



Village of South Russell

5205 Chillicothe Road
 South Russell, Ohio 44022
 440-338-6700

PLANNING COMMISSION MEETING Record of Proceedings March 11, 2021 at 7:30PM

Members Present: Steve Latkovic, Chairman, James Flaiz, Dennis Galicki, Mayor William Koons, Ph.D., Elisa Budoff

Other Officials: Bridey Matheney – Solicitor, Dave Hocevar, Building Official, Ruth Griswold, Board Secretary

Visitors: Steve Peplin, Ken Ashba, Nick Nykulak, Brad Camposo, Chris Bell, Bill, Ann Wishart, Chris Berger, Jerry Canton, Greg Heilman

Meeting called to order by the Mr. Latkovic at 7:32p.m.

Ruth Griswold conducted roll call.

Mr. Latkovic asked for any perspectives on the possibility of holding the next Planning Commission meeting at Village Hall. He referred to the improvement of the added technology at Village Hall and suggested that perhaps even offering a hybrid option for those who are not comfortable attending in person yet. Ms. Budoff said if not next month, then maybe the month after. Mayor Koons said he had just asked the HR Committee of Council to come up with guidelines for holding meetings in Village Hall, adding that basically maintaining 6' distance with masks, and a limit of 10 is still in effect.

Mr. Flaiz motioned to approve the minutes from February 11, 2021. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Mr. Latkovic said that before starting new business, he would like to address the somewhat open matter from the last Planning Commission meeting regarding the lot splits and consolidations on Laurelbrook and Forest. He said he has spoken with the president of the Rolling Ridge HOA and they have no concerns, and that they like the idea of having all that open land. He asked that his email indicating such be added to the record, and that he considers the matter finalized.

AGENDA ITEM 1: CASE# PC 21-05: MR. KEN ASHBA, APPLICANT AND OWNER OF BELL MARKET EXPRESS-5196 CHILLICOTHE ROAD-LED READER BOARD SIGN ALREADY INSTALLED

Mr. Latkovic asked Mr. Hocevar and Ms. Griswold to walk the board members through the series of events surrounding how this situation played out. Ms. Griswold said that the applicants came in to apply for signage in August 2020, but their zoning application did not indicate the installation of an LED sign. Dave then sent them to ARB. They appeared before the ARB on September 15, 2020 and presented the LED sign along with another

sign, and they were approved. They then went and installed the signs without obtaining any permits. Ms. Griswold said that Mr. Hocevar recently required them to complete a new zoning application specifically for the LED sign.

Mr. Latkovic asked what the original application requested. Ms. Griswold said they were requesting approval for two red and yellow signs. Mr. Flaiz said it was for the large wall sign that says Market Express. Mr. Latkovic confirmed that after ARB approval, the LED sign went up. Ms. Griswold said that from a building code perspective, Mr. Hocevar never saw an application that mentioned an LED sign. Mr. Hocevar said that there are no zoning permits issued on any signage yet. Mr. Latkovic referred to the notice of violation that Dave sent after the sign had been installed after ARB approval, but with no zoning permits issued, and asked if it was after that when applicant came in with the new zoning application. Ms. Griswold confirmed that yes, Mr. Ashba came in after receiving the violation notice and applied for the Board of Zoning Appeals and Planning Commission, and that Dave also required a new zoning application that actually indicated the proposed LED sign, the first one not having done so.

Mr. Latkovic then gave the floor to Mr. Ashba and asked him to help the board understand the situation from his perspective. Mr. Ashba said he doesn't really know exactly what occurred and why we are in this situation, but that he would tell the board what he knows. He said the sign manufacturer and representatives sold him some signs, which he purchased for all his locations. He went on to say that he knew South Russell would be stricter about the sign than his other locations. He then sent the sign people to do the entire permitting process, and they are the ones who contacted people and got the whole ball rolling and set up the meeting with the ARB.

Mr. Latkovic asked if any of the sign representatives were at the meeting, to which Mr. Ashba responded no, it was just him.

Mr. Ashba said that after the ARB approval, they all thought they did all that was required. He said the sign was ordered and installed a few months later. He said he did speak with the sign contractor, and he was told they were guided by an employee who was there before Ruth, and they informed him that they did everything they were asked or guided to do. He said he does not want to blame anybody, and that he is simply passing on information. He went on to say that perhaps the building department employee may not have known the procedures in the Village, therefore passing erroneous information on to his contractor, or perhaps his contractor misunderstood. Mr. Latkovic said that while he appreciates Mr. Ashba's speculation, it is just speculation.

Mr. Ashba said at the ARB meeting, both the manufacturer and the distributors attended in order to provide technical information. He said that when Dave also mentioned the need for an electrical permit, he reminded him that all the electrical was in place when they built the building and had made provisions for future signage, so no new electrical was done.

Mr. Latkovic asked if he received the violation notice, to which Mr. Ashba said yes, he did. Mr. Latkovic asked why the sign was still up. Mr. Ashba said the notice did not indicate the sign should be removed.

Mr. Flaiz asked Mr. Hocevar if he had asked them to turn the sign off. Mr. Hocevar said he left a message for the police chief asking him to visit the station and ask whoever was on duty to turn the sign off. Mr. Ashba said that did happen. Mr. Hocevar said it was turned off for a day or two. Mr. Ashba said he was asked specifically to turn it off for a week, because of a paperwork snafu, so that is what he did. Mr. Latkovic asked him who told him that. Mayor Koons said that he did, he went over and talked manager on site and spoke with Ken on the phone, asking that the sign be turned off for a week until the matter gets settled.

Mr. Flaiz addressed Mayor Koons and said he had no business or right to do that and apologized to Mr. Ashba for receiving erroneous information from the Mayor.

Mr. Ashba said he is simply relaying what occurred, and he feels bad as to what has developed, whether it's the Mayor's scenario or his, and now he is just trying to do what's right. Mr. Flaiz quoted from the zoning code saying, "*The illumination of signs shall comply with the development and performance regulations of this code. Signs which might be identified as traffic signals or other safety devices shall not be permitted. In no case shall blinking, flashing, neon or neon-type, moving or other such signs be permitted.*" Mr. Flaiz said this was passed and has been the law in the Village for twenty years. He went on to say that he didn't expect Mr. Ashba to know our zoning code, but he wanted to point out that the Mayor shouldn't be telling people to ignore our laws.

Mr. Latkovic said we have ordinances, and we have to comply with those, and as a Planning Commission, we also have the obligation to review and approve these types of signs. He went on to say that he appreciated hearing the background. He said he was torn on this issue a little bit because he has appreciation for the Bell station, which he supported when it went in. He said from his perspective, this sign is not something that we want in the Village and is not fitting for the building, even if it is on a gas station. It is super bright and just doesn't fit in. Mr. Ashba said that it was super bright when it was first installed, and they didn't know how to operate it themselves. They knew the brightness had to be reduced, and they changed it from the factory setting of 100% illumination brightness all the way down to 15%. He said you can barely read the sign from across the street. Mr. Latkovic asked Mr. Ashba what type of advertising he puts on the sign. Mr. Ashba said they advertise specials, and basically, it is used to talk to the community. He went on to say that from the very first meeting with South Russell, before they put a shovel in the ground, he stressed that he was a community person, and he was willing to do things like car washes, and he put a camera up on the corner at the request of the Mayor. He also said that when he was unaware of the biases against the LED sign, he told the Police Department and Fire Department, and stated at the ARB meeting that if the Village wants to put a message on the board, he would be happy to accommodate, stating that he considered the sign as belonging to the Village too. He said the sign is up, and if the board makes him take it down, he will discuss that scenario as well. Mr. Latkovic said there is not much to discuss.

Mr. Flaiz noted that Mayor Koons regularly attends the ARB meetings and asked him if this exact sign was presented to ARB. Mayor Koons said, upon checking with the ARB members, they did identify the LED sign and recalled approving it. Mr. Flaiz asked Mayor Koons if he was at that meeting; Mayor Koons said yes, he was. Mr. Ashba said the presentation at the ARB included all the literature on the sign, and that the sign manufacturer and expert was in attendance to answer any technical questions.

Mr. Latkovic apologized to Mr. Ashba about the way this has been handled, saying that the Planning Commission has been given bad information about the sign and that he shouldn't have to deal with that at all. He asked what the formal ARB application indicated about the sign. Ms. Griswold said the ARB application did indicate it was for an LED sign, but that the zoning application did not indicate an LED sign. Ms. Budoff asked for clarification about the zoning application submitted without mentioning the LED sign and asked if they are normally changed on the ARB application. Ms. Griswold responded that no, the applications should be consistent. Mr. Latkovic said he thinks it is very important to get clarity on whether or not the ARB approved the moving, blinking sign LED sign. Mr. Ashba said they all talked about everything at the meeting and the minutes should reflect what transpired. Mr. Ashba asked about the zoning application submitted in August, and if his signature was on it. After discussion, it was determined that the sign contractor submitted all the paperwork. Mr. Ashba said he was not involved in the process at all until he appeared at the meeting.

Ms. Matheney addressed Mr. Ashba and said she understood why he directed his contractor to do the permitting process regarding the signs, since that is common practice. However, she said Mr. Ashba, as the property owner, is ultimately the responsible party for having accurate applications submitted. Mr. Ashba reiterated that his only involvement was at the ARB meeting, that he was not involved with any paperwork until early February 2021. He said the signature on earlier applications is that of the manufacturer, Jeff Bouvy. He thought

everything was done, based on the person he hired doing their job correctly, and thought the ARB approval was the last stage of the process.

Mr. Flaiz requested confirmation as to which Village employees are currently attending ARB meetings. Ms. Griswold said she attends them; Mr. Hocevar said he currently does not. Mr. Flaiz said he hopes that this type of situation could be avoided in the future. Mr. Hocevar said that when the sign contractor presented the sign application with photos to him, he measured the sizes of the signs in relation to the building frontage, and determined they would be okay, and advised them they must appear before the ARB. When the sign went up without a permit, the ARB paperwork was located and it was discovered they were approved at the ARB for an LED sign, which was something he had never seen before.

Mr. Flaiz said he didn't think Dave was at fault for anything here; and hopefully since Ruth is present for counter submittals as well as ARB meetings, that will provide a link and something like this shouldn't happen again. Mr. Flaiz said that he knew Dave used to go to all the meetings, but that was when he was a Village employee. He said the Village has scaled back his involvement, which is their prerogative, but it does make it difficult to know if something presented at the counter turns out to be something different that the applicant presents to the ARB. Mr. Hocevar said it was a perfect storm; Mr. Flaiz agreed.

Mr. Latkovic said that for all intents and purposes of the applicant, they thought the LED sign was approved. He said Dave did not approve it, and he did question it. He asked if there were ARB minutes or other conclusive proof that the LED was not discussed. Ms. Griswold said there are meeting minutes indicating approval of the LED sign, and since there was some confusion since the photos of the LED sign did not have the architect's approval stamp on them, it was verbally confirmed with the members of the ARB that they did approve all signs before them, including the LED. Ms. Budoff referenced the photos received via email, two with ARB approval stamps and two without, and confirmed there were no stamps of approval on the LED photos. Mr. Flaiz pointed out that ARB can approve things all day long, but that this type of sign should be approved by Planning Commission, Board of Zoning Appeals and the ARB, and disapproval by any of the boards would mean that the sign could not be installed. Ms. Matheney said that she thinks that is correct, but that the sign is going before BZA either at a special meeting this month or the next regular meeting in April.

Mr. Flaiz said he would welcome more discussion among the members, but that he would make a motion to disapprove the sign.

Mr. Latkovic asked board members for their comments and perspectives.

Ms. Budoff said she understands that the ARB minutes definitely acknowledge the LED sign, but their stamp is not on the pictures; and while she doesn't want to fill in any assumptions, she does find that concerning. Mr. Flaiz said that was a good point; he had not picked up on that.

Mr. Galicki said there seems to be a lot of procedural inconsistencies, and that he was concerned with what was revealed today about the ARB. He said it doesn't seem they are aware of what the zoning requirements are before they approve things, or they are approving them in isolation without communicating that there are other steps in the approval process. He went on to say that he thinks it points to a lot of irregularities in the processes of both the boards and the building department.

Mr. Ashba said that as a result, a person like him becomes a victim, having spent a lot of money, getting people all jacked up for nothing, and here he is.

Mr. Latkovic asked Mr. Ashba if he was told after the ARB meeting that the signs were okay to install. Mr. Ashba said he was told that by Jeff Bouvy, who went through the process on his behalf. Mr. Ashba said if necessary, he will have Jeff at the next meeting to say what occurred, if that is what needs to be done. He said in the meantime, he's got an \$8,000 sign and holes in the wall, and that is a problem.

Mr. Flaiz said it doesn't matter if the ARB approved it; he still needs additional approval from the Planning Commission, and a third approval as well.

Mr. Ashba went on to defend Jeff Bouvy and the other parties as decent people, and in order to avoid speculation, he would be willing to bring them to the next meeting so they could explain why they thought the process was done after the ARB. Mr. Flaiz addressed Mr. Ashba, saying he has not done anything wrong nor is he being accused of doing anything wrong, and that he's sorry this is happening to him. He said, simply put, this is not Brookpark Road, Mentor Avenue or Parkman, and these signs are not permitted by the zoning code because we do not want these types of signs in the Village. He said there is not another sign in the Village like that for good reason; is it distracting, obnoxious and tacky.

Ms. Budoff referred to the email from a person named Warren, complaining about the sign being a distraction. Ms. Budoff asked if he is a resident of South Russell; Ms. Griswold said that it not known. Ms. Budoff read from the January 29, 2021 email, "*the combination of the extreme brightness and the flashing from one color to another as the messages change really draw your attention away from the traffic signal...*" Mr. Ashba indicated the brightness level on the sign was still turned up at the time of that email. Ms. Budoff said the brightness is not her concern as much as the changing messages that draw people's attention, which is the reason for the sign. Her concern is when you are heading west on Bell Road, you are approaching the very busy intersection of Bell and 306, and it is very easy to be distracted and not notice the traffic light, which could cause an accident due to someone being distracted by the sign. Mr. Ashba said there are many reasons drivers are distracted. Ms. Budoff said her other concern is that the changing and flashing lights on such a sign can trigger epileptic seizures.

Mr. Latkovic addressed Mr. Ashba and said his position is to second the motion to disapprove it. He went on to say he is very torn and thinks Mr. Ashba should go back to the Village and attempt to get his money back. He said as chairman of the Planning Commission, he has an obligation to the Village. He went on to say he is beside himself as to the disaster this situation is, and the Village clearly needs to do a better job. He said at the same time, he has an obligation to look out for what's best for the Village, and he agrees with Jim Flaiz; this is not the kind of sign they want in the Village. He said had none of this happened, which is certainly clouding this meeting, he would not have supported it at the time. Unfortunately, the sign is installed and paid for, and from his perspective, he would certainly look for some kind of relief.

Mr. Ashba said he would not be seeking any damages. He said what was aggravating to him is that he had told Jeff (*approx. ten seconds of unintended muting, nothing was heard or recorded*) that this submittal probably wouldn't fly, and the reason he put him in charge was because he didn't want to waste his own time doing it. Therefore, he was very surprised when he got it to the ARB and then it got approved. He went on to describe his disconnect being that Jeff was put on notice that you folks would not be enamored by the sign, which means he should have done (*approx. nine seconds of unintended muting, nothing was heard or recorded*). He said he didn't want to go backwards, to bring Jeff to the next meeting and have him go through everything and circle back and talk about everything all over again. Ms. Matheney asked Mr. Ashba if he was asking for a continuance. Mr. Ashba said if Jeff was misled by a former building department employee, then he has a bit of a problem.

Mr. Latkovic said he understands and that if he were him, he would be upset too. But that the Planning Commission is independent of anything else that has happened, and they are given the obligation and authority to approve or disapprove these kinds of signs. Mr. Latkovic said it sounds like the Village really messed this up, but that Mr. Ashba put up a sign that he should not have, and that the sign should have been through a much more robust process before it was installed. He said he has already seconded the motion to disapprove and asked for roll call.

On roll call vote, motion carried unanimously.

Mr. Latkovic advised Mr. Ashba that his application has been denied. Mr. Ashba said he understood and left the meeting.

Mr. Hocevar said he would like to make it clear that there were never any permits issued for the signs, and that if everything had been good, there would have been permits issued. Mr. Flaiz said no one is blaming him for any of this. Mr. Latkovic said that is a fair comment, because it did go up without permits. Mr. Galicki said it would be interesting to find out who spoke to Jeff, and what was said, and what he was led to believe. He said it sounds like Jeff was pretty aggressive in trying to get the job done, and it would be interesting to try and find out more about that part of the story.

AGENDA ITEM 2: CASE# PC 21-06: MR. BRAD CAMPOSO OF PREMIER CUSTOM BUILDERS, APPLICANT AND OWNER'S REPRESENTATIVE-RECONFIGURATION OF FOUR EXISTING LOTS INTO FOUR NEW LOTS: 1556, 1572, 1576 AND 1580 BELL ROAD. PROPOSES TO BUILD TWO NEW HOMES WITH A SHARED DRIVEWAY.

Mr. Latkovic asked Mr. Camposo to give the board an overview of the plan. Mr. Camposo shared a screen showing the site plan and described the proposal. He indicated which lines showed the existing lots, and the request before the board is for permission to take four existing lots, which are sublots 3R, 4R and 1R and 2R and reconfigure them. He said they feel they would actually be adding value to all four lots by doing so. Mr. Latkovic asked Mr. Camposo to indicate what the lots would look like after the reconfiguration. Mr. Camposo used his cursor on the screen and described how the altered lots would look.

Ms. Budoff asked for clarification as to where on Bell Road these lots were located. Mr. Camposo said they were just east of Village Hall on the south side of the street. Mr. Flaiz said if you're on Bell heading towards Ashleigh, the lots were past Snyder on the right, where Bean's Backyard is. Mr. Camposo said that is correct and pointed out on the site plan the location of the Smith's houses and pond. Ms. Budoff asked what would happen to the event facility. Mr. Camposo said Mr. Smith wants to keep it and continue to have family events there.

Ms. Budoff asked for clarification as to where the proposed houses would be situated. Mr. Camposo noted the 50' existing lots have a shared driveway, which has already been installed by the gas well company. They would like to keep the existing foliage as well. Mr. Camposo pointed out on the site plan the proposed locations of the two new homes.

Mr. Latkovic asked what the bump-out on the site plan signified. Mr. Camposo said that points to one of the variances he will be asking for, which is to construct an outbuilding in front of the main building. It would be utilized as a combination man cave/home office. He said his wife wants to do some gardening around there as well, and back in the woods, it would be more difficult to accomplish that. His vision is for a classic style pole barn. He stressed that the house he is building would be for his own personal residence.

Mr. Camposo introduced Nick Nykulak, the owner of the property as it stands now. Mr. Flaiz asked Mr. Camposo to show the areas where the houses would be. Mr. Flaiz asked Ms. Matheney if the Planning Commission was just approving the lot splits or would this be considered a minor subdivision. Ms. Matheney said she does believe it's a minor subdivision and asked for clarification as to whether the Eric Haibach, the Village Engineer, has approved the plat. Mr. Flaiz said he saw where Eric had some concerns about the possible flooding issues. Mr. Latkovic read from the Engineer's email saying he doesn't "...have objections to the proposed lot split but will likely need to take a closer look at the capacity of the existing 36" culverts at the stream crossing once site plans are submitted". Mr. Marino said they are not opposed to beefing up the waterway, and asked Mr. Nykulak his thoughts on that. Mr. Nykulak said there are actually two 36" culverts running underneath the driveway, which he has been monitoring since he bought the property, to make sure they are handling the water. He said he feels they are handling the water flow fairly well.

Discussion followed regarding Section 2.07 relating to minor subdivision regulations in the Village of South Russell. Mr. Flaiz questioned if the board has to do a full developmental review. Mr. Camposo said he was wondering about that as well but noted that he's taking four existing lots and changing four existing lots and they are not adding any additional lots. Mr. Nykulak said they are just reconfiguring four lots, and changing the lot lines, still ending up with four parcels. Mr. Flaiz wanted to confirm that the Planning Commission was just looking at a lot split, or, since reconfiguration of the four lots will have two new builds, should they do a developmental review.

Mr. Nykulak said he is also asking the Planning Commission to allow them to share the driveway, which will have two entrances off the street, that will then "Y" into the main driveway. He feels this would be more aesthetically pleasing than having two asphalt driveways running back there. He went on to say that he doesn't think this is a subdivision; he feels they are reallocating four existing lots and moving the boundaries around.

Mr. Galicki asked what kind of agreement will be entered into between the shared driveway owners, in order to prevent the situation from unraveling if someone were to move. Mr. Nykulak said they have drafted up a driveway easement agreement that will get attached to the deed and will run with the land forever. The agreement addresses snow plowing, maintenance, and other concerns. Mr. Nykulak said the lawyer who works for the Western Reserve Title Agency has reviewed it and is satisfied, and it will be filed with Geauga County. Mr. Galicki said he was glad to hear it is being done with more than a handshake.

Mr. Latkovic asked if Mr. Camposo's pole barn would be accessed by a gravel driveway coming off the main driveway. Mr. Camposo said yes that is correct. Mr. Latkovic referenced Section 2.07 and quoted the first part saying, "*The division of any parcel of land shown as a unit, split into two or more parcels, sites or lots, any one which is less than 5 acres for immediate or future transfer....*" He said he does not think this proposal is splitting lots into two or more parcels, but rather reconfiguring four into four.

Mr. Flaiz questioned the pool that was mentioned on one of the plans; Mr. Camposo said he believes the pool is off the table. Mr. Flaiz asked Mr. Camposo about his profession. Mr. Camposo said he owns Premiere Custom Builders. Mr. Flaiz asked if he would be seeing clients at this proposed home office. Mr. Camposo said that is not his intent at all; he has a design studio in downtown Chagrin Falls. Mr. Camposo said having five kids at home, and after this past year, he and his wife would like a place to retreat to while still being close to the kids. He will be working out of there, but it is not a showroom and will not be a model home. He has visions of the facility growing with the family and said that he really enjoys living in South Russell.

Mr. Flaiz pointed out that the Planning Commission does not like to create flag lots, but that these flag lots were already created, and the Planning Commission would be just allowing them to reconfigure two flag lots so they would be more desirable to make an investment in the Village. Mr. Hocesvar agreed, and went on to say that each of the individual lots must submit plans to the building department for zoning approval and engineering approval. He said a variance to the Home Occupation regulations would also be needed to allow a home office to be outside of the main building, as well as erecting a structure in the front setback.

Mr. Flaiz told Mr. Camposo he has seen some of his work, and the homes he has built are beautiful. He went on to say that these lots have been empty for a long time, and he would not like to impede people who want to invest money into the tax base.

Mayor Koons asked Ms. Matheney if this situation was any different than the lot split and consolidations that were approved at the previous Planning Commission meeting. Ms. Matheney said they are being held to the exact same standards, the distinction being is that there is no HOA concern to consider, as was the case in the last one.

Mr. Flaiz said he felt the project is fantastic and is excited to see some under-utilized properties being put to good use. Mr. Nykulak said he is planning to preserve as much wooded areas as possible.

Mr. Latkovic motioned to approve the proposal. Ms. Budoff seconded.

On roll call vote, motion carried unanimously.

Old Business:

Mr. Latkovic referred to the Building Committee report as well as other documents regarding the solicitor's audit and asked the Planning Commission members if they had a chance to review it.

Mr. Latkovic asked Mayor Koons as a follow-up, if there were any suggestions, or a flow chart or anything that goes with these documents as far as indicating how things were being addressed. Mayor Koons said nothing has been done yet but that he could tell them what they're thinking. He started by saying that the first five on the list went before Planning Commission but never actually opened their businesses. He said he thinks applicants should be given a deadline after Planning Commission approval as to when their project must commence, that this loophole needs to be closed. He said a physical follow up should also be done, as well as a paper trail created, and that the approval should be given an expiration date.

Ms. Matheney clarified that the application for Nimbus Vapors was actually withdrawn prior to them appearing before the Planning Commission. She said the question on that one was that Retail is not permitted in the B-2 District, and therefore it should have been flagged for that reason. Mr. Flaiz asked if they should have been made to obtain a variance; Ms. Matheney said it would not have been only the Planning Commission that they had to appear before, but the BZA as well, because it is not a permitted use.

Mr. Flaiz said he doesn't understand the point of the Building Committee report, and it seems that they rushed to do the analysis that the Planning Commission was going to perform, which wasn't their business to do. He believes the report was done in such a way as to whitewash the situation. To the Mayor's point about closing the loophole, he said he wants Council, through its liaison, the Building Committee, and the Mayor as Executive, to compile a report detailing what processes and procedures would be implemented so as to avoid these problems from occurring again. He wants to see a flowchart created, together with outlining job descriptions, job duties and recommended to Council, to be adopted by motion or an ordinance. He went on to say the department went from having two full time building and zoning inspectors to having a part-time contracted inspector, and that the Mayor and Council have put Dave in a difficult position. He said he looks at the report from the Building Committee as being totally worthless to him, because what he wants to see is what is going to be done to fix the problem. He said Bridey's opinions and conclusions on zoning issues is the only one that matters, and he feels that this report contradicts some of her decisions. He said he is looking for some acknowledgment of past mistakes and accountability. He would like to have processes recommended to Council on how to move forward. He said the Planning Commission should then go through all the mistakes discovered in the audit and test the processes and recommendations that have been proposed and determine if the same scenarios could be avoided.

Mr. Latkovic said he couldn't agree with Jim more, and he doesn't understand why the Building Committee inserted themselves into the middle; those questions remain. He referred to the report and said there is no mention of any conclusive action that is being taken. He does not consider the audit done, and the Planning Commission has to finalize their work. He asked where the process stood.

Mayor Koons said first it was necessary to identify what went wrong, and as mentioned regarding the first five items, there was no way to end the process, they were just left hanging open.

Mr. Latkovic said the problem was not because of the applicants being withdrawn; his concerns are about refunds being issued, or incorrect fees being charged. He expressed frustration with the report and said he stopped reading after realizing no conclusions had been made as to how to avoid these mistakes from happening again.

Mayor Koons said they had simply identified what went wrong with the nineteen different situations and are trying to determine how to move on from there.

Mr. Flaiz expressed concern about the processes and procedures being undermined by Mayor Koons' involvement, referring to him telling Mr. Ashba to turn the L.E.D. sign off for a week. Mr. Latkovic said the whole audit shows this all starts at the top. He said he feels it is not important to go through the Building Committee report, because he clearly thinks there is a bigger problem in the Village. If you want to address what was actually in the audit report and the issues that were found and how they are going to be addressed, they will take it up next time.

Mr. Hocevar said he feels the continuity between the current administrative employee and himself will help avoid future errors and discrepancies. Mr. Latkovic said he appreciates that Dave is trying to do the best he can, and that his involvement is very important. He said he is outraged at what happened in the case of Mr. Ashba, and that as a Village, they owe it to the business owners and the residents who elect officials, who then appoint the volunteer board members, to insure something like that doesn't happen again.

Mr. Flaiz asked Mr. Hocevar how many hours a week he averages in South Russell. Mr. Hocevar said he estimates it to be about 20 hours a week. Mr. Flaiz said the Village went from two inspectors at 80 hours a week to one inspector at 20 hours a week. He went on to say that the amount of work the Building and Zoning Department has is underestimated, stating that there are many additions in his neighborhood alone. There are many different things that go through the office and it is fundamentally unfair to go from 80 hours to 20 hours. He said one solution he would offer is to have the solicitor review the applications. He said Bainbridge just hired an additional full time zoning inspector to work under the current one for 18 months prior to her retirement. He said this indicates how difficult it is to go from 80 hours to 20 hours, and it is no wonder errors and inconsistencies occur.

Mr. Latkovic asked Ms. Griswold if she could begin to share the approved minutes of all boards to PC members, and likewise share PC minutes to BZA and ARB, for the benefit of cross-communication. Ms. Griswold said she would begin to do that with all the signed minutes.

Mr. Latkovic said when the audit process was started, there were many unknowns and some issues have been made clear. He said the PC will try to put together a summary report. He asked Dave and Ruth if they, as they go through the process, have been working on creating a checklist, or process flow that would outline different scenarios surrounding the directions a submitted application takes. Ms. Griswold said they have been doing that, and their next step would be to create a document, handbook and a flowchart.

Mr. Galicki said it is easy to be very dismissive of these issues but expressed concern and referred to an employee of a similar department in a neighboring community whose embezzlement of funds over a period of 20 years was discovered. He said what this little audit has done has illustrated that there are a lot of holes in the process. He pointed out that support for having a building department in the Village has been justified by saying that it would preclude the Village from having some of the problems in other communities. But what has been seen tonight, despite the fact these organizations are in place, it seems the processes are lacking and filled with inconsistencies. He said he would hate to find out, through forensic analysis, that there are missing funds over the last 20 years. He said in the back of a lot of their minds is the concern that the issues identified are just an example of a larger problem, and therefore he believes it is wise to press on and straighten out the processes, gain discipline in the administration of the department, and make the Village a better place to live and work.

Ms. Budoff and Mr. Flaiz complimented Mr. Galicki on his statement.

Mr. Flaiz said that he believes the PC should go through the permits and Bridey's legal analysis once Council and the Mayor work collaboratively to define processes and procedures. He said he would also like to hear a plan regarding providing the building department with a succession plan, as well as any structural changes that should be made. He asked the other board members' opinions as to whether they feel 20 hours a week for a

building and a zoning inspector was sufficient. Mr. Galicki said they have had open requests for both a zoning inspector as well as a part time building inspector. He said some months ago they went through an interview process for zoning inspector, and the recommendations were given to the Mayor. The Mayor decided he wanted to appoint Nancy Grattino as the zoning inspector. Since Nancy left for another position, that process has come to a standstill. He went on to say that the process for obtaining a part time building inspector to augment and provide a succession plan for Dave, should he ever decide to retire, has come to a stop as well, and the last he heard was that there were no qualified candidates applying for that position. He went on to say that there is no mandate from Council that says 20 hours a week. The fact of the matter is that they have kicked the can down the road, failed to appoint, and there appears to be a lot of obfuscation, but Council was willing and supported the advertisements for these unfilled positions.

Ms. Matheney confirmed with Ms. Griswold that she was hired as an assistant zoning inspector, in addition to the administrative duties. Ms. Griswold said yes, and that Dave has been teaching her a lot about the zoning code, and also expressed concern about time being taken away from the administrative duties, were she to devote more time to the zoning inspector areas.

Mr. Hocevar said that, regarding the 20 hours a week, Council has never put a limit on his hours, and he makes himself available whenever time allows. He went on to say that he would estimate 70% of municipalities are seeking building officials and zoning inspectors, and that they are very difficult to find. He said if he knew of a good candidate who he could train for the job, he would go to Council and suggest the hiring of that person.

Mr. Flaiz agreed with Dave's statement about availability of inspectors and suggested that Council discuss obtaining a full-time zoning inspector that Dave could teach, and work with Ruth, and then they could focus on zoning, allowing Dave to continue the part time building inspections. He said he has always been an advocate of the Village keeping the building department, and if Dave were to leave tomorrow, the County could be the backup for the building aspect, but there is no back up for zoning. Mr. Hocevar agreed and said that the Village zoning code is one of the most complicated ones in northeast Ohio. He said training a part time person, if not a full time one, would take some time due to the complexities.

Mr. Galicki said he believes, as the Council representative to the Planning Commission, that Council would wholeheartedly support the hiring of a zoning inspector and that there were at least four candidates that were previously interviewed for that position, prior to the decision being made to support Nancy Grattino, which did not work out and has not been resurrected since.

Mr. Flaiz said without offering a full-time position with benefits, you will never get good candidates in this environment. He said he would like to see the Council representative of the Planning Commission bring the issues before Council at a meeting. He said he would like to analyze Bridey's report after receiving policies, procedures and flowcharts from the Mayor and Council. As part of that, he'd like to see the plan of how things will move forward, so that the Planning Commission and other boards would be assured that these instances would stop happening. He also would like their response on the hiring of a zoning inspector.


Mr. Galicki said he would bring it up at the next Council meeting.

Mr. Latkovic addressed Mr. Flaiz about the matter regarding food trucks. Discussion followed about various scenarios. Mayor Koons said that the Village may want to consider having an agreement with a food truck operator who has already obtained a certificate from the City of Cleveland, since the Fire Marshal has indicated to him that such a certificate is considered the gold standard of food truck inspections.

Mr. Flaiz said he has a sense of what the board members want, and having done extensive research, he will put together his report for the Planning Commission members to review before the next Planning Commission meeting, per Mr. Latkovic's suggestion.

Ms. Matheney said she wanted to discuss the issue of spot zoning which was brought up at the last Planning Commission meeting, as she had done some research regarding the issue. She said she recommends the matter be looked into further before anything is decided regarding Cipriani Plaza.

There being no further business, Mr. Latkovic moved to adjourn the meeting at 9:33pm. Mayor Koons seconded.



Steve Latkovic, Chairman



Ruth Griswold, Board Secretary

4/8/21

Date

4-8-2021

Date