

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 27, 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

**GUESTS:** "Anonymous," Collin Cunningham, CVT; Darrell Johnson, Brunswick; Leslie Galicki, Westover Dr.

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. The Mayor asked for a moment of silence for the mother of Sandra Meyer and for other people. The Fiscal Officer read the roll. Carroll made a motion to approve the Council meeting minutes of April 13, 2020, seconded by Nairn. Roll call – ayes, all. Motion carried.

**MAYOR'S REPORT:** The Mayor stated that South Russell experienced a heavy storm March 22, March 28, and 29<sup>th</sup>. 41 people reported stormwater damage, the worst being a house on Chillicothe Rd. that had two feet of water resulting in the loss of the furnace and hot water tank. The area where Alderwood comes up against Country Estates was affected.

The Mayor, Street Commissioner, and Engineer toured the 319 grant construction site in the park. The Mayor stated everything seemed to be fine and there was a ton of water in the retention pond that morning which had to be released. The Mayor tentatively scheduled a tour of both sites on May 6, depending on social distancing rulings by the Governor and weather. It would begin at Village Hall and include the park.

The Farmer's Market would open on Saturday, May 9, 2020, and the participants were aware it would be a drive through area. They consulted with the Geauga County Board of Health and felt that they had everything squared away, according to the Mayor.

On April 28<sup>th</sup>, the Street Committee would meet with the residents of Paw Paw Lake over Zoom. The Mayor stated four people from the neighborhood would be talking about what they wanted to do with their roads. The Mayor said the Committee would just listen.

On April 30, 2020, at 7:00 p.m. there would be a meeting with the Street Committee and residents of Sugar Bush over Zoom.

The Mayor stated that regarding COVID-19, some of the facts had changed from the previous week and that Berger and the Fiscal Auditor had worked on Finance issues. The Mayor stated that 20% unemployment should be expected and a 10% to 30% drop on Income Tax. He added that the tricky issue involved people who were working from home, specifically people claiming that they did not owe



income tax to a certain municipality because they were working from home. The Mayor concluded that at the State level, everything would be reduced by 20%.

**FISCAL OFFICER:** The Fiscal Officer reported that there was a Finance Committee meeting on April 23<sup>rd</sup> via conference call. The Committee discussed expected revenues for the current year and how they might be impacted by the COVID-19. The Finance Committee and Fiscal Auditor would address this.

**FISCAL AUDITOR:** The Fiscal Auditor stated he prepared reports for February and March 2020. For the month of February, the Village ended the month with balances of about \$3.1 million. The interest rate at that time was 1.73%. In February, the Village received Real Estate Taxes and Ambulance Fees. The Village ended February \$183,000 above where it started. Regarding the February fund balances, the Fiscal Auditor advised that his balances matched those of the Fiscal Officer to the penny. At the end of March, the balances were \$3.38 million. He noted that the interest rate for March was 0.93%, which was quite a drop. He added that the interest rates would continue to drop and would be at most .5%. At the end of March, the Village was up \$260,000. The remainder of the Real Estate Taxes were received, which would amount to about half of Real Estate Taxes for the year. The Village had also received about half of the Homestead and Rollback. The Fiscal Auditor stated the Village had received the quarterly installment of the Cable Franchise Fees. He added that the Village had also received one installment of the Ambulance Fee and would have three more. The Fiscal Auditor did not expect a tremendous drop in Ambulance Fees. At the end of the first quarter, the Village was up \$260,000, but pointed out that the Village had budgeted a deficit for the year of \$592,000. The Fiscal Auditor stated that like February, the March fund balances matched the Fiscal Officer's exactly.

The Mayor asked the Fiscal Auditor if he recalled the last time the Village had a budget where it ended the year in the red. The Fiscal Auditor stated that it had one the previous year. Porter stated he did not think so. The Fiscal Auditor stated that the Village budgets to end in the red, but has ended in the black. The Mayor agreed but asked when the Fiscal Auditor recalled the Village ending up in the black. Nairn asked if the Mayor meant in the red. The Fiscal Auditor explained that for the previous year, 2019, Council had approved a budget which would have ended with the Village being in a deficit for the year, but it turned out being in the black with a surplus at the end of the year. Porter stated he could not remember a time when the Village had a negative balance at the end of the year and thought it may have occurred in 2007 or 2008. The Fiscal Auditor stated that the Village had ended up negative in the past. He stated it happened several years in a row when the Village was still collecting Inheritance Taxes, which could not be budgeted. There were a few years of surpluses, which were covering up the fact that the Village's operating expenses were exceeding operating income. In other words, the income from the Income Tax and Levy did not match the expenses. When the Village started showing deficits, the Village did not feel it could raise taxes with so much money in the bank. In 2006, the farm was purchased, which depleted the money set aside in the bank and then the Village had to be more fiscally responsible.

Galicki asked if the Mayor was recording the meeting and stated it did not appear so. He offered that it should be recorded as a public record. The Mayor agreed and began to record.

**FINANCE COMMITTEE:** Carroll stated the Finance Committee met through a conference call on Thursday, April 23<sup>rd</sup>. The Committee reviewed the issue of the COVID-19 relative to the budget. The Fiscal Auditor stated that the Village could expect that the situation would impact revenues. However,



the impact, although unknown, would not drastically reduce revenue over what was budgeted. Many different areas were resistant to variability. 83% of Village income comes from Income and Real Estate Taxes; 43% is Income taxes, and 40% is Real Estate Taxes. He reiterated that the Village had already received half of the Real Estate Taxes for the year. The next installment would be received in June-July, and that would be based on the second half of 2019 values. In other words, the amount that is owed to the Village is already known. The Village would expect to collect most of it. He did not anticipate a significant decrease in Real Estate Taxes. With Income Taxes, it would be reasonable to expect a decrease. He explained that there would be a lag because taxes paid in 2020 are based on 2019 liabilities. The Fiscal Auditor further explained that the Village was not as reliant as other communities on payroll taxes. There are a lot of people who live in South Russell and work elsewhere. There are not as many businesses with municipality workers as other communities may have. Because the budgeting process happened in October, the amount of revenue budgeted from Income Taxes for 2020 was 13.5% lower than what the Village took in last year. He estimated that a 10-15% reduction this year would be fair. The Fiscal Auditor advised that the Village would see an impact that would continue into next year because of the lag, even if the economy rebounds as expected.

The Fiscal Auditor addressed the impact on Gas Taxes, which amount to 9% of the budget. He expected to see a decrease based on an Ohio Department of Transportation (ODOT) estimate of a 45% decrease in traffic, which would mean the Village could experience a 45% decrease in Gas Tax revenues. He explained that if the Village budgeted a \$100,000 decrease, this would be fair. As he mentioned earlier, Ambulance, grants, and Cable Franchise Fees, would remain similar. He also anticipated a reduction in Local Government Taxes, which was the amount of money that was allocated to the Village from the State and County. This amounted to 1.5% of the budget. If the Village were only to receive half of what was expected, this would be about a \$27,000 decrease. Interest would be the last area that would be reduced due to decreased interest rates, which may be a \$22,000 reduction. The total of reductions would then be about \$150,000. His recommendation would be to evaluate the situation, but not to make drastic changes.

Nairn asked about a reference to a drop between 10% and 30% in the Income Tax. The Fiscal Auditor stated he thought it would be a 10 to 15% drop this year. Nairn suggested that it was the Mayor that referred to 30% but stated that this figure was of concern to her. The Fiscal Auditor thought a 13.5% decrease, which was budgeted, might be enough.

Carroll stated that the Finance Committee agreed that Council should not employ any cuts to the budget or make changes for this year. There are reserves that are for situations like the current one. However, Carroll advised Council would not want to spend in a haphazard manner for things that were not budgeted or planned for this year. Carroll stated that going forward, Council should keep an eye on the situation, but continue with the projects that were planned. He felt Council should not have any knee jerk reactions at this point. Berger concurred. Carroll advised that the committee would meet more regularly to ensure nothing was missed.

Carroll made a motion to approve the fund balances of February and March 2020, seconded by Berger. Roll call – ayes, all. Motion carried.

Carroll stated that in response to the Mayor's comments to the Finance Committee about Solicitor's charges, the committee would have more to report at the next meeting.



The Mayor addressed the agenda item added by Berger concerning the Ohio Public Works Commission (OPWC) loan for Bell Rd. West. Berger noted that the loan was 0% and the payment was waived for 2020. The Fiscal Officer explained that the payments are usually due in January and July, and July was not being collected. This would be added on to the end of the loan. Berger verified that there was no reason to pay it off early, and the Fiscal Officer stated this was correct.

**SOLICITOR'S REPORT:** The Solicitor stated she heard from Rachel Kuhn, the attorney for Whitetail Run Community Association, who indicated that the deal for the three parcels that were titled in the name of Thomas and Thomas had been deeded to Whitetail Run. They would be recorded April 28<sup>th</sup> or 29<sup>th</sup> at the County Recorder's Office. She would send the Village copies.

The Solicitor also addressed the issue regarding procuring the design and engineering services of CT Consultants without going out for competitive bid for the Manor Brook project. The Solicitor, Mayor, and Kim Brewster of Chagrin River Watershed Partners (CRWP) spoke with Brian Hall with the Ohio Environmental Protection Agency (OEPA). He agreed that they would need a letter, which the Solicitor provided. She hoped to hear back from OEPA soon with a written authorization. Porter asked for clarification. The Solicitor explained that it was necessary to go through the OEPA, which was the pass-through entity, and the Village was the sub-recipient of the award. The Village was basically asking OEPA if they would give authorization for the Village to take this approach. This would enable the Village to use CT Consultants, which was on retainer, and not be in violation of the Federal Procurement Standards. Porter asked if it would be OEPA that would send the Village the letter, and the Solicitor stated this was her goal.

The Mayor asked Berger if he could say what the Thomas and Thomas settlement was because Thomas called the Mayor every week wanting to know when he would be getting his money. Berger stated that the settlement amount was \$3,000. Berger did not know if this had been paid or whether the HOA was waiting to file the documents before making the payment. He would ask the property management company that would be handling this.

**STREET COMMISSIONER:** The Street Commissioner stated he submitted his monthly report for March.

**STREET COMMITTEE:** Porter stated the committee met April 24, 2020, at 7:00 a.m. in the Street Department Office, and said the minutes had been provided to Council. He discussed the rescheduling of Trash Day for June 6, 2020. For this date, it would be necessary to cancel the Farmer's Market. Consideration was given to doing Trash Day on a Sunday, but the trash haulers were not available. Porter added that a second Trash Day the following Saturday might also be considered. He recommended this information be published and asked that the Street Commissioner arrange for the Senior Trash pick-ups, the tire disposal, and for the metal dumpster. The Mayor asked if this timeline was acceptable. Nairn advised she had not received the Street Committee minutes, and the Fiscal Officer stated that they would be sent the following day. Carroll stated that the reason he and Porter discussed a second day was because of social distancing requirements and logistics. He added that people would remain in their vehicles and the workers would be wearing appropriate PPE. Carroll thought it could be done in a single day on June 6<sup>th</sup> if the stipulated requirements could be met. The Mayor asked the Street Commissioner if the staff from Russell Township would be available to help,



and the Street Commissioner said he would ask. The Mayor suggested to the Farmer's Market personnel having the Farmer's Market on a Sunday and said that they were thinking about it. Porter thought it would be a good solution to have it on June 7<sup>th</sup>, and Carroll asked if all the dumpsters would have been removed by Sunday. He thought a 24 hour turn around was ambitious for the dumpsters and parking lot cleanup. The Street Commissioner said he agreed that the Farmer's Market should be cancelled.

Porter addressed the bid for the new Street Department pick-up truck, and stated the low bidder was Nick Mayer for about \$33,600, which included a snowplow. Porter stated it is an automatic ¾ ton with a single cab.

Porter also addressed the bids for the Scag mower replacement. The low bidder was from Chagrin Pet and Garden for about \$12,500. The Street Commissioner recommended that Council proceed with the purchase and the committee agreed.

The bid had also been received for the 20' trailer, which would replace the current 16' trailer. A business in Middlefield bid \$4,700. Porter said it was from O'Reilly's.

Porter stated there was a drainage issue at 517 Fawn Court that began at the road in the sewer. This made it the problem of the Village rather than the homeowner. Porter reminded Council that when a resident needed a ditch cleaned out, and it is on their property, it was the responsibility of the homeowner. In this case, it appeared the water was coming from outside the property line. It was the opinion of the Street Commissioner and Engineer that it was the Village's problem and that the Village caused it. There was a bid from R&B Trenching for \$2,800 to clean out the ditch line for 400 feet. The Street Committee recommended accepting the quote.

Porter added that the committee was looking forward to getting the bids for the Road Program soon.

**BUILDING COMMITTEE:** Canton stated that the Building Committee would meet on Thursday, May 7, 2020 at 8:00 a.m. via Zoom. On April 16<sup>th</sup>, the Committee had a teleconference with SAFEbuilt national sales manager, Steve Nero. The purpose of the call was to research the possibility of employing SAFEbuilt to aid the needs of the Building Department. Nero requested revenue and statistical data for the Building Department's operations in 2018 through the present. The information was provided and once the committee hears back from Nero, a report will be made to Council.

Regarding the property maintenance case at 98 Fernwood, an arraignment was held on April 6, 2020 and the defendant pleaded not guilty. The court issued a time waiver to the resident to finish cleaning the property. The hearing was set for June 1, 2020. The Village may dismiss the case if the deadline is met, and the resident would incur the court costs. Canton advised that he drove by the property and although there was some improvement, more needed to be done.

Canton addressed septic cleaning. He stated that a number of residents had requested that Council revisit the ordinance mandating a two-year cleaning cycle for septic systems, possibly modifying it to every three years. He added that the committee and Building Department researched updating software that would allow for a two-tier scheduling format. According to Canton, the Building Committee suggested that the needs of property owners with newer systems should be equally balanced with the



needs of the owners with older systems. For this to occur, the Village would have to upgrade the Franklin Information Systems software. To upgrade the software to include the two-tier system would cost \$6,995. The Building Inspector recommended keeping the two-year cycle, and the committee agreed.

Berger addressed the question from the April 13<sup>th</sup> Council meeting regarding a report filed with the State relative to new construction in the Village, and the fact that the report certified to the State that the Village was in 100% compliance with new construction. The question involved whether there was new construction in the Village. Berger spoke to the Building Inspector, who identified two properties with new residential construction, one in Paw Paw Lake and the other on Bell Road. He clarified that although construction of the Bell Road residence was just beginning now, the paperwork had been filed in 2019. Berger verified that there was new construction and the form was filled out appropriately.

Galicki stated that it appeared one of the forms pertaining to residential construction may have been filled out appropriately, but there was another form certifying new commercial. He asked what new commercial building had occurred in the Village. Berger said he would find out. Galicki added his previous question also involved how Laura Heilman was identified as the back-up Building Official, which was also reflected on the State reports. Canton explained that State law requires a back-up, and that Heilman was highly qualified for the position. He added that the position was voluntary and involved no costs to the residents. Historically, the Building Inspector named the back-up. Canton asked the Solicitor if this was a matter that required a motion. He thought the answer was no. The Solicitor asked to what motion Canton referred. Canton stated a motion for someone to be offered the position of a back-up for the Building Inspector. The Solicitor did not think so and added that it was not an appointed position. Her understanding was that it was up to the Building Inspector to choose. She added that she thought that Dan Spada from the Geauga County Building Department was also listed as an alternate or back-up for Hocesvar. Regardless, no motion by Council was required. Canton stated that two other individuals, Jonathan Neola and Michael Mihalisin, were listed as back-ups. The Mayor said that they were county Building Inspectors. Carroll added that Heilman could not inspect electrical, so there would have to be other back-up inspectors. Canton stated that Mihalisin was the electrical back-up. The Solicitor did not see an issue in how back-ups were chosen, and said the practice was in accordance with the Ohio Board of Building Standards.

Regarding the assumption that the county Building Department was the Village's back-up, Galicki asked if there was a written agreement stating such. He wondered if one was needed, or if it was just the opinion of the Building Inspector. The Solicitor stated that according to the Building Inspector and possibly Dan Spada or Michael Mihalisin, it was up to the Building Inspector to make the choice and no formal agreement was required. She confirmed that it was an informal agreement among Building Inspectors. Galicki clarified that the assumption was that the county knew its inspectors were the back-up for the Village. The Solicitor stated at the time she spoke to Dan Spada, he knew he was the back-up. Galicki pointed out that he was not listed on the report to the State and was just wondering.

Carroll asked the committee how they drew the conclusion about the septic tank cleaning cycle issue. He added that some of the information provided by residents, other regions, or other states that have longer cycles seemed sensible. Carroll asked if the decision was based on the software issue and questioned the necessity to use this software. It seemed to him that the information could be put in a



tickler file for when something was due. If the \$6,000 for the software upgrade was a driving factor for the decision, he questioned whether there were other ways to address the matter. Carroll asked what other factors went into the decision. Canton said that the number of people living in the home would play a role. Canton stated he addressed the concept of a two-tier system with Hocevar as well as the option of modifying the ordinance to every three years. Hocevar's opinion was that three years was too long. Carroll asked for the basis of this. Canton stated it was based on Hocevar's 25 or 30 years of experience. Berger added that it was also based on Hocevar's discussion with vendors in the community. Carroll asked that the Building Committee and/or Properties and Public Utilities committees speak to those vendors as well. He added that in looking at the make-up of Council, none of the Council members had septic systems. He acknowledged that when Council considered sewer expansion, it was a contentious issue. Carroll stated that with the newer septic systems, especially with a limited number of people in the home, they were very efficient and requiring pumping every two years may not be necessary. He explained that the rule was passed 30 years ago, and a lot of the systems had been replaced with more efficient systems. Canton clarified that "vendor" meant the septic cleaning companies. Carroll explained he was speaking about installers. He pointed out that a company that cleaned septic systems would likely be saying the systems needed to be cleaned every two years. Carroll suggested speaking to installers. He added that the Village would not want the systems to fail, which was a reason for the original ordinance. The requirement of the two-year cycle was based on the age of the systems and contamination of water. When the rule was written, there were good reasons for it, but now Carroll was not so convinced and wanted the committee to explore the issue with installers. Berger added that the two-year cycle was also the Geauga County guideline.

The Mayor stated that there had been discussion of having the people who had approached the Village with the septic issue come to a meeting on Monday, June 8, 2020. The Mayor stated Council was making opinions and comments before hearing from the people. The Mayor stated that he had told these people to explain to Council why they should not be required to have their systems pumped every two years. He added that the community members had not been given a chance to speak. The Mayor reiterated that he told the residents the meeting was June 8<sup>th</sup>. Berger stated that these discussions would occur with the installers, the County, etc. before June 8<sup>th</sup>. This would prepare Council to have an intelligent discussion with the community. The Mayor stated the meeting would be published in the newsletter. He added that what Council would not want would be an emotional issue and he would want it made clear that the discussion was about septic standards and not about bringing in sewers.

Canton addressed the need for a safe in the Building Department and explained that Building Permit fees were being placed in a locked desk. The committee would recommend purchasing a safe for the Building Department. Once a safe was identified for purchase, Canton would report back to Council. He asked the Fiscal Officer to explain the 24-hour rule. She stated Ohio Revised Code required deposits to be processed with the bank expeditiously. Money should not be held and locked in an office. During the last audit, she was asked about the location of her safe, which she did not have. The Fiscal Officer added that the monies should be deposited daily, and at the most every other day. Realistically, they should not even be sitting in a safe. She further explained that the current Building Department practice is to wait until all the pieces of the permitting process have been submitted by the different contractors and then all checks are deposited at one time. A safe would at least allow the monies to be locked up.



Porter asked if the Building Committee planned to contact Geauga Soil and Water about the septic pumping issue. Canton stated it would be on the list. Porter advised that the Village dealt with this organization during the sewer debate. He added that they were helpful.

The Mayor addressed the Street Committee agenda item pertaining to the Village Hall Headwater Project dirt spoils. Porter explained that this involved determining what should be done with dirt dug up in connection with various projects. In the past, Porter stated it had been donated to various people who asked for it, but a more formal procedure might be needed. He did not think there was an ordinance that pertained to the matter. Porter stated, however, that the Ohio Revised Code touched on this type of issue. He thought the Village should have an ordinance and he would consult with the Solicitor for this. The Street Commissioner stated the dirt just needed to be deemed to have no value. The Solicitor explained she could draft an ordinance. What was first required would be a determination by Council that it was not needed for municipal use, as would be the case with any other personal property that the Village had. Then, Council must determine the value. If there were no value, then the Village could do whatever it wanted with the property. If it had value, then discussion would be needed about selling it. Porter stated he looked at the Ohio Revised Code and did not see a definition of "personal property," presuming that dirt fell into this category. He thought the recommendation to address the matter by motion was better than an ordinance.

Galicki asked if Porter was taking the matter in the direction that the dirt had value or had no value. Porter explained that when there would be excess dirt from a project, there was a question of what the Village could do with the dirt because it could not be kept on site. If there were people interested in the dirt, should the Street Commissioner be authorized to give it to them so that the Village did not incur the cost of disposal. Galicki asked what was done with the dirt from the playground. Porter did not know. Canton stated it was on Village property in a pile. Galicki asked why the same rules would not apply to the dirt in the current project. The Street Commissioner stated that the Village was running out of room. He added that with the ditching planned for the summer, the Village would run out of room for all the spoils. There were residents who were requesting the spoils from the projects. Galicki stated he was concerned that it would appear there were only a select few residents that were requesting it and questioned how much communication had gone out to all the residents advertising the availability of the fill dirt. Galicki asked if the Street Commissioner was restricting it to a small amount of people that may be aware of the project and the existence of excess dirt and who have approached the Street Commissioner to get it. In his time in the Village, Galicki could not recall anything on the Village website or newsletter that informed residents that if topsoil were needed it could be requested from the Village. Galicki was concerned about favoritism of who gets the dirt and who was aware of it, and that due diligence had not been done to inform all residents that this was a service that might be available to them. Porter said as part of his motion, he planned to authorize the Mayor, Street Commissioner, and Fiscal Officer to advertise the availability of the dirt/spoils and do an eblast about the availability of the dirt. Porter added that it would be on a first come/first served basis to eliminate the possibility of favoritism or nepotism. The Mayor stated that when this issue came up, he contacted his colleagues in Gates Mills, Moreland Hills, Russell, and Chagrin Falls. The Mayor stated that they all responded that they make it available. The Mayor suggested putting a notice in the newsletter that this stuff was available, to include mulch, dirt, grindings, wood, and trees. The Mayor cited an example where a tree fell in the cemetery and he gave an individual permission to take it. The Street Commissioner advised



that the Village did not collect leaves or have a chipper, so there would be no mulch, but it would be the spoils from ditching and the grindings from the asphalt. The Mayor suggested including wood or trees. Galicki stated that the Mayor referred to other municipalities, and stated other municipalities have areas where they make materials available to the public, but they do not deliver it to their residents. The residents are responsible for pick-up and transport. He asked if the Mayor's policies included using Village labor and assets to transport and deliver to the residents as well. The Mayor stated he did not want people coming onto the storage area and taking. The only time the Village would deliver would be if the Village were ditching, had a truck load of dirt, and a resident wanted a truck load. Then the Village would take it to him. The Village would not make a habit of delivering stuff. It would be advantageous for the Village to deliver materials at the moment but would not want to get into the delivery business. The Mayor had also spoken to the Solicitor about going onto private property, and the Village probably needed something if it were going to drop a load of dirt, grindings, or wood.

Galicki stated it would appear that the 'first come first served' was based on a list that was maintained in the Street Department, and that when the truck full of dirt was available, it was taken to the first person on the list. Dropping it off when the truck was full would not seem to indicate that it was available for all hands. He was unclear how the program was being managed. The Street Commissioner said it did not happen all the time and there would not be a lot of people who would get involved in the program. The Village was just trying to help the ones who needed it and clear the Village's piles as well.

Carroll added that he could see the benefits and problems and felt that logistically having it really mapped out well would be beneficial.

The Mayor suggested the Street Committee, Street Commissioner, and Solicitor have some tentative ideas at the next Council meeting on May 11<sup>th</sup>. He asked that something be put in the newsletter. The Mayor suggested that Council take a ride to the dump to see the huge pile of grindings, and the Village did not need more. Porter stated he had prepared something for the current meeting and could propose it. The Mayor agreed.

**POLICE CHIEF:** The Police Chief advised there had been a number of complaints about thru truck traffic in the Chagrin Heights development on Fairview, Mapleridge, Laurel, and Fernwood. This was occurring because of construction of a new home on Hazelwood Dr. Most of the streets involved have a no-thru truck ordinance which was passed in 1972 and related to repair work on Bell Street in Chagrin Falls. He noted that new signs were needed to properly identify the routes but added that because the basis of the ordinance no longer existed, the ordinance might not be enforceable with the trucks. The original ordinance included Laurel, Fernwood, Mapleridge, Fairview, Hazelwood, Daisy Lane, Woodside, and Forest. The Solicitor agreed that the ordinance needed to be amended, taking off the condition of the Bell Road construction. The Solicitor asked about the ordinance's inclusion of Daisy Lane. The Chief explained the streets in Rolling Ridge were identified in the original ordinance, but the current problem exists in the Chagrin Heights area. The Chief said they were trying to negotiate with the truck drivers and reroute them down Music Street to Hemlock to Hazelwood. He added that they are also driving down Countryside Dr., which was not included in the original ordinance and may need to be included. The Chief stated he would email the Solicitor the original ordinance 1972-12.



**SAFETY COMMITTEE:** Canton reported that the committee would meet Thursday, May 7<sup>th</sup> at 7:00 a.m. on Zoom.

**HUMAN RESOURCE COMMITTEE REPORT:** Porter stated that in connection with the Street Committee, HR Committee would be meeting in the third week of May along with the Mayor for purposes of hiring a new person for the Street Department. He would send out an email to all concerned.

**PROPERTY COMMITTEE:** Nairn stated that the Street Commissioner seeded and applied crabgrass preventative in the Cemetery. A second application would occur in six weeks. Nairn stated that a few weeks ago while viewing the Village properties, she noted that the memorial stone on the corner of Bell Rd. and Chillicothe Rd. was obscured by a row of hedges. She thought that a garden club or ladies' club had installed the shrubs years ago and added that they were not looking good. Furthermore, they were blocking the visual to the memorial stone. The Street Commissioner suggested removing the shrubs and planting them in the scattering garden area of the Cemetery, but Kathy O'Donnell did not want the shrubs that had been installed by her group removed. Nairn would like Mayor and Council to weigh in on the matter. Nairn reiterated that the shrubs were not doing well at all possibly because of years of snowplow salt spray. She did not want to upset anyone but felt that given the amount of work by Charlie Kukla with the memorial stone project, it should be seen. Porter suggested the Mayor contact Mrs. O'Donnell about removal or another option. Nairn stated that she understood removal was not acceptable to Mrs. O'Donnell. Porter stated he did not know but added that the Mayor and Mrs. O'Donnell have known each other for many years. The Mayor said he would talk to Mrs. O'Donnell and added that the Village had been maintaining the shrubs and they did not look good. The Mayor added that there were a couple of bad looking trees there as well. The taller tree was dedicated to the husband of Sally Butz-Voss, who recently passed away. The Mayor had spoken to her grandchildren and told them the Village was thinking of replacing the tree with something else that looked better. He would talk to Kathy O'Donnell and said in his opinion, it had to be done. Porter asked if the Mayor was going to involve Admiral O'Donnell as well, and the Mayor stated yes. He said he would send Nairn an email letting her know the results.

Nairn asked what time the walk to view the 319 projects would be on Wednesday, May 6<sup>th</sup>. The Mayor stated 1:00 p.m.

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

The Chief stated that the Village had three fax lines and asked Council to eliminate them because the Village was paying approximately \$220 per month. The Fiscal Officer stated that this was \$2,640 per year, and the Village only received about 25 faxes a year. The Chief stated the Police Department did everything via email and scanning and had no need for the fax. Porter suggested keeping one of the three lines for the rest of the year and then turning it off at the end of the year. The Chief explained that the only reason the Village kept them had to do with the Fire Alarm system at Village Hall and the Service Department which required a copper phone line. However, the system had been updated and no longer had this requirement. The Chief further advised that Village Hall and the Building Department had not had an operating fax since January, and the only operating fax was in the Police Department. Porter stated he would support turning off all three. The Fiscal Officer concurred and said there had



been no complaints in the Building Department about the lack of fax capability. The Chief said he would handle the technical side of turning off the fax. Carroll made a motion that all three fax lines be cancelled per the recommendation of the Police Chief, seconded by Galicki. Roll call – ayes, all. Motion carried.

**PARK COMMITTEE:** Nairn reported that the four trees purchased for the playground area would be picked up by the Street Commissioner, and the trees and seven benches would be installed as soon as the ground allowed.

Porter made a motion that the Village conduct its Trash Day and authorize the Mayor, Fiscal Officer, and Street Commissioner to conduct Trash Day on June 6, 2020 during a period of time that they choose to run the event, seconded by Carroll. Roll call – ayes, all. Motion carried.

Porter made a motion that the Mayor, Fiscal Officer, and Street Commissioner be authorized to accept the bid from Nick Mayer for the purposes of purchasing the truck replacement per the bid submitted by Nick Mayer, seconded by Carroll. Roll call – ayes, all. Motion carried.

Porter made a motion that the bid for the replacement Scag mower of approximately \$12,500 such figure to be set forth in the bid documents be accepted by the Village and that the Mayor, Fiscal Officer, and Street Commissioner be authorized to enter into a contract with the low bidder, Chagrin Pet and Garden, for the purposes of purchasing that mower, seconded by Nairn. Roll call – ayes, all. Motion carried.

Porter advised that regarding the longer 20' trailer for the Service Department, he made a motion that the Village purchase the trailer and empower the Mayor, Fiscal Officer, and Street Commissioner to accept the bid from O'Reilly's in Middlefield in the amount of \$4,700 per the bid documents for the purchase and receipt of that trailer. The Street Commissioner stated he believed the better price was provided by a company in Middlefield. Porter asked the Street Commissioner if he recalled the name, and the Street Commissioner said he did not have it with him. Porter verified the business was the low bidder, and the Street Commissioner said yes. Porter corrected the motion to read "the company out of Middlefield that submitted the lowest bid of approximately \$4,700," seconded by Carroll. Roll call – ayes, all. Motion carried.

Porter stated that with regard to 517 Fawn Court, he made a motion that the Mayor, Fiscal Officer, and Street Commissioner be authorized to enter into a contract with R&B trenching of Auburn Twp., Ohio, for the purposes of cleaning the ditch of the residents and common property located thereon in the amount of \$2,800 per the quote received April 10, 2020, seconded by Nairn. Roll call – ayes, all. Motion carried.

Regarding the spoils addressed by the Street Commissioner, Porter made a motion that with regard to certain personal property such as spoils, dirt, grindings, or trees produced as a byproduct of the Village operation having no value that the Mayor, Fiscal Officer, and/or the Street Commissioner be authorized to dispose of such no value personal property by first notifying Village residents via reverse eblast or the Village newsletter that the property is available and that it be given to the residents on a first come first served basis without cost. Galicki stated that Porter indicated "without value" in the motion and asked who would be making the determination of value for the items. Porter stated it would be the Mayor, Fiscal Officer, and Street Commissioner. Galicki clarified that they would determine whether there is any value to the Village of the issues. Porter stated yes, particularly the Street Commissioner, whom



Porter thought would know best of all. Galicki stated that it would follow that the Street Commissioner would be in the position to determine whether anything has a value as well as who would be the recipient. Porter stated the Street Commissioner, Mayor, or Fiscal Officer would be determining that it had no value, and that it would be done on a first come first served basis, and that the residents would be notified by eblast all at the same time so that first come first served would be essentially a random operation. Galicki reiterated this would occur when the truck was full. Porter said people would want to pay attention to their needs and be aware the Village had a project. All residents who signed up for eblast could get the notification at the same time. Galicki said it was too 'loosey goosey' for him and added that it did not appear there was enough oversight on what was being proposed. The Solicitor stated that in following statutory procedure, it was necessary to first determine that it was not needed for municipal use. Then, Council had to make the determination regarding value, and could consider the opinions of the Mayor, Fiscal Officer, and Street Commissioner. She believed this was the appropriate process, which was the same used with the personal property in the rental house. She reiterated that it was Council that first made the determination that the property was not needed for municipal use and then Council had to determine the value. Porter stated he was not sure this was correct. When the Village addressed the rental property, it was mostly property abandoned by the former tenants. The Solicitor advised that the property was abandoned and that was the reason it became Village property. She determined that the spoils were personal property because it had been removed from the land, and thus was the same issue. She did not see the harm in following the same procedure in allowing Council to determine the value. Carroll concurred and stated that much of the work the Village does is planned, and Council could easily determine value and make a recommendation before the project occurred. Other than an emergency where a tree falls in the road, Council should follow the established process that meets the various requirements. If the matter was not pressing, Carroll proposed Porter tidy it up a bit and present it at the next Council meeting. Porter said he could modify it and added that the Ohio Revised Code specifies the procedure. He added that maybe a motion would not be needed every time it was done. He suggested declaring a pile of dirt to be of no value and directing its disposal. The Mayor stated there was a motion and a second, and the Fiscal Officer advised that there was no second. The Mayor suggested letting the motion fail and allow the Street Commissioner, Street Committee, and Solicitor to work it out and report back in May.

**BILLS LIST:** Carroll made a motion to ratify the April 14, 2020 Bills List in the amount of \$108,938.55, seconded by Berger. Roll call – ayes, all. Motion carried.

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

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn at 9:08 p.m., seconded by Nairn. Roll call – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki