

**Building Committee Meeting**  
**Thursday, August 22, 2019**

**Present:** Chairman Schloss, Building Inspector Hocevar, Mayor Koons,  
Solicitor Matheney

The Mayor stated regarding septic standards, he provided 22 pages of information. He reported that a man moved into South Russell a year or two ago, Tom Mulcahy, who bought Ann Dunning's house, put \$22,000 into the septic system and wants to know why he has to have it cleaned out every two years. The Mayor told him that it was the standard of the Village and had been since 1996. He provided the Mayor with information, and had his septic tank cleaned. The Solicitor spoke with Dave Sage, Geauga County Health District, who said they don't have a bright line rule, nor does the State of Ohio as far as how often the systems must be pumped. As a result, it is up to the local municipalities to have an ordinance. The recommendation was pumping every two to three years. Sage told the Solicitor that with the newer systems, depending on usage, there might be a reason to pump more frequently. He suggested getting information from the manufacturer of the system and/or from a septic hauler that can verify the system was new and there was no need for pumping every two years. The Solicitor felt that the Village was on target with its two-year requirement, but it would be up to the Village to revise the ordinance. The Mayor stated this information may be in the paperwork from the installer, Mod Ziegler. He did not know that the Village wanted to "go there."

Hocevar stated that in 1990, the EPA was pushing the Village to remove the sanitary sewers in the eastern part of the Village and maintain a septic pumping system. He and Bob Weiss put together a two-year proposal and submitted it to the EPA. The EPA accepted it. Within the last week or two, he had talked to three pumpers who told him two years was not out of line even with the new systems. They questioned how the Village was going to regulate two people from seven. If someone sold the house and seven people moved in instead of two, over two years the system would be shot. Their recommendation to Hocevar was that two years was not being unrealistic. Paying a sewer bill would cost \$400 a year. The Solicitor agreed. Hocevar then asked what the difference would be between \$400 every two years and \$400 a year.

Schloss asked what Mulcahy was requesting. The Mayor said Mulcahy had a letter from the installer and wanted to know if he could be exempt. The Mayor said he was nice but persistent. Mulcahy wanted to see something done for him and possibly for some of the single people who live on the street. The Mayor told him that at the end of the street where Morningside comes together with Garden Park, it smells because of someone's septic system. The Mayor said Mulcahy acknowledged this. The Mayor said Mulcahy acknowledged like "got me." The Mayor offered to Mulcahy that the Village would look at his paperwork, think about it, and be back in touch. Mulcahy told the Mayor that after the Council meeting on September 9<sup>th</sup>, he would be back asking for an exemption but would be really nice about it. The Mayor's thought was to read through the paperwork to see if there was anything that would make them want to talk about it. If not, it was two years and let him pursue it. The Solicitor read from the paperwork provided by the Mayor, "in my professional opinion, the recommended pumping schedule for a tank this size with two residents would be every four years. Pumping the septic tank more frequent could eliminate the aerobic bacteria." The Solicitor surmised that aerobic

bacteria was important. The Solicitor asked if an exemption had ever been granted, and the Mayor stated it would be a can of worms, and the Solicitor and Schloss agreed. The Mayor said that the resident next to Mulcahy was single and had a new system, and the guy next to him was single and had a 40-year-old system. The Mayor said it would be a mess. Hocevar explained that there are actually four or five different systems they put in. Mulcahy got the state of the art because of the topography of his land. According to Hocevar, the resident had to go through all this “ultraviolet light, the pumping station, the whole thing.” Schloss asked when Mulcahy put it in. Hocevar replied it was two years ago. Hocevar said he was mandated to get it. The Mayor recommended reading the information but said at the Council meeting he did not think they were ready to take any sort of action or even have it discussed. The Solicitor advised that if he were to come to the meeting and wanted to discuss it, and the Mayor interjected that Mulcahy would come the day after, that he was that kind of guy who would be polite and not want to create a scene.

Hocevar stated he was nice but questioned why he should spend that kind of money on it. The Solicitor asked if the Village enforced this ordinance if someone did not get the system pumped every two years. Hocevar said “yes.” The Solicitor asked how the Village finds out. Hocevar said they keep track of all of it in the Building Department with software. A letter pops up when the system is due, and the resident has 30 days to get it pumped. The pumping service provides the resident a slip to prove they had it done. It was part of the deal the Village had with Lake Louise being the instigator of the whole EPA issue. The Mayor corrected Hocevar to say it was Bellwood Lake. Hocevar addressed when Bellwood Lake put their sewers in and added that Lake Louise was another community where none of their septic tanks passed and raw sewage was going into the ditches. The Mayor concluded the committee would read the 22 pages and talk about it some other time if the committee wants to talk about it.

The Mayor addressed 48 Daisy Lane and said the neighbors to the south would be at the September 9<sup>th</sup> Council meeting complaining about the lighting. The Mayor asked Hocevar if there was anything that controlled residential lighting. Hocevar said he thought it was a stretch and that the Solicitor had also looked at it. He said there were Villages out there that would take readings 10 feet from the light fixture, but he did not know if the Village wanted to go to that extreme. According to Hocevar, this was the first complaint the Village had in 30 some years. He said it was a legitimate complaint, but it was like oil and water in the neighborhood. If there weren't ruffled feathers, the resident would do the opposite. The Mayor asked if Hocevar told the Committee about the fence, and that Hank, the resident, wanted to put in a fence. Hocevar said that he wanted to put a six-foot board on board fence around the property and paint it red, white and blue. Hocevar asked him not to start trouble. Hocevar said there was still issues of chicken going across the yard and said he documents the time chickens run across his yard. A letter was sent to the resident about the chickens and they were not happy when Hocevar met with them. Hocevar said he told them, “it is what it is. Keep your chickens in a pen.” The Mayor stated the resident south of Hank will be at the September 9<sup>th</sup> Council meeting and was supposed to have been at the last Council meeting and told the Building Secretary he had the wrong date. He will be very aggressive but will be in the visitor section. Council will hear what he has to say and move on.

Schloss said he was under the impression that the residents had worked this out amongst themselves and were okay with the lighting. Hocevar stated this was all except one. The Mayor said it was a feud. He stated that the residents had letters flying back and forth and then on a weekend, 19 people came and visited Hank to welcome him to the neighborhood. Schloss said the red, white, and blue fence would be crazy. Hocevar said he just said that to irritate Hocevar. The Mayor said Hank had called him, but he had not called him back. Hocevar said he wanted an occupancy certificate, and Hocevar had discussed this with the Solicitor. Because of the ABR situation, Hank refused to go back. Hocevar said the Building Secretary smoothed it over a little, but he refused to go back. He wanted to put an awning outside of his house where the neighbors were complaining, and Hocevar said he could not put it there. Schloss asked if this was where the lights were. Hocevar replied yes. He told Hank he could not put it there according to the Village zoning. The Solicitor agreed. The Solicitor asked if he had put it up, and Hocevar said no, and thought he was saying it just to irritate him. Hocevar said the resident would say he was going to put it up and Hocevar would tell him he would win in court.

The Mayor said the other issue with Hank was that the houses from Hank's house north along Daisy towards Bell had water issues in their backyards. The Mayor said, he had walked the property last Friday with the Land Conservancy, which he told Hank he would do to see what could be done. The Mayor said what he would tell Hank is to deal with the Chagrin River Watershed Partners. There is an issue of four houses with wet backyards. And then there is a pond at the north that overflows. He talked about French drains at one point. Hocevar said he was still talking about it. Hocevar told him he could do it if he liked, and he spoke to the Street Commissioner and the Street Commissioner said the Village could do it, but if Hocevar told him he could not do it, it would probably be in already. The Mayor said he would let Hocevar know after he talked to "this guy".

The Mayor addressed alternates to the Zoning Board of Appeals (ZBA) and Planning Commission (PC). He said if the Village went this route, his thought was that there should be some sort of prep work so they don't just end up boom here you are, sitting down at a ZBA or PC meeting not even knowing the people they are sitting next to. And 20 minutes later they are asked to vote, which he thought was ridiculous. His thought was for the individuals to attend at least one meeting over a couple of months, give them a zoning book, have them look and see if they want to be an alternate so they are prepared, and they would get the minutes and the agendas. When the time came, when an alternate was needed, that person would be there. Right now, the Mayor said, it was cold turkey and he thought his idea was better. He thought this came up two years before where the idea that the prospective alternate would be prepped and would have had the zoning book. They would also have sat in on the meetings. They would have met everybody, but he would only require them to come to one meeting to get a feel for it. The Solicitor asked if they did this with the actual members, and whether the actual members received training. The Mayor said they did not. The Solicitor thought it would be a great idea to encourage it. The Mayor said the last two people he put on, including Terry Brennan, walked in and sat down, shook hands, and 20 minutes later voted. Brennan told the Mayor when he walked out that if he had been on longer, he probably would have voted a different way. Brennan was a corporate lawyer and knew what he was doing. The Solicitor said that was interesting. Schloss asked how many members were on ZBA and the Mayor replied five (5). Schloss asked what the Mayor was proposing, and the Mayor said, "two waiting in the wings." Schloss clarified that

this was two alternates, and he asked whether no one showed up the night before. The Solicitor said there were two people that showed up, Chairman Dave Maistros and Laura LaChapelle were present. They thought George Clemens would be attending, but it turned out he could not come. Schloss asked if at least three were needed, and the Solicitor said this was correct for a quorum. With three, a unanimous vote would be necessary in order to pass the variance. There could not be two vs. one. This had to always be explained to the applicant, too, because if there were a five-member board, the chances of getting three votes over five was easier than a unanimous three people. The applicant needed to know that if there were only three, unanimity is required. The Solicitor said the gentleman who stepped in was blindsided, but his questions were fantastic. The Mayor stated he had Bill Stone and Heidi Baumgart, who expressed interest in ZBA, attend the meeting the previous night. When there was no third person, Stone said he would do it. The Mayor stated he swore him in, and Stone could handle the meeting and he could resign the following day, or he may stay on. The Solicitor told the Mayor to keep in mind that the Mayor put him in because there was a vacancy because Terry Brennan moved out of the Village and could no longer serve. There was a vacancy and Stone was appointed to that vacancy. It was not like he was an alternate. He was now a board member until he resigned. The Solicitor asked the Mayor if Stone would resign, and the Mayor said he was tempted. The Mayor met with him a couple of weeks ago because the Mayor wanted him to be the Zoning Inspector. The Solicitor asked if he was interested, and the Mayor said Stone ran a home inspection business and was working 60 hours a week and had a battle with cancer. Stone's concern was \$12,000 health insurance; he had it now and did not want to lose it. The Mayor said Stone was tempted to consider it. According to the Mayor, he came to the Village with Bill Joyce, and lives on Fairview where Joyce put up that house and wanted to put in more houses. He was the bridge between the neighbors, who were going crazy, and the ZBA. Maistros remembered him. The Mayor thought he would know more about zoning than anyone else and came in prepared but didn't have a leg to stand on against Joyce from what he remembered. The Mayor said he just kind of 'okay, we can't do this.' So, some of those people have a house that is on three different lots. The Solicitor said she remembered.

Hocevar ask if the Village would be advertising for alternates, and the Mayor replied yes and that it was in the newsletter. The Solicitor clarified that the Mayor was saying the ads were placed for Board Secretary and Administrative Assistant. The Mayor said that yes, there was. The Solicitor questioned that it was for alternates. The Mayor said he did not know if it said alternate, but he thought it did. Schloss said he thought it did as well and suggested asking the Fiscal Officer. The Mayor said he was almost sure. The Solicitor stated that Council was not necessarily on board with the alternates and they did not pass an ordinance. The Mayor said no. The Solicitor asked whether the Village was looking for alternates or was this to fill Terry Brennan's vacant seat. The Mayor said he could not remember. Hocevar said a vacancy still needed to be filled without the alternates. The Solicitor explained that it was now filled unless Stone stepped down. The Mayor said that George Clemens would be next. The Solicitor agreed but said he had not yet resigned. The Solicitor explained that Brennan had resigned. Hocevar said he thought Clemens was out too. The Solicitor said she did not hear him say he had resigned. Hocevar heard through the grapevine that he was going to. The Solicitor said this was good to know. Hocevar suggested talking to him to make sure that he was going to stay or not stay. The Mayor said he would check with Clemens. The Mayor was almost sure that he put in the newsletter that the Village was looking for alternates. He stated that the Village had done

this in 2017 looking for people to serve and nobody stepped forward. The Solicitor repeated that she thought Council was not for the alternate concept. She reminded the Mayor that she was getting ready to prepare the ordinance, and that there was an ordinance two years ago, but it did not include how the voting would occur and that the plan was to change it for the next Council meeting. The Mayor thought it was supposed to be in the next newsletter. The Solicitor questioned this. The Mayor said he put it in the newsletter. The Solicitor thought it was to fill the vacancy. The Mayor thought maybe it said vacancy. Schloss asked for clarification that there are five people that are currently on ZBA, but only three showed up to the meeting. The Mayor said "two." Schloss asked why the other ones did not show up. He asked if they were not responsible to know that this was an important meeting. He asked if this happened all the time. The Solicitor said she did not know that it happened all the time. The Mayor stated that Brennan moved to Chagrin and Andy Hitchcock was on vacation. George Clemens said he was going to show but did not. Schloss said it was not acceptable. The Solicitor agreed but said it happened. Schloss concluded that there was a need for alternates without question. The Solicitor said she thought it was a good move.

The Mayor asked the Solicitor if they had alternates and the Solicitor replied that Bainbridge, Chester, and Auburn have alternates. The Solicitor did not know about Russell. Schloss said Chagrin did. Schloss asked what the downside to having alternates was. The Solicitor said she did not know either. Schloss said it would be stupid not to. The Mayor told Schloss frankly that if it was somebody else who had proposed it, Council would have gone along with it. He thought it was too much power coming to the Mayor. He thought it was an ego thing. Schloss said this was an important position and there were all kinds of people out there who had to get their properties taken care of etc. To not to be able to do this was wrong, he thought. Regarding the case before the ZBA, the Mayor said if Bill Stone didn't step in it would have had to be postponed, it would have been another month. Schloss said this was not fair, and the Mayor agreed.

The Mayor reiterated that the alternates would attend one meeting, there would be a waiting period of three months or six months. The Solicitor said she would not recommend this. She understood the need to understand the zoning book, but thought they could jump right in. Schloss asked if they stayed on the issue until it was over. The Solicitor said she thought that was important. For example, if with last night's ZBA meeting, the issue was tabled for some reason, if it was a different composition of board, it would be really tough. She thought the alternate should stay on until the conclusion of the matter. It would be difficult to switch it up because otherwise they would be looking at minutes, and honestly there weren't any minutes to look at. She said it was really hard to keep the memory over the course of a month. Since she had been Solicitor, she had not seen one thing tabled at ZBA. Everything seemed to have been taken care of at that meeting. At PC, some things had been tabled, and it could be important to stay on to the end. Schloss asked whether Council could be on the boards and the Solicitor said she did not know for ZBA. She said for ZBA, it was the Mayor's choice. The Mayor stated that for PC, he nominated Porter and Council voted him down. The Solicitor agreed that Council must approve PC. She said another consideration if Council agreed to do alternates for ZBA and PC, ZBA appointees would be whomever the Mayor chose, but PC would be subject to approval by Council and there might be two different ordinances involved. Schloss directed the Solicitor to check this out, and she said she would do so.

Schloss asked how many items were on the agenda for the ZBA meeting, and the Solicitor said just one. The Solicitor said they did wait a half-hour for Clemens. The Mayor said the other reason the Village did not have alternates was because when he proposed this two years ago, some of the members of ZBA and PC were lukewarm and thought no one could replace them. Schloss suggested this was an ego trip. Mayor said this was the feeling he had.

The Mayor stated that the Building Department Secretary was leaving. He said, "If the thought, if it is ever proposed, that the Councilman's wife becomes the zoning or receives any additional hours, I will not interview her. I will not appoint her. I think it was wrong. If Leslie is given anything, I think that's a mistake. I think you got. We don't have a nepotism rule, but I think she is going to stay there and do her 20 hours or whatever." Schloss stated, "I don't think she wants that, anything like that." The Mayor said, "Okay. I just wanted to let you know." Schloss said, "I had not heard that mentioned." Hocevar said, "She was good with Danielle to come over there". Mayor said, "Yes". Hocevar said, "She was okay with that." The Mayor said, "yeah." Hocevar said, "Whatever she thinks she is going to learn in two weeks, God bless her. By the time you get through the software. We are here to just help. Work together on this to make something happen, that's all we care about, right?" Schloss said, "Yes sir." The Mayor stated, "There is bad blood and my concern when the day comes that Leslie gets trained, Kris won't be there." The Solicitor said, "That's a big problem." The Mayor said, "It is. It is a real big problem." Solicitor said, "An employee problem actually. Remember she is here until the 10th." Hocevar said, "But it wasn't instigated by her." The Solicitor said, "Understood, but I mean, again, she did say until the 10<sup>th</sup>, otherwise, what? I understand that there are emotions, but we do have to find out the passwords. We have to get training because what if we do not find somebody to take over by the time she leaves, we want to make sure that things get processed. I mean it is still open. The Building Department is still open." Hocevar said, "Yeah, right." Solicitor said, "That is my only concern." Mayor said, "Yeah. But not to say nepotism, but I don't see any change coming." Schloss said, "I understand." The Mayor said, "I've heard from enough people." Hocevar said, "If that's the bottom-line Bill, let me try to ease that out a little bit. I mean all we care about is getting somebody trained. I mean I know where she is coming from. I know where you are coming from." Mayor said, "Okay." Schloss said, "So you are just going to mention something to Danielle then about going over there to let her take care of it." Mayor said, "I've got to tell you. I'm umm, at the Council meeting Monday night, I said I need a week to smooth this over. Tuesday morning the Fiscal Officer called and told Kris we are on our way; we are coming over. I hadn't even had a chance to tell Kris. And that's another issue." Hocevar said, "There is an option that they just did over there in Moreland Hills. A temp service." Solicitor said, "Yes." Hocevar said, "And I thought it was bullshit, excuse me, but you know what, the girl seems like she is grasping pretty good." Solicitor said, "Yeah, Kris even mentioned that to me on Monday morning." Hocevar said, "I think that would smooth everything, get a temp." Schloss said, "It was mentioned up here too, and I think I am the one that said we've got two people here, but maybe I have to eat my words." Solicitor said, "Here is the thing. I mean. I'm just saying, Danielle is pretty busy as Fiscal Officer. And I know that everyone thinks that she can just take it on because she can, she is very efficient and she will get it done, there is no question. But I don't know whether it is entirely fair. This is budget time. I don't know that she is going to be able to spend a full two weeks over there." Hocevar said, "No, I don't think so." Solicitor said, "That's why I was thinking a temp or." Hocevar said, "A temp. Somebody in finance in Moreland Hills had someone through the temp service and he

said I had a girl looking for a job. And I talked to Paul yesterday and I go 'How's that temp working out because we had talked to her today and I says 'she sounds like she has been there a while' because she is grasping on quickly. He says, 'She asks me questions.' because you know their new. You know if you are trying to be a lawyer, it isn't going to happen today. But it might be an option to smooth everything out." Solicitor said, "Yeah, maybe." Mayor said, "I wanted the week to attempt to smooth it out. And then to have her call her Tuesday morning, she just 'bang'. (Hocevar comment unintelligible 22:48) Solicitor said, "Kris had called her and talked to her on Monday about getting a temp, I think that is why that happened as I understand it." Hocevar said, "I didn't know that. But I just, different scenario was me talking to the guy in Moreland Hills, 'We just got a temp.'" Schloss said, "Would you find out what the temp service is if you could. Is that alright?" Hocevar said, "I didn't think they were any good, but after hearing that, I thought maybe there is a shot." Mayor said, "Now we are going to shift gears.

Mayor addressed a dead deer eaten by a coyote in the yard next to the home of resident, Donna Bauman. She is blaming it on Barry who lives behind her and has a shed and animals. The Mayor said there was nothing the Village did about dead animals, and that he would get back to her by the end of the week. Bauman wanted Barry's property cleaned up. Hocevar said the fellow called him. Hocevar thought the man's parents were in a nursing home, and he lived in Colorado and had a sister in California. He told Hocevar he would give the best attempt to clean up the property because they wanted to sell it. The Solicitor asked what was going on with the property. Hocevar said the man's father collected junk back there, and they had some dilapidated sheds and some pipe, but nothing you would see if you weren't going in there. He said Bauman had somewhat of a legitimate complaint. The Mayor said she called a lot. Hocevar said she did make a complaint and it fell through the cracks for him to go back out to look to see if it had been cleaned up. But if worse came to worse, he would go out today to see if it was the same scenario. He would call the man but needed to go look at it. The Mayor said he went back into the yard and said you could see under the shed that somebody was probably living there. He told Bauman the Village would not do much.

On 151 Lakeview, the Mayor said "we" have been on this guy to clean the ditch. He said this was the guy who was a professor and is in prison now for pornography. Hocevar asked if it was still bad. The Mayor said they mow but don't clean the ditch. He just happened to go by when the neighbor was coming down and said he'd look into it. The neighbor told him the taxes had not been paid and the neighbor would wait until the man got out. The Mayor wanted to check on the residence and was going to knock on the door and tell them to mow their ditch. Hocevar said the Building Department Secretary has a relationship with him because she felt sorry for him because of the situation with his parents, so when she calls, he usually says ok because the grass was a foot and a half high in the yard. The Mayor said it still is. The Mayor said he was just not doing the ditch. Hocevar said he was by himself and had some substance abuse issues. Schloss said it was a mess. Referring again to Barry, the Mayor stated "this guy's son" mowed the grass and there was always a new American Flag and he kept up everything else except for the very back yard and the Mayor did not want to throw him under the bus.

The Mayor said Mrs. Brown is scheduled for September 16<sup>th</sup> to be in court. The Solicitor said it was later than this. Schloss said it was the 22<sup>nd</sup> or 23<sup>rd</sup>. He asked if he was expected to attend it. The Solicitor said the Mayor would have to talk to Prosecutor Coyne. She said the Prosecutor

would probably reach out to Hocevar or the Chief to ask if the person was in compliance or what the status was. Schloss said he wanted to go to court and the Solicitor said anyone could go. He said the residents on either side had asked him to go. Hocevar said the one on the left-hand side was going to show up too. Schloss said, "Eli Jones." Schloss asked if he was being asked if he had seen Mrs. Brown. Schloss said he had seen her from a distance, and she gave him the finger. The Mayor said he had never seen her but had knocked on her door and left his card. Hocevar said maybe it wasn't a finger, maybe it was 'come on in and have a cup of coffee.' Schloss said they had done quite a bit of work on their property. Hocevar said the back yard is a mess. Schloss said that the back yard and the side was a mess and they had dog problems in there still. The Solicitor stated as she understood it, Coyne would reach out to Hocevar or the Police Chief to figure out if the resident was in compliance and if not in compliance then it would go forward. She did not know if September 23<sup>rd</sup> was another pre-trial, but not an actual trial that would go on that day. She was not sure. Hocevar asked if there was a way for the Village to gain entry to that back gate. He said the Village had cut grass before and charged the residents. The Solicitor asked if this was in the backyard. Hocevar said that the Village had done that too, but now there was situation with a locked gate. The Solicitor said now that it was going to court, she would want to ask Coyne about this. Hocevar said if they could do that, he could get the grass cut and put it on the tax bill, but being a locked gate, he did not want to do that. The Solicitor agreed and said there was a whole complaint process going on in the court so if something were to go on, she had not been found guilty yet. She did not know that she would take those measures and go in and actually go under her gate. Hocevar said he would not do it unless he heard from legal. The Solicitor said she did not know if Coyne would say to go do that while the complaint was going on. Hocevar asked what the outcome of the trial would be, would they put her in jail, or fine her, and still nothing would be done. The Solicitor said usually there was a fine and at least in the townships in the area, there was a fine and jail time. Jail time would almost always be suspended giving them an opportunity, like another 30 days, to completely clean it up. On the 31<sup>st</sup> day if it was not cleaned up, they report directly to jail. Hocevar added that if she went to jail, the Village still had grass to cut. The Solicitor said this was exactly the issue. The Mayor said 'you' got to feed those dogs too. The Solicitor said that hopefully then they would go to the hearing. Hocevar said he knocked on the window just to listen to the dogs and did not hear any barking. He was trying to get in to talk to her. He did not hear any dogs after the complaint, so he did not know how many dogs there were. Supposedly they had four. The Mayor asked if the court time was known on the 23<sup>rd</sup> of September. Hocevar responded 10:00 o'clock but thought he might be wrong. The Mayor said he was doing meals on wheels and would be right up there and would like to sit in on it. He asked if it would be 20 minutes. The Solicitor did not know and explained that it might not even go forward if she will comply by the date. Schloss said that the two residents on both sides of that property want the Village to clean up the backyard, and Schloss told them that the Village could not do that. He thought they kept coming back to bug Hocevar, and Schloss told them the Village could not touch the backyard or go into a locked gate. The Solicitor said that she did not think the Village could do this right now unless the Village obtained some sort of warrant. Schloss said the Village had done all it could. The Solicitor added that the judicial process was happening. The Mayor said the Village had done its job. Hocevar said they may hear differently at a Council meeting with the neighbors. They did not think Hocevar was doing anything. Schloss said he knew differently. Hocevar said that Council would be hearing about it. The Mayor said, "he gets his five minutes, thank you very much." The Solicitor said they were supposed to be at the last Council meeting and were not



there. The Mayor said 'he' told the Building Department Secretary he had the wrong date. The Solicitor said she thought that was the lighting people. The Mayor said, yes, apologized and said, "the Joneses." The Solicitor said yes, that this was different and that the committee was talking about the Joneses.

The Mayor said that speaking of complaints, on June 3rd the Kormoses complained about Hank's lights, and asked if there was something formal. He stated that they filled out an actual complaint about the lights that the Village had to do or should have done on that when somebody filed a complaint with the Building Department. Hocevar said there is a complaint form over there. The Mayor said this is what they filled out. Hocevar continued saying that when they came into the office, and then questioned if the Mayor had the complaint. The Mayor asked what the Village was supposed to do. The Solicitor said she thought this had already been addressed. Hocevar said the Village received the formal complaint from the resident about the lights, which was pushed on to Council to come up with something with the light complaint. The Mayor said "okay, we got nothing on it." The Solicitor stated that Hocevar investigated it too, and that the Village was good and had it. The Mayor stated the Village had pictures and everything, and that he wanted to make sure.

The Mayor stated, "Henry Mitchell", and asked if there was a court date for him. The Solicitor apologized and said she did not know. Hocevar said October. She asked if it was filed recently and Hocevar said it was, that the Building Department Secretary looked it up yesterday. He thought it was the 23<sup>rd</sup>. The Mayor asked if the committee knew if Mitchell had a health issue. Hocevar said he used to see him and he's like Hocevar's best buddy when he sees him on the street. When he would get him on the phone he would start to complain, and his wife was ten times worse. The Mayor said yes, he knew. Hocevar said the Village had a legitimate complaint down there. Matt Brett's wife had been complaining about that house for ten to fifteen years. The Village would send him letters and he would clean a little bit out and move the cars and the Village would think everything was okay. Then he would go back again and there still was the same crap sitting out there for all these years and he had to do something with it. Hocevar said the first thing he was going to come at the Village with was going to be discrimination. The Mayor agreed. Hocevar said he was so glad the Village was taking Brown before Mitchell. Hocevar said that was a good thing. Schloss agreed and said the Village was doing something.

The Mayor asked if the tabled ordinance about the vehicles and all was overdone. He asked if it was ever coming around again, about the corner and RV's. The Solicitor reminded the Mayor that this was not about the RV's, for which there already was a Zoning Ordinance. It would be up to the Building Committee and what they wanted to do. She said that Council had heard from some residents who were not pleased, and that some of it was misinformation but some of it was probably legitimate. The issue was really more along the lines of how enforceable this would be on the people who were the issue. It might not be very enforceable because they would be grandfathered in and then they would have to wait a year until it was discontinued. Then maybe it could be enforced against them. The Solicitor did not know what Porter's feeling were on the topic, and Schloss said he did not know either.

The Mayor said the last one was that a guy who lived across the street from the Mayor caught him last night when the Mayor came home. His basement had flooded twice, and he had

somebody, a plumber, scope all the lines. The Mayor said, "we" ran the dye in his kitchen sink, and it went out and went north like it should. They scoped everything around and it came in, it went all the way around to behind the next street, Waterford. There is a concrete, what's it called at the end of the pipe. Hocevar said, "wingwalls". The Mayor said the concrete was there and the water flowed. He walked it during the rain. It came down and went under the interurban to Bainbridge. The Mayor talked to Karen Endress about it and she said to talk to the homeowner, but it is a Bainbridge homeowner. This area and the flood of 2015, the guy who lived at the bottom of Waterford said the water was six feet deep back there. The Mayor said his neighbor was claiming that when the Village gets these huge rains it backs all the way up hill to his basement. Hocevar said he watched the two cameras go down the pipes and it was perfectly free until it rains but going into Bainbridge there is stuff holding back water, and he asked the Solicitor what the Village should do about it. The Solicitor said she did not know. He continued to say that the guy's basement, there thousands and thousands of dollars' worth of damage. Schloss asked what was blocking it. Hocevar said the Village's drainage system, the Village's easement runs all the way back to Potomac into Bainbridge through the interurban and part of the interurban drainage is blocked. The Solicitor asked, "really?" Hocevar said there was debris all over. The Solicitor asked if the property owner on Potomac could talk to the homeowner in Bainbridge. Hocevar said Bainbridge won't talk. The Solicitor clarified her question. She asked if it was private property Hocevar was talking about in Bainbridge. The Mayor said yes that it was somebody's house. The Solicitor asked if those two could talk to figure it out. She said it sounded like a private issue and asked if there was Village property involved besides private property, and the same with Bainbridge. Schloss asked if the Engineer should take a look at it. The Mayor said that probably was not a bad idea to see what we can do at this point. The Solicitor agreed. Hocevar said the homeowner could possibly put in a check valve. Schloss said he thought this was something Eric should look into.

Schloss said the Bellwood ditch was flowing so nicely in the rain. The Mayor stated he wanted to know why that situation occurred but wanted to finish the Building Committee meeting. He asked if there was anything else. The Solicitor asked if it was the recommendation of the Building Committee to Council to do Board alternates. The Mayor said he did not know without Porter being there. She was just wondering because for the next Council meeting, she was trying to figure out how to do the ordinances. The Mayor asked if the ordinance needed all that "stuff" about voting, three months, etc. Solicitor said not necessarily training, and she did not know whether the Mayor wanted to do three months because the regular members don't do that. The Mayor said they have about two minutes. Hocevar asked who would fight the issue of doing something right. The Solicitor said he might be surprised. Hocevar said he was just saying it was not right. The Solicitor said she couldn't agree more. The Solicitor said she could prepare it. The Mayor said he did not think she needed the trivial stuff that they will receive the Zoning Code Book and they must attend one meeting. The Solicitor said that they did have to finish out the vote. The Mayor said to stay on the issue or however she wanted to call it. He said the issue was the alternate participated in the discussion of the issue and remained on the issue and the person they replaced would sit in the audience until that issue is over. The Solicitor said, "yes, or they don't come."

Hocevar said the Mayor would hear at the next Council meeting from the gentleman who asked for the variance, Spohn. Solicitor asked if it was the one that he revised and came back and it

was granted. Hocevar said yes. The Mayor said, "58". The Solicitor asked what was going on. Hocevar said "he" felt like being a resident of the Village, he was treated very poorly by the members of that board. There was a comment made to him that they were going to vote for the issue anyway before the meeting started. The Solicitor said, "no way", that she did not believe it. Hocevar said that this was what he said and that he was going to come before Council and explain that he should be treated a little better as a resident. Hocevar said he was an arrogant guy and a different guy, and he had some background with him too. The Solicitor said she was not at the first meeting because Solicitor Hicks was at the first ZBA meeting. His variance was denied. He was allowed to amend his application, which was kind of a big deal. He returned with his amended application and it was granted. Hocevar said he agreed but wanted to give her a heads up. He said he was coming to Council and was in the office yesterday and said he wanted to come to Council because he felt he should be treated a little bit better. Schloss asked if the man's name was Small and the Solicitor said "Shawn Spohn". The Mayor said "58 West Bel Meadow". Hocevar said he was a cop in Chagrin and went on to the CIA and worked for them for a while. Hocevar said it's like Hank, if you get to this military part of your life you're not going to walk on this guy, so he's up against the wall just like Hank. He fought in a war, he's fighting in undercover crap and it's all coming this way. Hocevar said it is the same scenario, but Shawn was a decent guy you can talk to, and said he wanted to get involved with Council and be at the next meeting. The Mayor asked, "Shawn Spohn?" Hocevar said he had a vehicle that had all kinds of red white and blue stuff on the back and all kind of military stuff. The Mayor asked whether he was the one who came to ask for a variance and basically said 'all my other neighbors put in sheds and they never came to you. I'm coming to you being a legal citizen and you're putting it to me.' Hocevar said some of the sheds looked like they were 50 years old. Hocevar said he was a nice guy and he could deal with him. The Mayor stated, "September 9<sup>th</sup>."

Schloss stated that Chuck at Fernwood and Bell had the backyard that the Village cleaned out. Schloss said there was so much wood back there and someone made him take the fence down that they put up. The neighbors asked if there was any way possible to allow them just to put that fence back, and they would be so appreciative. Hocevar stated that the letter sent by the Village stated that the fence was put up without a permit, please come into the Building Department to apply for the right permit. It was not three feet off the property line and was a stockade fence, which was not permitted. The Solicitor asked who took it down and Hocevar replied that it was the resident. The Solicitor asked whether he did this without even coming in to try to get the permit? Schloss said the posts were still there, but the adjacent property owner would love to have the fence because in the backyard there are jet skis and all kinds of wood and it was a dump. The Solicitor asked if it was junk, and Schloss said it is junk. Hocevar said that the last time he was there he stopped his car and he (the resident) walked up to the back of the window and went like this. Schloss said like Mrs. Brown and that they were friends. Hocevar said he said to have a nice day. The Mayor said when Chuck was in 8<sup>th</sup> grade he had a bad teacher. The Solicitor asked if it was the Mayor and he said it was. Schloss said something needed to be done because the neighbors were all up in arms about it. Hocevar asked if he had a right to go walk on his property, should he knock, or how should it be handled because it was hard. He added unless one of the neighbors would give him permission to go on their property. The Solicitor said this would be great if the neighbor gave permission. The Mayor said he

knocked on Chuck's door and he talked to the Mayor. Hocevar said he did not like him. Schloss asked the Mayor to do it again, and the Mayor said he would visit Chuck.

The meeting adjourned at 9:00 a.m.



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Ray Schloss, Chairman

Prepared by Leslie Galicki