

**Special Properties Committee Meeting**  
**November 8, 2022, 1:00 p.m.**

Present: Chairman Canton, Council Member Cavanagh, Fiscal Officer Romanowski,  
Solicitor Matheney

Visitors: Patrick and Mayson Holtz

Canton called the meeting to order and read the roll. Canton explained that park and park pavilion usage would be discussed. The Building Department Administrative Assistant provided him with the current policy for reserving the pavilion and said it was working well. She had no challenges or problems with it. He asked if the committee was there to make it better or was it a “go” the way it was. Cavanagh asked if it was a matter of who was contacted for approval after the request was made. The Solicitor did not think so. She explained that in May 2021, she, the Mayor, Fiscal Officer, Police Chief, and the Building Department Administrative Assistant came up with possible revisions to some of policy. She did not think they had been passed by Council. The Solicitor thought the purpose of the meeting was to discuss the use of Village Hall, the Village park and pavilion, and Village campus. Examples she provided were the use of the Village campus parking lot by Farmers’ Market, or the request by the Chamber of Commerce to do a food drive. Canton reiterated that he questioned the Building Department Administrative Assistant about how the current policy worked for her, and she said it worked very well. He had no problems with it. Cavanagh indicated that the policy did not address who makes decisions on the applications. Canton explained that it goes right to the Building Department Administrative Assistant, and she takes care of it. The Solicitor explained that there is a Codified Ordinance with a procedure. The Fiscal Officer distributed the two pertinent ordinances that makeup the current process. The Village had begun revising and drafting changes, investing a lot of time and money into the process, and then it did not move forward. The Solicitor said it constitutes an entire chapter of the Codified Ordinances which details the process. For example, if there were a group of 50 or more people who wished to use the pavilion, it could go to Council for approval. The Fiscal Officer explained that as long as the applicant’s gathering does not meet the specific criteria on the application, it goes through the Building Department Administrative Assistant. The Building Department Administrative Assistant then schedules it and has it put on the website calendar. If one of the special criteria is checked, this then triggers the necessity to fill out an agreement form, and the Mayor has to review it and notify Council, who then has five days to voice objections. If there are two objections, then it goes back to Council.

Initially, there were only family gatherings at the pavilion, but then there was an incident where someone had a bounce house and there were 100 cars parked down Bell Rd. Multiple Council members at the time were concerned because they had not been informed of the event and didn’t have an explanation for residents when they were asked about it. Now, bounce houses are becoming the norm, and she thought there might be a way to streamline the process. However, things are getting bigger like the large concert in the park. Canton asked if this meant the policy did not work, and the Solicitor explained that it does work for certain events, but it can be a cumbersome process with the bigger events. She thought it was the Mayor who was suggesting the policy be changed concerning who made the decisions. Cavanagh stated that the Mayor wanted it to be he, the Police Chief, Street Commissioner, and the Properties Committee Chairman. Cavanagh brought up the alcohol issue, and

the Fiscal Officer explained that the legislation was changed to address this and to have an off-duty police officer present. The committee discussed the current process for reserving the pavilion. The Fiscal Officer and Solicitor reiterated that the Mayor wished to change the approval process to be himself, the Chief, the Street Commissioner, and the Chair of Properties Committee and to eliminate Council. Cavanagh said she was good with this. The Solicitor explained that this would involve making revisions since it was an entire chapter of the Codified Ordinances. She wanted to be sure the committee concurred with the process because the proposed alternative of four people involved in approval could also be cumbersome. The suggestion was that if those four people decided that Council should review the application or that it was controversial, then it would come to Council. If they decided that it was not, she thought it was interesting that the decision would be put to four people who are not all elected officials. It is a sea change from what the Village currently has. Canton said there was a request, but that did not mean the committee had to follow the request. As far as he was concerned, it should be made as simple as possible, everyone should know what was going on and there was nothing hidden. Cavanagh said she presumed the proposed change was so he could make phone calls and get it done as opposed to waiting for a meeting.

The Fiscal Officer proposed that Village policies be written in a way that the employees can run it, and do not have to go to Council for every single thing. The policies should be written in a way that spells out the requirements. For example, as long as none of the special criteria on the form are checked, it is okay for approval. If the policy contained everything, it would only be necessary to address the 'one-offs' with Council. Canton indicated that since he has been on Council, there have been times when Council wants to micromanage, and in his opinion, Council likes to micromanage. If somebody wants to have a party at the park, they contact the Building Department Administrative Assistant, fill out the form, etc. Canton asked if there had been trouble with this process or challenges in the last year. The Solicitor reminded him of the incident where there was alcohol at an event with an off-duty officer who was not paid for his services by the Chamber of Commerce. Canton explained that the confusion was due to a policy whereby they do not pay for the services of off-duty Chagrin Falls police and assumed it was the same with South Russell. The Solicitor pointed out that they did fill out the form where it stated that police coverage is a requirement when alcohol is present. However, the Village's off-duty officer was not paid.

Using an example of a bounce house and high winds, Cavanagh questioned the liability to the Village. The Solicitor explained that is why there is a user agreement. Cavanagh verified the applicant would still have to sign the agreement and then the Village would be covered. Canton stated that they would want the agreement to follow the ordinance. The Solicitor stated that the current agreement does. She explained that a change in the approval process would mean quite a change. It would mean taking away the notification of Council, the ability to object, the ability of Council to approve, which is what is stated currently in the Codified Ordinances that were approved by Council in 2018. Cavanagh said that what the Mayor is asking is to simplify it by making it himself, the Street Commissioner, the Chief, and the Chair of Properties Committee who approve applications. Canton felt sure Council would like to debate this. The Fiscal Officer relayed that the Chief did not feel he should be a part of this process. He was unavailable for the meeting but wanted to speak about this matter. Canton advised that if the committee chose to go forward with this, it would have to be presented to Council to change it. There will be debate over it and it may not fly because Council would be taken out the process. Council might say that for a check and balance, it might be wise to keep Council in it. The

committee would go through all the work and then would have to go back to the drawing board. Right now, he is told this works.

The Fiscal Officer concurred and added that the process ensures that everyone pays. Previously, there were some groups that were not paying, and the Solicitor concurred. It is necessary to pay to use the pavilion. Anyone can use the park, although there was discussion about this at the previous Council meeting regarding cross country teams, etc. Canton stated that if a family wants to go enjoy the park, the Village does not need to know this, but when an organization like a sports team wants to use the park, it would be beneficial for the coach, out of courtesy, to notify the Village about the use. Cavanagh agreed that it would be beneficial and ideal but did not know that the Village would get this. The Solicitor added that the Village would not necessarily want to require that. Canton thought it would be common courtesy for an organization. The Fiscal Officer asked what would happen when the Chamber of Commerce would do a night at the movies and there was no reservation. Canton asked if they came to the Village first and did not just show up. Cavanagh asked if this had happened, and the Fiscal Officer said it did last year. Canton asked if the Village knew when the movie nights are, and the Fiscal Officer stated that Council never weighed in on it, there was no reservation, and it was after dark. Canton said they were wrong to do this. Cavanagh asked if they just showed up or if they let someone know. Canton commented that this was wrong, and Cavanagh concurred that Council needs to know. The Fiscal Officer stated that this was why Council liked to be part of the process. Canton agreed, and Cavanagh concluded that the committee would not be making any big changes. Canton agreed and added that any member of Council and the Mayor can make recommendations, but it does not mean it was going to happen. His philosophy is that 'if it ain't broke, don't fix it.' There is nothing that is perfect and no way to cover everything. The Solicitor added that this was fine, and she just wanted the committee to be aware that there was a request and there had already been work on the matter done a while ago.

The Fiscal Officer distributed a draft Village Hall Use policy to the committee. She explained that in the past, Homeowner's Associations (HOA) have been permitted to use Village Hall for meetings without fee. Subsequently, there were requests by other groups which lead to the discovery that the Village had an existing ordinance that states HOAs may use Village Hall but there was a charge of \$25. Providing there was no damage, the \$25 would be held for the following year. The draft policy she distributed allowed HOAs to use Village Hall without fee. If there were a problem, the following year group's approval would go to Council to consider and they could impose a fee. Any other organization that wished to use Village Hall would have to benefit Village residents and those applications would need Council approval. Currently, the Village is using a form from 1977. Discovery of the ordinance has meant that every HOA wanting to reserve Village Hall must come to Council for approval. The policy needs to be updated. She explained portions of the proposed draft policy to the committee to include the need for organizations to allow for enough time if Council approval were required. Canton reviewed the draft policy and noted that it seemed comprehensive to him. The Fiscal Officer explained that she obtained sample policies from area municipalities, and the draft policy was based on the Russell policy. The committee reviewed the process for approval of the policy, and the Solicitor indicated that it would go with the Codified Ordinance 1066.02 which would need to be amended since it follows the Village's policy from 1977. Canton stated that he liked the draft policy and reiterated that it was very comprehensive. Cavanagh said she is good with it. The Fiscal Officer stated she would prepare the information for Council packets for the November 14<sup>th</sup>

Council meeting. The Solicitor verified there would be a recommendation to amend the ordinance from the committee, and Canton concurred. The Solicitor reviewed the process of amending the ordinance with Canton. Canton asked if there would be three readings, and the Solicitor said there could be. Cavanagh noted that there were three meetings left in the year and it can go through the three readings and then be considered for adoption.

The committee discussed the use of the Village campus. The Solicitor provided the examples of the Police Association and Farmers Market, which both use the Village campus with an agreement containing the dates and times of usage, diagram of the areas used and traffic pattern, and certificate of insurance where the Village is added as an additional insured. The Chamber of Commerce wanted to use the Village campus for a food drive but could not get the paperwork executed in time. There was discussion at the previous Council meeting about having a process in place for anyone who wanted to use the Village campus. The Fiscal Officer explained there currently is no policy, which necessitates that each request goes to Council. Canton reviewed the current process, and the Fiscal Officer clarified that Canton was suggesting utilizing a form that would be filled out by the requestor and contain dates and times of usage, a diagram of the areas used and traffic pattern, and certificate of insurance where the Village is added as an additional insured. This would be provided to Council for review. Cavanagh noted that this form would be separate from the Village Hall Use form, and the Fiscal Officer said something could be drafted. The Solicitor considered whether the chapter being amended for the Village Hall Use policy could be amended to include Village Hall campus. The committee discussed that the requests for both Village Hall and Village campus would come through the Fiscal Officer who would forward it to the Properties Committee and ultimately put it in Council packets.

The Fiscal Officer summarized that the committee wished for the pavilion policy to remain as is, and the Village Hall/Village campus policy will be included in the Council packet for the November 14<sup>th</sup> Council meeting. Canton reiterated that anyone, the Mayor or whoever, can come up with an idea. Although he believed it is best to streamline, if the people whom the Village employs are using the forms, and the forms are working, he would step back and let it stay the way it is. Cavanagh said she was sure there would be discussion, which is okay.

With regard to the Village Use form, Cavanagh addressed the need to include that there would be no vaping. The Solicitor explained that the current Village policy is that it is tobacco free, to include the cars.

Canton made a motion to adjourn the meeting at 1:39 p.m. seconded by Cavanagh. Ayes, all. Motion carried.

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Gerald Canton, Chairman

Prepared by Leslie Galicki