Building Committees, and then the Mayor. The Mayor said he was waiting on the Building Committee to do their interview and then "we" would do the three and she would possibly be the fourth to be interviewed. The Solicitor clarified that "the other three" were the other candidates that the Mayor had yet to interview. He stated this was correct.

SAFETY COMMITTEE: Galicki reported that the Police Chief had a medical issue that precluded him from attending the meeting. His report was distributed to Council. Safety Committee met on October 1, 2019 and discussed the proposals for the 2020 Budget. The committee was also updated on the Rental House Govdeals.com auction. The cruiser bid opening was set for October 9, 2019, for a new cruiser. He advised that the committee is prepared to propose that Council accept the winning bid.

Porter asked who had the winning bid and for how much? Galicki said it was from Nick Mayer's Marshall Ford Lincoln in Mayfield Heights, OH, for \$36,847.00. The trade-in for the

2015 Ford Explorer was \$8,000, which was better for a sealed bid received for \$5,200 for the used vehicle. A total delivered price with trade is \$28,847, which does not include the final outfitting of the cruiser. Porter commented that this was a really good deal.

Galicki made a motion to accept the bid from Nick Mayer's Marshall Ford Lincoln for a total delivered price for a 2020 Ford Police X4 Interceptor for \$28, 847, seconded by Canton. Voice vote – ayes, all. Motion carried.

HUMAN RESOURCE COMMITTEE REPORT: Galicki reported that a joint Building and HR Committee meeting was held to interview potential Zoning Inspector candidates on October 3, 2019. Recommendations were made to the Mayor of three potential candidates. The committees were hoping to appoint someone at the Council meeting but realized that the second round of interviews had not been completed. Following the joint meeting, HR committee met and discussed pay raise of Street Department Employees, recommendations of the pay rate for the Interim Street Commissioner, and general discussion of the number of full-time and seasonal summer help needed within the Street Department.

PROPERTY COMMITTEE: Canton stated that an inventory sheet was distributed to Council of the items from the Rental House. He also reported that there was an individual who is looking into the possibility of renting the house for two years and then purchasing it. The Mayor advised this would be discussed in executive session.

PUBLIC UTILITIES REPORT: Carroll advised there was no report but will be meeting before the next Council meeting to discuss the information presented by the resident relative to single source hauling/recycling and examining options.

PARK COMMITTEE: Canton had been in contact with Blinds.com. He stated the total cost for the blinds would be \$1,303.28. Porter clarified this was for the screening at the park Pavilion. He stated that the Park Committee would like Council to purchase the screens but was also aware of a natural screening of trees. He liked the idea of a natural screen but had concerns that it would block the view. Canton added that the screens would eventually need to be replaced, but thought he had a good price on the screens. He added that it can be pretty bad in the Pavilion with the wind and recognized the benefit of the screens. \$1,000 was earmarked for the screens, so approximately \$400 additional funds would be required. Carroll asked if the Fall Festival was under budget, and Canton thought it was. Galicki asked if the screen company was able to give him an idea of the longevity of the screens in an outdoor environment. He had not asked this but would ask about a warranty period. The Mayor stated that Frohring Meadows had the wind screens but got rid of them. Canton stated that they got rid of them because they enclosed their pavilion. The Mayor asked if it was possible to see a sample, and Canton said the price is good through December. The Mayor wanted to be able to see the screens and clarified that they would not be installed until spring. Canton stated they would be installed by the Service Department, and Carroll suggested the longevity could be extended by taking them down over the winter. Canton said the High School has screens that are transparent but hold back a lot of the sun. He understood that these screens were the same type where some wind will come through but not too much, and a certain percentage of sun will penetrate. Canton said he will

contact the sales representative and determine the warrantee, life of the screens, and whether or not there is an area nearby to see them.

Carroll asked if the Park committee had a finalized budget. Canton said he only had what he previously presented. Carroll clarified that the only additional project for the coming year would be the parking. Canton said perhaps something should be done with the restroom to make it look better. The Interim Street Commissioner suggested fencing it in with an eight-foot fence so it would not be visible. Canton said something needed to be done, and Porter added that this was a safety concern. The Interim Street Commissioner advised that there is minimal damage in the Pavilion, but the destruction happens in the porta-potties.

Porter suggested that the screens might increase Pavilion rentals.

ORDINANCES/RESOLUTIONS: Canton provided a third reading on an ordinance amending Section 2 of Ordinance Number of 2018-36 to include the fee for the presence of a police officer during an event at the Village Park in which alcohol is consumed. Canton made a motion to adopt, seconded by Porter. Roll – call, ayes, Canton, Galicki, Porter. Nay – Carroll and Schloss. Carroll explained that Geauga Park District does not require this, nor does Frohring Meadows, and he felt this was imposing undue costs to the residents. Motion carried. **ORD 2019-56**

Schloss provided a 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 two alternate members of the Planning Commission and declaring an emergency. Carroll asked if the matter could be tabled until Nairn was present. Porter said he did not see any reason to do so. He told Schloss to make a motion to adopt. The Mayor proposed that Council make a motion to adopt and then discuss. Schloss made a motion to adopt, seconded by Porter. Carroll advised that the matter was a contentious one the last time it was addressed, and it would be worthwhile to get all of Council's input. He added that a member of Planning Commission reached out to him and said that he felt there was no need for alternates on PC because most of the meetings were rescheduled due to the unavailability of one person and it did not affect the members of PC per se. He asked the Mayor if he had any meetings coming up in the next two weeks, and the Mayor said no. Carroll said there would then be no negative impact for waiting until Nairn was present, and the Mayor agreed. Carroll proposed it be tabled until all of Council was present. Porter stated it was about time the Village had a bench to go to when members of the various commissions or committees left. Otherwise, the boards are left to scrounge around looking for someone to fill a gap in a hurry. Council had discussed one alternate instead of two, and he did not see any harm in having two alternates because there would be more people to choose from. He thought Council should go forward and should have two or one, but should go forward and do one or two, but he favored two rather than one. Carroll explained that he was not saying he was against it, but he would like to hear Nairn weigh in on it. He added that if there are no meetings planned between the Council meetings, there is no negative to waiting one more meeting. If it passes, it is immediate, so nothing is being delayed. The Mayor stated it is the third meeting, and Carroll pointed out there has never been discussion. Porter said there had been discussions, and Carroll added that it had been contentious. The last time, the Mayor was adamant that there must be two alternates. Carroll added that at the time Council would have passed having one without any problems, but the Mayor was insistent in having to have two with no compromise. He reiterated that it was important to have input by all of Council. Carroll

asked the Solicitor if it could be tabled. Porter called the question. The Solicitor did not know but stated that there was a motion on the table. Porter reiterated that he called the question. The Solicitor clarified that this was a demand for a roll call. She said Council had to act on the motion, and the only person who could act to table it would be whoever introduced the motion. Porter stated that there was a motion with the ordinance pending, and Council needed to take a vote on the ordinance. Carroll asked the Solicitor if Schloss could remove the motion. Porter stated that no, it had been moved and seconded, and Carroll explained he was asking the Solicitor. Porter said it is a Robert's Rules of Order question. The Fiscal Officer explained that Council should have had the discussion before making the motion and second. Porter disagreed. The Solicitor said this can be done. Porter said it can be done, but normally it is motion, second, and then discussion and then possible amendments. Galicki asked if the motion were accepted or defeated, would this be the direction Council would go with no opportunity to revisit it? The Mayor said everything could be undone in two weeks. Porter stated it could be brought up again with a different ordinance number. Carroll clarified that it could be reintroduced, waive readings, and do it as an emergency. Porter agreed. Carroll said he did not want to necessarily see it die. Porter said he hoped Council recognized it needed a bench, however, should Council amend it to one alternate instead of specifying two. Roll call – ayes, Canton, Porter. Nays, Carroll, Galicki, Schloss. Motion failed.

Schloss provided a third reading on an ordinance amending section 262.01(a) of the Codified Ordinances of the Village of South Russell by providing for the appointment of two alternate members of the Zoning Board of Appeals and declaring an emergency. The Fiscal Officer explained that this was the third reading, so someone could make a motion to adopt or motion to table. The following meeting, it would be untabled. Schloss made a motion to table the ordinance, seconded by Carroll. Voice vote – ayes, all. Motion tabled.

Galicki introduced an ordinance amending Appendix D - Job Descriptions of the Village's Employee Handbook. Galicki made a motion to waive further readings and declaring an emergency, seconded by Carroll. Roll call – ayes, all. Galicki made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2019-57**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with Thrasher, Dinsmore & Dolan to act as the Village's Solicitor for the time period January 1, 2020 through December 31, 2021. Porter made a motion to waive further readings and declaring an emergency, seconded by Carroll. Porter questioned the Solicitor about her hourly rate specifically pertaining to paragraph 6 of the agreement concerning the Solicitor doing work on behalf of the Village when the Village is reimbursed by a third party. The Solicitor stated her normal hourly rate is \$275 per hour but is reduced for the Village. She also clarified that the \$225 per hour rate was supposed to have been the effective rate for the current year but had not been charged for 2019. The Village remained at the \$220 rate. Carroll conveyed that he appreciated the quality of the Solicitor's work for the Village. Canton made a motion to waive readings. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. **ORD 2019-58**

Canton introduced a resolution authorizing the discard or salvage of personal property not needed by the Village and declaring an emergency. Canton made a motion to waive further

readings, seconded by Porter. Schloss asked where most of the items would be going, and Porter stated most of it in the dumpster. Schloss asked who would complete this work, and whether it would be through the Service Department, and Porter acknowledged that it would. Carroll asked regarding donatable items, like the hospital bed, whether an organization like the Restore could be called to take it. The Mayor stated he was in the house that day and the only things left are the hospital bed, the refrigerator, the washer, and the dryer. Carroll said if there were anything of value, he would like to give the Restore the opportunity. The Mayor said it was not worth the trip up there. Porter stated if they would come and get it, that would be fine. He thought the Chief might call them to let them know. Carroll reminded Council that Restore would pick the items up. Porter stated that the potential rental of the property may impact this. The Solicitor said it would not be necessary to discuss how the property would be discarded, only determine that the items listed on Exhibit (A) had no value and were not needed for public use. The property can then be discarded as Council sees fit. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2019-59**

Galicki introduced and consider adoption of a resolution authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement (SCIP) and/or Local Transportation Improvement Program(s) (LTIP) and to execute contracts as required for the Kensington Circle project and declaring an emergency. Galicki made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **RES 2019-60**

BILLS LIST: Porter made a motion to ratify the bills list of September 29, 2019 in the amount of \$343,126.09, the October 2, 2019 bills list in the amount of \$254.80, seconded by Galicki. Schloss stated he did not see the invoice for Specialized Construction, and the Fiscal Officer explained it was included and they had received the majority of the payment less the retainer fee that the Engineer holds until final inspection. Voice vote – ayes, all. Motion carried.

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

Carroll asked what will be done with the rental house and property. Porter asked if all Council members should be present. Carroll said this was with respect to discussion and clarified he was not asking for action. He stated that he saw in the minutes that there had been discussion of keeping the property and razing the house. Carroll stated if Council was going to move on razing the house or selling it, Council should do this. He thought there was tangible reason to keep the property but thought the Village had learned its lesson on keeping it as a rental. He added that the house now needs a new well. Porter stated it needed a well pump. Carroll asked if the house had been winterized, and Porter said not that he was aware. Carroll emphasized that this would be necessary before freezing temperatures came or bigger issues would be created with the house. He added that the house is \$200,000 in property sitting there, if Council were to sell it. If Council decided to raze the house, it would be property the Village could potentially use down the road.

Galicki added that he recently read that one thing that is not being made more of is land. He

thought that looking strategically there is value in retaining the property. He was not in favor of being in the rental business but said that the property is valuable for potential future needs of the Village, and not just necessarily for Cemetery expansion. Galicki suggested it could be used for relocation of Service Department facilities, for example, if a Municipal Center were to be built. He added that he is in favor of razing the house.

The Mayor stated it was 9:30 p.m. and Nairn was not present and asked if the matter could be put off for two weeks. Carroll asked if it was because it was 9:30 p.m. or because Nairn was not present. The Mayor stated both. Carroll said he was there for the long haul. The Mayor said the long haul would begin in Executive Session and added that this matter would come up in Executive Session. Galicki asked if he was truncating discussion. The Mayor stated yes, he was trying to do so. Galicki asked why and asked if it was in the interest of saving time. The Mayor stated it was mainly because Council was missing a member, and it was a big decision. Carroll stated that the five members present could weigh in on the topic. The Mayor stated he was just trying to get something done tonight and said it was going to come up in Executive Session. Porter stated for his purposes, he wanted to hear about the rental potentials before anything dramatic was done. Canton agreed with Galicki and stated the issue would require vision and thought Council needed to consider future Councils. He stated that 35 years from now, the community might grow, and the land would be valuable for a City Hall, for example. Canton added that perhaps they would choose to go back with Russell Township again. Galicki stated that perhaps the land could be used for a new Police Department, or Municipal Center, etc. He did not see a burning need to sell the property. Canton stated in going back to the original reason the property was purchased was to keep someone from purchasing the property and building a five-story business office. Porter added that this included also precluding someone from building an extension of a strip mall, an office building, or an apartment building. Porter said the Village purchased the property for the Cemetery.

Schloss asked if this was why the dentist wants it now.

Carroll made a motion to go into Executive Session for a possible land sale, land acquisition, and employee compensation. Porter seconded. Roll call – ayes, all. Motion carried.

Executive Session ended at 9:55 p.m.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki