

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 26, 2018 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Building Inspector Heilman, Police Chief Rizzo, Street Commissioner Johnson, Solicitor Matheney

VISITORS: Kate Jacob, Foxhall Dr.

Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Fiscal Officer read the roll. Porter made a motion to approve the minutes from the November 12, 2018 Council meeting, seconded by Canton. Voice vote- ayes, all. Motion carried.

MAYOR'S REPORT: Mayor stated he will swear Galicki and John Dishong in for Planning Commission on December 13th at the Planning Commission meeting.

The Mayor stated that an executive session will be required for compensation, land acquisition, and litigation.

The Mayor provided Council a sample letter provided by Chagrin River Watershed Partners (CRWP) concerning application for a \$15,000 William Bingham Foundation Grant for a rain garden intended for the South Russell Park. It would be located between the proposed playground and pavilion (Exhibits (1) and (2)). The application is due Friday, November 30, 2018. Porter asked if the Parks Committee considered the project, and Canton replied they had not. Nairn pointed out that the deadline was 96 hours away. Canton said he would send out an email explaining the situation and requesting feedback. Porter stated that applying for the grant did not mean that Council would have to accept it. Carroll stated that it would make sense to coordinate with landscape architect Craig Cawrse to create a master plan and asked if there were a master plan for the park yet. The Mayor said there was not. He said with the chosen location of the rain garden, a bridge would have to be constructed because of the water flow, and landscaping would be required. He suggested that the Village apply for the grant and if it is received, the Village would not have to take it. Canton stated he believed that the Parks Committee would be in favor of the project but would need to consult with them first.

Galicki asked for the definition of a "rain garden." He asked if it was a wetland and whether this project meant that parts of the park were being converted to wetlands. The Mayor said it did not. Galicki saw that the documentation discussed pavement removal. Galicki also questioned whether the Mayor had knowledge of the project that the Council did not have. Mayor stated it would be similar to the rain garden in the South Russell Cemetery. The purpose of the rain garden is to catch the water, purify it, and slow it down. The tallest plants in the Cemetery rain garden are cattails, which are about 5 feet tall. Carroll clarified that the grant application allows

for native riparian tree plantings, rain garden, pavement removal, and revegetation. The Mayor asked if Council wanted to apply for the grant. Schloss asked who would be responsible for maintaining it. The Mayor stated Village personnel would take care of it. Porter asked what was involved in maintaining the rain garden in the Cemetery, and Street Commissioner stated that it involved removing dead leaves to allow for the water to absorb into the ground. He stated there are two in different sections of the Cemetery and they do not require much maintenance.

Nairn stated the documentation specifies that the rain garden is to be installed in the spring and summer of 2019, and further stated that the Mayor's report said volunteers would be installing it. She questioned the knowledge required to install a rain garden and asked for clarification about who would be installing it. The Mayor asked Street Commissioner how the bioswale and rain gardens were installed in the Cemetery, and the Street Commissioner explained it was done by the contractor, Site Works. Carroll asked how large an area it would involve. The Mayor did not know. The Mayor stated that Cawrse questioned whether the Village could accomplish the project by summer. He further advised that it was not clear if the playground would be completed by this point. Nairn stated she was concerned about the deadline for the grant. The Mayor stated that if the Village gets the grant, it might have to give the money back because it would not be done in time.

Carroll asked if a specific location was required, or if it could go elsewhere. He also asked if the area was deed restricted. The Mayor stated it was not. Carroll lamented the brief timeline of the grant application process given the necessary discussion and said it would have been helpful to have a master plan for the park projects. He stated that without a master plan, if there were a desire to expand the park in the future, for example, the location of the rain garden might restrict this. Porter stated that to Galicki's point, he does not want to commit the Village to something it will later regret.

Galicki questioned whether the Village wanted to go down the path of the last grant where the Council elected to accept the grant without approval from Kensington Green Homeowners Association (HOA). The result is that the Village is left without knowing whether the counter proposals to the Ohio Environmental Protection Agency (EPA) will even be accepted. He suggested that there should be a more structured approach that Council adopts regarding the Village's public lands and parks; whether it be a playground or riparian, or water control. After this, it would be logical to investigate grants to assist in the desired end-state for the property. It seemed like monies were being accepted with the caveat that the funds do not have to be used. Ultimately, he was concerned how this practice would be viewed by the grant providers relative to the Village's future grant requests. He also questioned the transparency Council is exhibiting when it rushes grant applications.

Canton asked when the grant information was received by CRWP, and the Mayor stated November 5, 2018. Canton said the timeline does not make sense and questioned whether CRWP was dragging its feet. Porter advised that this short fuse grant availability is not the norm. Porter and Nairn stated they recalled there had been interest in the past in establishing a rain garden in the park. Porter further stated that according to the grant, the Village would not be committing to a wetland. If the Village did not want the money because of the short fuse of the grant, it could just refuse it. Carroll stated that it appeared that CRWP received the grant

application and were looking for three to four small projects with their partner organizations. Carroll stated his experience with federal grants was that there was a short window for the application process, but often the municipalities would know it would become available. What was unclear was how long CRWP knew about it before presenting it to the Village. Galicki expressed concern about having facts about the conversion of the property to a rain garden relative to whether it is considered wetland restoration. The literature provided by the Mayor was not specific enough for him to decide whether he could support the project. If park property were to be turned into wetlands, it would be wetlands in perpetuity. Likewise, he explained if the Village adopted a riparian setback, this would further restrict the use of the park land and may affect the playground as well. Nairn asked if the Central Lake Erie Basin Steering Committee was a government entity, or a privately funded group. Her concern was that the group was a governmental entity. Porter said he recalled that Kim Brewster said CRWP was involved with this group as a funding source for the grants they obtain. Porter doubted it was private funds. Nairn clarified that this was strictly an Ohio enterprise. Porter stated that was correct. Canton pointed out that the money was coming from the William Bingham Foundation, which is private. Porter stated he imagined it was but did not know for a fact. Nairn expressed concern about the grant because of the quantity of questions and the limited timeframe. The Mayor asked if the Village should forgo applying for the grant, all agreed.

Mayor reminded Council that the Jaycees and Dads' Club Texas Hold 'em Night would be held Friday, December 7th. He was unsure whether they were contributing some of their profits or all of them for the South Russell playground.

The Mayor requested contact with Northeast Ohio Areawide Coordinating Area (NOACA) to set up long-term road planning. The point of contact was Randy Lane and the Mayor would email him to determine whether there are any future projects that may involve the Village like Bell Road East. It would be beneficial to get the repaving paid by an entity other than the Village.

On November 20, 2018, the Mayor and Kim Brewster, CRWP, spoke to the Ohio EPA and offered two other alternatives if the Kensington Green property was not available. One was McFarland Creek and the other was the leach field of the old South Russell Village Police Station. The Mayor displayed the locations on a projector, but also provided Council pictures (Exhibit (3)). Porter clarified that it was the 319 grant being discussed. Ohio EPA said they would consider these alternatives and asked the Village to provide them with the additional information. With Council's approval, the Mayor would send notification to the EPA stating that Kensington Green may not participate and propose the McFarland Creek or the leach field sites. They would then get back to the Village with either an acceptance or declination.

Carroll stated that he thought Kensington Green HOA sent a letter stating that it was backing out of the 319 grant. Canton added that the Village did as well. Mayor replied that the Village was backing out of the agreement that was signed ahead of time. Carroll said he thought Kensington Green HOA backed out of the 319 grant and the agreement. The Solicitor stated that it did. Mayor stated that it backed out of the agreement that it signed with the Village in March 2018. Solicitor said this was correct. Porter stated it was terminated by both parties. The Solicitor stated she did not receive the Village's termination letter, but Kensington Green definitely provided one. Solicitor stated it was signed on October 25, 2018, with a 30-day effective notice. Carroll clarified Kensington Green was no longer involved in the 319 grant. The Mayor disagreed, and Porter agreed with the Mayor. Carroll reiterated that Kensington HOA backed out. The Mayor stated Kensington Green backed out of the agreement to work with the Village. The Mayor

stated the Village had not approached them to say it really wanted to do the project. The cancelled document, according to the Mayor, was an agreement whereby Kensington Green HOA would work with the Village once the 319 grant was approved. He said that Kensington Green was still in play, and all he had to do was get 71 of 105 votes by its members. Carroll asked for verification that the Village's current proposal to the EPA is the original 319 grant proposal, which had Kensington Green's cooperation, and two alternatives. He added that he favored the McFarland Creek proposal because it would not impact Village property. Carroll tried to verify that the 319 grant was originally applied for in collaboration with Kensington Green HOA. The Mayor stated it was not. He said the 319 grant was not submitted with Kensington Green HOA. Galicki clarified that the contract with Kensington Green HOA was submitted as part of the 319 grant package. The Mayor stated that the contract only involved working together and Kensington Green HOA had no approval of the location of the wetland. Galicki stated he did not believe this was what the language used in the contract between Kensington Green HOA and the Village indicated. Carroll reiterated that it was his understanding that the Village applied for the 319 grant and the Village would work in collaboration with Kensington Green HOA relative to the location of the project. Then, Kensington Green HOA wrote a letter stating they were backing out of the agreement. The Mayor added it was an agreement to work together. The Mayor stated that there were three possibilities; the original Kensington Green plan, but a vote was required by the HOA, the McFarland Creek, and the leach field.

Nairn asked for clarification about McFarland Creek regarding the statement that it had nothing to do with the Village. She clarified that it is in the park. Carroll explained that its location in the park is off the beaten path. He asked if this area had a deed restriction. Porter said it was subject to the easement that the Conservancy has. Nothing can be built on it. Carroll surmised that conversion of this to a wetland might then be allowed. Referring to the Kensington Green matter, it was his understanding that the Village applied for the 319 grant and there was a contract signed with Kensington Green HOA that stated they were collaborating with the Village to use their property. The Mayor stated this was not correct. All the Village did with Kensington Green HOA was agree to work together. Galicki stated again that this was not what the contract stated. Porter said that at any rate, the contract had been terminated. Galicki questioned whether it had because the Mayor appeared to believe the contract had not been terminated. Porter stated it was terminated by Kensington Green HOA. Galicki stated that this option then should be off the table. Porter disagreed. Galicki asked why, and Porter stated that theoretically, the Village could go back to Kensington Green, ask for them to hold a special meeting that 105 owners would attend, and if 71 of them voted in favor of the .4 acre approach, then the Village could proceed as the 319 grant was originally submitted. His understanding of what the Mayor was saying was that two other possible proposals were made to Ohio EPA, and the issue was whether either of these were acceptable if Kensington Green was not part of the project. If Kensington Green was out of the picture, there would be two possibilities to make up the .4 acre needed for the 319 grant. Nairn asked if they had been approved. The Mayor stated this was pending. Galicki asked for the Solicitor's opinion on the matter regarding the contract with Kensington Green and whether it was still in play. Solicitor said it might be in play under certain conditions. The termination of the agreement was completed and was in effect. There would need to be a newly drafted agreement with respect to the 319 grant if the Kensington Green property were used. The proper procedures would need to be followed with respect to the HOA, meaning 71 of 105 residents would have to vote in favor (2/3 majority), or vote against it. Porter clarified that the Mayor had submitted two alternatives to the original proposal, to determine, in writing, whether EPA approved of either or both alternatives.

Porter stated he preferred the leach field idea more because it did not impact the park. Carroll stated it would impact the potential of the Village to use the leach field property in the future. Porter agreed but could not see anyone building on a leach field. Galicki stated that it was no longer a leach field, and what needed to be considered was what the Village property would look like 50 to 70 years from now and whether the property potentially could be used to revamp or expand the Village buildings. He added that

the Village had aging infrastructure and questioned whether use of the leach field for this project might limit or restrict future use of the property.

Galicki was also concerned that this CRWP plan was the only proposal the Village considered to mitigate flooding issues. As previously explained to the Kensington Green HOA, the Village had no data on the amount of water that would be mitigated and what the impact would be. In other words, there were no measurables. His opinion was that Council was trying to go forward with a potentially flawed option in trying to save the 319 grant when perhaps the premise of the grant was flawed because no other options were investigated. Galicki stated it seemed to be another rush to accept a grant and members of Council were looking back to Kensington Green as an option before receiving the EPA's determination on the two alternatives. He believed the Kensington Green HOA was owed options other than the Village obtaining the Kensington Green property through eminent domain or getting the 71 votes. He thought it was unwise to limit consideration to one option with questionable value, even according to the CRWP perspective in terms of mitigation of storm water. Porter stated he thought it was a good step because to date the Village had taken few steps forward. He said the water problems were not going away and were getting worse. Galicki stated that it might be necessary then to decide an overall plan for the Village instead of putting band aids here and there. The plan as presented was not clear in identifying how much stormwater would be mitigated.

Carroll stated there was an engineering study done by CT Consultants which could demonstrate measurable impact and presented other options. He again stated that his preference would be to utilize McFarland Creek because it had the least amount of impact and a wetland in the park would keep it "parkish." Porter stated the Mayor should go forward with the proposals to the EPA and obtain its decision in writing. Nairn asked which residents would be helped by putting the wetland in McFarland Creek. Porter replied properties to the east - both Bel Meadow streets would benefit. Nairn asked if this was definitive and whether a study had been done. He explained that there were ditches that related to the flow of the water. He said neighborhoods to the west of the park would benefit. He added that Kensington Green would probably benefit, but then said he did not know if they would benefit one way or the other. He added that anytime there was a detention or retention pond, downstream properties would be helped because the water was not going at the same velocity and volume that it was before. Porter said the EPA 319 grant was going to help fix the problem south of Bell Rd. The Village still needed to fix the problem north of Bell Rd. The 319 grant addressed the southern problem and the red ranch residence was part of the northern problem. Carroll stated that his frustration was with the lack of measurables in the 319 grant, even as stated by Kim Brewster, CRWP. Nairn stated it was a shot in the dark. Porter stated that the Village has an Engineer on retainer. Nairn said that the EPA frowned upon retention ponds. Porter said the Village could do a retention pond with its own money or another grant. Nairn stated a retention pond cost \$750,000 to \$1,000,000. Porter said that if the Village were to take care of the stream leading to the southern part, it would help, but could not say how much. A retention pond was much better because it held more water.

Carroll clarified that the Mayor was asking to propose two alternates to the EPA. Council viewed and discussed aerial pictures of the proposed sites. The Mayor also displayed the original Kensington Green site, and Carroll asked about who was responsible to maintain catch basins. The Street Commissioner stated that the catch basins located on private property are maintained by the HOA. Carroll asked if there was an inspection process of catch basins on private property relating to deteriorating catch basins on Kensington Green. The Mayor stated that it was on private property, so it was the HOA's business. Carroll asked if maintenance of these catch basins could have a greater impact, how that would be done. The Mayor stated that when he spoke to the HOA leaders, he offered that if they gave the Village the .4 acre for the wetland, in exchange, the Village would repair the catch basin located in the middle of Kensington Green near Annandale Dr. Nairn asked if this was proposed to the HOA. The Mayor stated he proposed it to the three new leaders. He said they countered with having the Village clean out their

detention basin which would cost \$10,000. The detention basin was located behind Foxhall Dr. and could not be seen.

The Mayor stated that in 2017, the 319 grant was given to three different companies to study the stormwater issues in the Village. The Mayor and the Street Commissioner met with them. They looked at Bullfrog Pond, Kensington Green, and other property. Bullfrog Pond was one of the original ideas, but he was advised not to pursue it. Nairn asked who said not to use Bullfrog Pond. The Mayor said it was the people who came up with the proposal. Galicki asked what entity it was that made this recommendation and the Mayor replied that it was Environmental Science. Carroll stated that it was his understanding that the 319 grant did not cover Bullfrog Pond, according to Kim Brewster. Porter stated that the reason was that the money could not be utilized with the private pond. Carroll countered that with the Kensington Green property, it would have been used on private property. Galicki stated that Porter was mincing the issue because the original proposal involved private property. He asked Porter to differentiate between the two pieces of private property. Porter explained that it was because Bullfrog Pond was a private pond. The Mayor agreed with Galicki. As explained by Brewster, Galicki understood that the 319 grant referred to riparian waterways and wetlands.

Porter stated that if the EPA approved the McFarland Creek or the leach field options, he would be in favor of moving forward with it. Galicki stated he understood as of the last Council meeting that Council had voted to go forward with it. Porter stated that the Mayor had the authority to present the two alternatives to the EPA. Porter stated that whether Council accepted the 319 grant was dependent on the EPA decision. Nairn asked whether the Mayor or Kim Brewster would be pleading this case with the EPA. The Mayor responded that Kim Brewster would do it in writing. Mayor stated a motion was required to submit the two alternatives to replace the Kensington Green proposal. Council asked why a motion was required because it had been voted on at the previous Council meeting. Porter stated it would not hurt and could be good to document the alternatives. Carroll stated that if this were the case, it might be a good idea to decide which of the two was preferred. Porter stated that it would be best to allow the Mayor to present both alternatives to maximize the Village's chances. Schloss stated that he was confused because at the previous Council meeting, he believed he voted on this issue, but now felt he was being told otherwise. He asked the Solicitor to clarify the situation. Galicki asked Schloss to explain his confusion. Schloss thought that the Mayor was going to ask the EPA what to do, but now he was hearing something totally different. Porter asked him if he thought a motion was unnecessary, and Schloss said he did. The Solicitor recalled that Council voted to accept the 319 grant if it could go forward without the Kensington Green property. She did not know whether a motion was required but said there would be no harm in doing it. The Mayor agreed, but said he was giving Council two options. Carroll referred to the 11-12-18 Minutes for clarification and stated that the matter had been decided, and no motion was necessary. Carroll stated that he would still contend that more information was necessary before accepting the grant.

Mayor stated that in 2004, CT Consultants were tasked to produce 12 proposals for storm water. The Village completed one of these projects, Chelsea Court, for \$470,000. Nothing has been done since. In 2017, \$50,000 was spent to examine the storm water problem. This study resulted in obtaining the 319 grant. He stated that the questions Council has now should have been asked in 2017. The Mayor stated that Council needed to trust CRWP and the developers of the proposal and proceed as they directed. Carroll took exception to this because the 319 grant was specifically for the proposed project and Bullfrog Pond was not considered because it did not qualify under the grant. He felt that there were other options, but these options were not further considered because they did not fit the grant criteria. Porter stated that the Village had the option to pursue other courses of action to address stormwater problems in the Village north of Bell Road. Carroll stated that for the benefit of educating the newer members of Council he believed Council should look at the remaining 10 or 11 original proposals. He was unaware that the 319 grant was one of the original proposals. The Mayor said that the Family Life Center was another one of

the original issues. Carroll stated although the current proposed 319 grant could help, there were other problems such as Manorbrook, Bel Meadow properties, the house on Chillicothe Rd., etc.

The Mayor stated that this project was the easiest one the Village could do. Nairn asked whether the 319 grant, like the McFarland Creek proposal, completely helped the Bel Meadow neighborhood. Galicki stated the 319 grant had nothing to do with Bel Meadow. Nairn asked whom the 319 grant helped, and the Mayor, Porter, and Schloss stated Chagrin Lakes, Sugarbush, the Dr. Jonathan Rosenthal, DDS dental office. Carroll qualified the response to be that the Village “believes” it would help. Nairn clarified that she wanted to know if it would make a difference. Carroll and Galicki stated that according to Kim Brewster, this was unknown. Porter stated that it had not been quantified yet. The Mayor stated that the only thing the 319 grant would help would be the dental office and Chagrin Lakes. He said that Council needed to consider that Chagrin Lakes spent \$37,400 this year because of damage from the July 4 storm. Porter stated that this was a first step, pending the EPA decision, and added that McFarland Creek was the better idea. Nairn addressed a previous statement by resident Sandra Meyer about the problems at Chagrin Lakes being attributable to the Wembley housing development and debris disposed in a ravine behind the houses which obstructed the flow of stormwater. Schloss agreed. Porter stated that there was a real solution for this, but it would be costly and private, and difficult to litigate cases like this. The Mayor referred to the slide presentation and explained that the 319 grant would just help the Chagrin Lakes HOA because all the water goes into the Chagrin Lakes swim lake, then from there it goes down under Maple Springs to another lake. Chagrin Lakes had \$15,000 damage when the water flowed out of the swim lake and damaged their stones. Then the grate was bent and was replaced by the Village. The water flowed into the lake located behind Royal Oak and North Parkland. Then it blew out the back side of the dam. The people on the lake were assessed \$900 each to fix the dam. Carroll stated Chagrin Lakes had an issue prior to this storm. The Mayor stated they had the same problem in 2015. The Mayor stated the \$15,500 came out of the Chagrin Lakes HOA dues, and the residents on the lake had an additional fee. Nairn stated it was a 100-year rain event because July 3rd was just as bad as July 4th. Porter reminded Council that the Engineer stated that there is a 1.5% chance every year of having a 100-year storm.

The Mayor stated that his opinion was that if the EPA declined use of McFarland Creek and the leach field, then the Village needed to return to Kensington Green HOA and seek 71 out of 105 votes from its membership. He believed he could get those votes. Nairn was surprised by this claim, and stated in her experience, this would be difficult. The Mayor stated Kensington Green HOA did not even have officers for next year because it could not obtain enough votes to approve. Kensington Green HOA was not even able to approve minutes and budget for next year, according to the Mayor. Nairn asked how the Mayor planned to get the votes necessary. The Mayor stated these are his neighbors and it will be necessary to go door to door and say three things: this land has not been seen by most residents; the land will look like the flower gardens seen on interstate highways; it will make the water better in the community; and it will slow the water that comes into Bullfrog Pond. The key thing that would be said is that they are helping their neighbors in Chagrin Lakes. Those people get bombarded. If there is another 100-year storm, the residents of Chagrin Lakes will say to the residents of Kensington Green that they had the chance to help and they didn't do it. Galicki stated that again, this was all speculation because, for example, the Village thought the culvert on Bell Road was going to mitigate water crossing the street, and it did not appear that the water was mitigated. The Mayor asked what Galicki was talking about, and Galicki explained it was the culvert near the mansion. Nairn clarified it was on Bell Road East. Carroll stated that if the EPA does not approve alternate options, it would mean some work. Porter stated that Council should just let the Mayor proceed, which he said Council was doing anyway, and he directed the Mayor to continue.

The Mayor praised the Council regarding their behavior in discussing matters and directed Council's attention to the Chagrin Valley Times November 15th article about the Chagrin Falls Playground discussion, and their lack of civility.

The Mayor addressed the Department Heads regarding his conversation with the Village's Insurance Company about the Chagrin Falls Schools' playground equipment. He clarified that he was not at the meeting, but the four persons present made a great impression on the insurance representative with the way they work together, their concern for safety, and said they were an example of good government.

FISCAL OFFICER: The Fiscal Officer stated Council had the 2019 Budget which the Finance Committee would address. The Fiscal Auditor was not present, but his report was also provided to Council, and all funds matched.

FINANCE COMMITTEE: Porter stated that the surplus was \$250,000 approximately. The Fiscal Officer explained there were still pending bills and no significant income was expected for the remainder of the year. Thus, the balances will decline. Porter stated that bills would be ratified totaling \$39,000 from October 31, 2018, and \$45,000 from November 14, 2018, which totaled about \$85,000. Porter stated that as of the end of November 2018, the Village should still be up \$170,000. The Fiscal Officer stated that this was not including payroll. He asked in her estimation, how the Village would end the year financially, and the Fiscal Officer believed there would be a surplus, however she did not know the amount of bills outstanding. There is still some money being held on the Road Program, about which the Engineer had been contacted. He conveyed to the contractor that the Village would like to have this closed out by year's end.

Porter introduced an Ordinance certifying the transfer of funds of \$400,000 from the Income Tax Fund to the General Fund in the amount of \$100,000 and Safety fund in the amount of \$300,000. Porter made a motion to waive readings and declare an emergency. Nairn seconded the motion. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, Nairn seconded. Roll call – ayes, all. Motion carried. **Ordinance 2018-41.**

Porter introduced an Ordinance to amend the 2018 Appropriation for Shop with a Cop expenses in the amount of \$4,000. Porter made a motion to waive readings and declare an emergency. Nairn seconded. Roll call – ayes, all. Motion Carried. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-42**

Porter introduced an Ordinance adopting the 2019 Annual Appropriations. Porter made a motion to waive readings and declare an emergency. Nairn seconded. Carroll asked if raises, the \$8,000 for the United States Geological Survey (USGS) contract, and the bridge cost were included. The Fiscal Officer said raises and the USGS contract were included. The bridge project was not because of limitations of the tax budget. It would be necessary to wait until the year end balances were certified. Roll call – ayes, all. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **Ordinance 2018-43.**

Porter made a motion to accept the report of the Fiscal Auditor as submitted to Council. Nairn seconded and then asked about an entry of \$14,200 miscellaneous on page two of the report. Porter thought this was the truck. The Fiscal Officer added that it included little things throughout the year, but there was \$12,636 from the sale of the truck. Voice vote – ayes, all. Motion carried.

Porter requested that a Finance Committee meeting be held Dec 7, 2018, 8:30 a.m.

BILLS LIST: Porter made a motion to ratify the bills paid on October 30, 2018 in the amount of \$38,948.28, Nairn seconded. Porter amended the motion to include ratifying the bills paid on November 14, 2018 in the amount of \$45,559.07. Nairn seconded. Voice vote – ayes, all. Motion carried.

SOLICITOR: Solicitor had nothing to report.

STREET COMMISSIONER: Fall clean-up had been completed and the department was preparing for the winter. The Village has been winterized with snow stakes and signs, and holiday decorations are being prepared. Schloss noted that the Street Department was precluded from completing the filling of the cracks in the concrete due to the weather and asked if it was delayed until next year. Street Commissioner speculated that it may not be if the weather improves. Schloss stated that this was important because the cracks are significant and are a safety concern.

STREET COMMITTEE: Canton stated that the Street Committee would meet December 7, 2018 at 7:00 a.m. at the service garage.

BUILDING INSPECTOR: Building Inspector reported that Citizens Bank on Chillicothe Rd. will be remodeling to include new offices and an addition for the Automatic Teller Machine. A new house will be built on Paw Paw Lake Dr. where another house had been torn down. Porter asked where this was located. The Building Inspector stated it is on the main road on the left side before the left turn. She did not recall the address.

The roof had been replaced on Village Hall, and the repairs were made to the garage roof where there was a hole. The repairs were \$225, and the Village roof was \$1,000 less than the next highest bid. There were issues with the new house built north of Chillicothe Rd. with grading and difficulties between the builder, homeowner, and the Village in complying with requirements. An extension was granted until January 15th.

The Building Inspector relayed that interviews were conducted for the Board Secretary position, and another interview is pending.

Nairn asked about the resolution of the signage issue with Tame Rabbit Coffee Shop. The Building Inspector stated that in the business areas of the Village, the zoning code does not allow for flags or banners, so the business was asked to take the flag down. She contacted the building owners of the properties in that area to develop ideas to promote exposure for businesses like the Tame Rabbit and other less visible businesses like Living Lean. She wanted to find a more comprehensive plan that she can bring as a proposal to Planning Commission. Nairn felt badly for the business because the owners have worked hard to make it a success. The Building Inspector relayed that the doctor with the hearing aid business in this complex has relied on a flag to help patients find his business. She further advised that the Cleveland Clinic was allowed to have a sign because it was in an area zoned for it. Only the businesses in the industrial districts are precluded from using such signage. Building Inspector stated that other businesses have been asked to take down flags.

Schloss asked if during the Christmas season the businesses would be allowed to put up a banner. The Building Inspector said she cannot give the businesses permission to break the Village's rules. Schloss asked if a waiver could be created for this purpose. Porter stated the Building Inspector cannot do this, but possibly the Building Committee could propose an amendment to the ordinance that is constraining the businesses. Schloss asked when this could be done, and Porter explained the committee would be meeting for the additional interview of the Board Clerk candidate.

Schloss asked whether there were plans and permits for the new home being built by Dwight Milko and Otero Homes on Bell Rd. Building Inspector stated that the Village was prepared to issue the permits. All necessary approvals were obtained, and their site plans were approved by the Engineer. The grade plan and house plans were presented to the Architectural Review Board (ABR). Schloss asked if the owner will be demolishing the existing home, and the Building Inspector acknowledged they were. The Mayor added that there was a proposal to have the Fire Department burn it down. The Street Commissioner added that the Fire Departments will do this for training, but they will not burn this house down due to EPA restrictions.

Galicki asked the Building Inspector for an update on the bedbug infestation in the rental property. The Building Inspector stated it had been treated and speculated that it was over. She added that the rent check was received early this month.

BUILDING COMMITTEE: Porter stated that Building Inspector provided the report. Carroll asked about the status of the issue of certified letters being sent to people who are not pumping their septic systems. He added that if people were to be cited and bench warrants issued, it would be nice to send them a certified letter first. Porter said this was discussed and decided that if residents ignore regular mail, they will ignore certified mail. Carroll pointed out that certified mail requires a signature. Porter said it could still be ignored. Building Inspector stated that the Village does not issue the warrant; it is issued by a judge. Carroll clarified that it is upon the Village's request that this is done. Police Chief added that if the Village plans to have someone charged, and a certified letter is sent, the Village will have documentation whether it was refused or simply not received. Then, in good conscience, the Village could go forward to have a warrant issued. The Solicitor added that the Village could do certified mail, registered mail, and regular mail to ensure notification. The Building Inspector asked Porter if the court would not have sent a certified letter to the individual. He said it would have sent a summons. She added that a warrant was issued because the summons was ignored, although signed for. Carroll stated that in this case, the individual was not aware of the issue until the summons was received. Carroll strongly recommended that if a summons were to be issued, it would be worth the cost to send a certified letter first. The Solicitor asked who issued the warrant. Police Chief stated it was issued by Chardon Municipal Court. She asked if it was a lawsuit. Police Chief stated it was a violation of local ordinance, with charges sent to Chardon Court, but the resident allegedly never received any notification of the court appearance. Absent a response, the court automatically will issue a warrant. The Mayor asked if this involved the man who bragged about ignoring the mail, and the Building Inspector said it was. Carroll stated that if a resident is away for three months and is not getting mail, he did not understand why the Village could not send a certified letter. He asked what the negative side to sending a certified letter was. Porter stated it costs money and was more work for the Building Inspector to do. Carroll pointed out that she had an

assistant. Porter stated someone must do it. He stated that if it involved a snowbird, the mail was always forwarded. Carroll questioned the logic in issuing a bench warrant but not a certified letter. The Mayor asked that the Building Committee take another look at this issue and report back on December 10, 2018. Porter stated he could, but offered that in the case of an eviction, it would be necessary to tape the notice to the door or hand it to the resident. If the Village tapes it to the door, it does not fix the snowbird problem. He stated that the only way to ensure notification of the individual would be to have the Building Inspector personally deliver it. Porter explained that with traffic stops, an individual is issued a ticket with a court date on it and if they fail to appear, a warrant is issued. Porter added that this occurs without certified mail of any kind. Carroll stated that the individual still signs for the ticket. Carroll stated this was not a valid comparison. The Building Inspector stated she has sent many letters, has conducted extensive searches, and has gone to a lot of trouble to find residents before it gets to this point. She maintained this person could not be located. She said usually after sending someone three to four nasty letters, soon they will call. Porter asked how many issues there have been in the past two years. She said two in the last ten years. Carroll asked if the Building Department was not going to send the person with the motor home a certified letter if he did not respond. Porter offered that the Building Committee would revisit the issue at the request of Councilman Carroll.

POLICE CHIEF: The month end report was submitted. The Turkey Trot was Thanksgiving morning and went extremely well with the roads only being tied up for about 45 minutes. His report included information of an incident on Daisy Lane. The individual was charged with assault with permission of the prosecutor.

SAFETY COMMITTEE: Nairn reminded Council that the Shop with a Cop event was scheduled for Saturday, December 1st at the Bainbridge Walmart.

HUMAN RESOURCES COMMITTEE: An email was received late on November 26, 2018 from Clemans, Nelson and Associates, Inc. (Exhibit (4)) They continue their work on the project. Carroll summarized the email, which stated the Village was paying toward the top of the market for its positions. They evaluated the pay scales with respect to where the Village sits on the Chillicothe Road corridor. In comparison to the 16 Geauga County townships, Bainbridge, Russell, and Chester pay the most, with South Russell being wedged between. In trying to determine a budget for next year, Carroll said the survey results as they stand are not calling for any major market adjustments to bring conditions up a substantial amount just to be competitive. The formal data from Clemans Nelson should be received shortly. HR Committee will be meeting to review the results and will bring it to the next Council Meeting.

Carroll made a motion to provide a \$100 incentive to full time Village employees for completion of annual medical physicals effective January 1, 2019. Porter seconded. Voice vote – ayes, Nairn, Porter, Schloss, Canton, Carroll. Nay, Galicki. Motion carried.

PROPERTY COMMITTEE: Canton advised that the Park Committee will be meeting at Village Hall on December 11, 2018 at 6:30 p.m. to discuss the proposed playground and weather station. Canton asked the Street Commissioner whether there is a weather station on top of his office. The Street Commissioner said the original one was 12 years old and it was replaced two years ago. Canton verified the residents of South Russell cannot access the weather station.

Street Commissioner stated that they cannot access the station but can access the information from it through weather underground. Canton clarified that the residents can get the data from it.

PUBLIC UTILITIES: No report.

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

Carroll made a motion to go into Executive Session to discuss personnel compensation, possible litigation and possible property acquisition. Porter seconded. Roll call – ayes, all.

The Mayor stated Council was out of Executive Session at 10:06 p.m.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Nairn. Roll Call - ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by: Leslie Galicki

November 30, 2018

To the Central Lake Erie Basin Steering Committee:

The South Russell Village Council would like to express enthusiastic support for Chagrin River Watershed Partners' (CRWP) request for funding through the Central Lake Erie Basin Collaborative's William Bingham Foundation grant project for the installation of a rain garden at South Russell Village Park. Located at 1000 Bell Street, Chagrin Falls, OH, the 70-acre recreational park was dedicated in 2006 and features a picnic pavilion and walking trails. This park was awarded an Ohio Department of Natural Resources (ODNR) NatureWorks grant in 2018 for the installation of playground equipment. The park is used by residents for athletic events and community picnics. The park is also easily accessible by residents of the surrounding neighborhoods.

A rain garden installed with native, wet-tolerant plant species would promote greater stormwater infiltration into the ground and improve stormwater management in this area of the park. Stormwater at South Russell Village Park flows to the North Branch of McFarland Creek, a coldwater stream, and eventually to the State Scenic Aurora Branch of the Chagrin River. This project will help improve the quality of runoff flowing to McFarland Creek by helping filter pollutants from stormwater runoff and reducing stormwater volumes. Finally, the high visibility of this project due to the park's heavy use will provide abundant opportunities for community education around green stormwater infrastructure.

As a member community with CRWP, South Russell Village will partner with CRWP and community volunteers to install this rain garden. With twenty years of experience securing project funding and assisting with grant implementation for open space acquisition, stream and wetland restoration, and green infrastructure projects, CRWP is well suited to assist the Village with this project. The South Russell Village Council appreciates the Central Lake Erie Basin Collaborative's commitment to the restoration and protection of our region's watersheds and Lake Erie. We hope that you will consider CRWP's nomination for the installation of a rain garden at South Russell Village Park on behalf of the Village. Please do not hesitate to contact us regarding our support of this proposal.

Sincerely,

South Russell Village Council

Funding opportunity for small green stormwater infrastructure projects

Linda Moran <lmoran@crwp.org>
To: Kimberly Brewster <kbrewster@crwp.org>

Mon, Nov 5, 2018 at 1:27 PM

Dear CRWP members,

Bingham

In partnership with the Central Lake Erie Basin Collaborative, CRWP received a grant from The William Bingham Foundation to install small green stormwater infrastructure projects in Ohio's Central Lake Erie Basin watersheds. For this project, Collaborative watershed organizations will install 3 - 4 small green infrastructure projects, including:

- native riparian tree plantings,
- rain gardens, and
- pavement removal and revegetation

The Collaborative will target projects that have the greatest estimated benefit to streams and Lake Erie. We anticipate projects will be awarded at a range of \$10,000 - \$15,000. Based on the grant's 1-year timeframe (September 2018 - August 2019), projects will be selected by the end of this year and must be installed in Spring/Summer 2019.

Do you have an idea for a small green stormwater infrastructure project in your community?

The Collaborative is currently soliciting nominations for small green infrastructure projects from Collaborative watershed organizations, including the Chagrin River watershed. CRWP can help our member communities develop and submit project nominations. If you are interested in this opportunity or would like to discuss this in more detail, please contact Kim Brewster by calling (440) 975-3870 ext. 1006 or emailing kbrewster@crwp.org no later than **Wednesday, November 14th**.

- The deadline for submitting project nominations to the Collaborative is **November 30th at 5:00 PM**.
- Information required for a project nomination includes a project description, estimated watershed benefits, demonstration of landowner support, capacity of sponsoring watershed organization to complete and maintain the project, and potential volunteer involvement and public education opportunities as a result of the project.
- The attached Call for Projects provides more detail about how to submit a project nomination.

Kimberly Brewster

Senior Project Manager

Chagrin River Watershed Partners, Inc.

Also Serving Central Lake Erie Basin Collaborative

P.O. Box 229

*narrative
photos
letter of support*

EXHIBIT 2

Project Concept Map - Alternative 1



Project Concept Map - Alternative 2



-) 0.25 ACRE EMERGENT WETLAND RESTORATION
-) 0.25 ACRE RIPARIAN REVEGETATION
-) 200 LINEAR FEET STREAM RESTORATION WITH GRADE CONTROL RIFLES
-) EXISTING HEADCUT
-) 0.40 ACRE WET MEADOW WETLAND RESTORATION



RE: Reviewing the Updated Data

1 message

Heidi Miller <HMiller@clemansnelson.com>

Mon, Nov 26, 2018 at 3:42 PM

To: Andrew Esposito <AEsposito@clemansnelson.com>, "fiscalofficer@southerussell.com" <fiscalofficer@southerussell.com>

I agree with your analysis Drew and really don't have much to add. Even when we receive the data from the additional Villages, I can't imagine that it will significantly change the results at this point. I think the overall picture that you described in your previous e-mail will remain the same.

Heidi Miller

Senior Consultant

Clemans, Nelson & Associates, Inc.

485 Metro Place South, Suite 200

Dublin OH 43017-5333

Voice 614.923.7700

Fax 614.923.7707

Email hmillier@clemansnelson.com



From: Andrew Esposito
Sent: Monday, November 26, 2018 3:30 PM
To: Heidi Miller
Subject: FW: Reviewing the Updated Data

From: Andrew Esposito
Sent: Monday, November 26, 2018 2:55 PM

EXHIBIT 4

Subject: reviewing the Updated Data

Danielle,

I have been reviewing all of the revised data and it looks like the Village is paying toward the top of the market for each position. There is nothing wrong with this and it is expected with where the Village sits on the 306 corridor. As a comparison, of the 16 Townships in Geauga County, Bainbridge, Russell and Chester all pay the most. With South Russell being wedged right between it is not shocking to see your guys also high up there to compete and retain employees.

We expanded our survey to include some additional Village not originally included Orange, Huntington Valley, Pepper Pike as well as a few others and we are waiting on some of that information. But if the Village is trying to determine budget for next year, it is safe to say that the survey results (as they stand right now) are not calling for any major market adjustments to bring positions up a substantial amount just to be competitive. I don't want to provide the raw data yet because as we get in those final responses the data will change and I don't want people to think we are "manipulating" the information.

Heidi - please chime in if you there if there is anything I am missing that will assist Danielle in advising Council before their meeting tomorrow.

Drew