

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 24 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Carroll, Galicki, Kostura, Nairn, and Porter

MEMBERS ABSENT: Canton

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Solicitor Ondrey, Fiscal Auditor Lechman

VISITORS: Linda Mandau, Chillicothe Rd.; Devin Keesler, Cascades Dr.; Ray Schloss, Mapleridge; Shauna Gurt, Sugarbush Ln; Jamison Burt, Sugarbush Ln; Michael Klonowski, Chillicothe Rd.; Chris Tropf, Sugarbush Ln; Elke Neumeyer, Sugarbush Ln; Keith and Rose Roberts, Sugarbush Ln.

Mayor led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Comments on the minutes: Carroll noted a correction to last page of the minutes that Galicki abstained from the vote. Galicki noted he recused himself from the process. Romanowski stated she would fix it. Nairn made a motion to approve the meeting minutes of the September 10, 2018 Council meeting as amended, seconded by Kostura. Voice vote – ayes, all. Motion carried.

Mayor introduced Kim Brewster, Chagrin River Watershed Partners (CRWP). The Village is working with CRWP relative to the storm water issues. Mayor stated Brewster will talk about two different issues, the most significant being the 319 Grant the Village has been given by the State of Ohio. The Village does not have to accept it, and it will cost the Village \$75,000 in return for providing \$112,000 to handle some of the water issues. The Mayor last met with Brewster in August when she walked from Fox Run up through Manorbrook looking at the next storm water issues to be addressed. There will be a meeting this Thursday at 7:00 p.m. for the Manorbrook Homeowner's Association (HOA) presidents. Thomas and Thomas own a parcel of this land and are also invited. Mayor has not been able to reach them. Fox Run, Sugarbush, and Southwyck are basically the areas that get the water from the west side of Chillicothe as it flows south out of the Village. Councilman Canton, who is not present, and the Property Committee will have an ordinance ready by the October 8th Council meeting to propose that the Village accept the grant and hopefully by October 22nd Council will decide whether to take the grant or not. Basically, all that has to be done to accept the grant is to send back the paperwork and a few other things that the Solicitor and the Fiscal Officer have been working on.

Kim Brewster's presentation regarding stream restoration and the grant program is attached as Exhibit (A). After the presentation, she advised that the next steps for Village to implement the project would be: The Village to review the contracts received by the Ohio EPA; CRWP is happy to assist the Village in reviewing requirements. CRWP is also happy to coordinate with Martha Spurbeck at the Ohio EPA Section 319 program to get answers from her in writing to

decide on an approach. In the proposal budget, money was allowed for CRWP to assist in the implementation of the grant project. If the Village desires to have CRWP involved in the project, CRWP would draft a contract that the Village can consider and implement. The next step if the Village engages CRWP services is to plan a kick off meeting to have all of the project partners in one room to review the project, review the budget, make sure everyone is on the same page about who is responsible for each part, determine points of contact for the Village, CRWP, and the Ohio EPA. A timeline and handling payments of the project and reimbursement by Ohio EPA through the Grant would also be discussed. The Section 319 grant is a 3-year grant. The first year typically will include development of a request for proposals to solicit proposals from design build contractors to construct this project. Next is reviewing the bids received by the Village and awarding the design build contract and beginning of the design permitting process by the contractor. Year two of the grant could be actual construction of the restoration project and monitoring the site. Year three typically includes completion of the educational deliverables proposed in the grant application, and ensuring that the plantings associated with the project are doing well. Plant warranty is recommended of the design build contractor. Should the Village want to utilize CRWP, they would draft a contract. They have experience with working with other communities with Section 319 Grant projects. They will help with grant reporting quarterly as required and assist with design proposals for design build plans, reviewing proposals, selecting contractors, and completion of the educational deliverables. The Village will need to review all documentation and ensure that it complies with its procurement procedures and other policies throughout the project.

Kostura questioned with the project starting at Kensington Green and going down behind Village Hall, what communities would be impacted downstream. He said many of the Council Meeting attendees are looking at areas north of the proposed project so he wanted to know which developments the proposed project will help with slowing down the water going onto their properties. Brewster said the Chagrin Lakes development, but said she was unsure of the other developments that would be affected. She said that ultimately the stream flows to the north branch of McFarland Creek and eventually to McFarland Creek through Bainbridge and then to the Aurora branch of the Chagrin River. Kostura asked for clarification as to whether what is being discussed is Chagrin Lakes down into Southwyck, which is to the west of Chagrin Lakes, through the back side of South Russell Park and then into Frohring Meadows. Mayor explained that when water leaves Chagrin Lakes, it comes in behind Chelsea, so it misses Southwyck. It hits the back of Lowe's Greenhouse property and then Bainbridge-Aurora. He added that the biggest development to benefit would be Chagrin Lakes. Kostura verified that the Chagrin Lakes group would benefit since their ponds would not get as torn up from waste coming from the east. Brewster stated she did not want to give the impression that this would solve all the flooding issues in those communities, but it would be a piece of the puzzle to address some of the flooding and also sediment loads to downstream areas. She added that it is one of many things that could be done. Kostura noted that one of the complaints received by Chagrin Lakes residents is sediment going into their ponds. Porter stated the project might help with not flooding out Dr. Rosenthal's office again as has happened previously. Porter asked about the project concept map. Regarding areas 5 and 6 which are in Kensington Green, in area 6, the grass in this area is currently cut by the HOA, and he asked whether the idea was then to let it go natural and let the grass grow. Brewster stated that the proposal was to slightly excavate the area and then revegetate it with wetland species. Two berms in area 5 have been proposed on

upstream and downstream ends of the catch basin that will eventually go to Bullfrog Pond. The purpose is to help retain some of the water, without having standing water of any kind, but to give water time to infiltrate into the ground before going to Bullfrog Pond. Bullfrog Pond is a recreational pond and does not provide any storm water management to downstream areas, so what flows into the pond flows out. It would be beneficial to reduce flow to the pond because it eventually goes into the stream and across Route 306. The hope is to have more storm water retention through this project. Regarding concerns about having wetland species in area 6, a recommendation would be to make a clean line around the wetland type species that can give the impression of being a clean-cut area and aesthetically pleasing even though the vegetation has changed. During the design process, the design build contractor could listen to the concerns the residents of the development may have. Porter asked how much excavation was anticipated depth wise. Brewster was unsure, but thought it was in the EnviroScience report. For area 5 she thought it was a foot in depth but was unsure about area 1. Porter asked if the excavation would be the depth of a swimming pool, or would it be more like a depression. Brewster thought it was more like a shallow depression. Kostura referenced the EnviroScience plan where the Bullfrog Pond was picked as more of an integral part of the retention of water. He asked why that was not considered by CRWP. Brewster explained they would have liked to have seen this, but unfortunately pond work is not paid through this grant program. CRWP would be interested in working with the Village to seek grant money that would allow exploration of issues of Bullfrog Pond for improving stormwater storage. Kostura stated that this would seem like an easy fix to allow for the fluctuation of the pond a couple of feet and that is something the Village has done in other instances that seems to be beneficial and a financially easy fix. Galicki asked about Area 6 or Area 1 that Porter referred to. Specifically, he noted that Brewster referred to the area as wet meadow wetland restoration. He asked if this meant that it was originally wetlands or is the proposal to make it into a wetland. Brewster stated it would be made into a wetland and the word, "restoration," is used because much of this area long ago was wetland. Galicki clarified that CRWP is proposing that Kensington Green HOA donate that land towards wetland use. Brewster answered that the grant proposal does not specify purchase of the land, but it does require that a conservation easement be placed on the portion that is restored. It is an Ohio EPA requirement. Throughout the grant application process, there were meetings with the HOA representatives and the HOA representatives entered into a very simple two-or three-page contract stating their interest in the project in applying for the grant funds. Galicki clarified that this was with the HOA representative, but it was not brought before the Kensington Green Homeowners Association members for approval. Porter stated that there is an HOA meeting October 3rd where he thought the issue would be brought up, but that if it isn't, he or Galicki can address it. Galicki stated that another issue is that by converting this property, it would eliminate the possibility of future development of the property by Kensington Green. Solicitor stated this may be off the table due to the original subdivision approvals. There may be a provision that a certain amount of the property must remain green, and he doubts it is developable.

Nairn stated that she was under the impression that wetlands were made by God, not a contractor. It was clarified that she was referring to area (6). Brewster replied that it was not a natural wetland. Mayor clarified that the area was all flat and had been an airport. Nairn asked whether there was such a thing as a manmade wetland, and Brewster acknowledged that there was. Nairn stated that the proposed plantings were beautiful, but she was concerned about the planting of invasive species. Brewster answered that they would not be invasive. Nairn asked

about plant care and maintenance. Brewster responded that CRWP recommends a two-year contract with the design building for a maintenance bond so that they must replace plants if necessary. She stated that the suggested plants require little care. Mayor asked whether there was somewhere Brewster could recommend that a completed Section 319 project could be viewed. Brewster suggested Hawthorn Creek in Solon where there is a tributary to Tinkers Creek or in Moreland Hills, just north of the Western Reserve Land Conservancy Headquarters. There is a small stream that had been restored across from the Polo Fields.

Kostura stated that this was a three-year grant and asked if it had to take three years to complete. He asked if it could be pushed through more quickly or if the requirements preclude this. Brewster explained that it does not have to be a full three-year project. Chagrin Falls Village just received a Section 319 grant to fix erosion by their waste water treatment plant. They got their construction done within the first year. It depends on how aggressive the Village is and the season. Time is needed for the design builder to get all the permitting in place, which can take a long time. There is permitting required from the Army Corps of Engineers, the EPA, and possibly local permitting requirements, all of which can take time. It also depends on the time of year. Construction needs to occur sometime during the spring to the fall. Kostura asked what "awhile" meant regarding permitting, and Brewster stated 6 to 8 months or more. Kostura asked whether hypothetically if the Village accepts the Section 319 grant in October and pursues seeking plans, bids, and permitting in the latter part of this year, is this something that realistically could be started in June of 2019 or would it take until next October. Brewster said it could be constructed in the fall of 2019, but it depends on the process, or perhaps spring or fall of the following year. Kostura explained that historically the heavy rainy season has not been in the fall, but in July or earlier and to help the residents, sooner is better than later, so he wanted to better understand the timeline. Brewster thought it would be a little ambitious to plan on construction in the spring of next year; wet season might not be the best time to do the project.

Mayor asked if there were any questions. Mayor addressed the Solicitor and Fiscal Officer and explained this was the Village's first time through something like this. Information was gathered, and he knew there were some terms of a code of standards, contract confirm procedures, and asked whether these were in place. Solicitor replied that those are required documents for the Village to provide. He felt that between the personnel handbook, which has standards of conduct for Village officials, and the Ohio Revised Code set forth procurement procedures, he thinks the requirements can be satisfied. He did not know this for a fact and required Brewster's help to explore it. The affirmative action provision needs to be explored as to whether the Village can satisfy it.

Mayor asked if there were any other questions. No questions. He stated that ideally there will be some type of ordinance that the Property Committee can make and bring forward by Oct 22, providing a month to think about it, and then all that needs to be done is mail the paperwork back in. When the signature is received back from the EPA, that is when the process can begin. He stated that what is necessary is to get a contract with the CRWP to have them basically run this because it is above the expertise of the Village. Brewster offered that CRWP would be happy to reach out to Ohio EPA for the affirmative action question the Village has about the contract and get a response in writing.

Mayor stated that everyone else present at the Council Meeting lives on the west side of Chillicothe Road and this is where storm water comes down from Manorbrook, the Thomas and Thomas property, Fox Run, Sugarbush, and Southwyck. On Thursday, September 27th, just the HOA presidents are invited to a meeting because he did not want 50 people all trying to figure out the project. He explained that the Engineer has been looking at catching the water on the west side of Chillicothe Road in basically the same concept that the Village is looking at now with catching it and slowly releasing it. That is what was successfully done with the Family Life Center and this would be the third such project. There is an issue of land belonging to the Manorbrook Gardens HOA that has the potential for development. It is not clear whether this would be an issue or not, but it will be looked at on Thursday night. That is why only HOA representatives are invited, because too many people would spoil the situation. After the meeting, it is hoped that the HOA presidents will then get word out to their residents. The Village has not accepted the first grant but is already thinking about the second. He stated that CRWP has 20 to 22 years of experience in Northeast Ohio and explained that it would benefit the Village to allow them to guide the Village through the process; the expense of this would be less than \$3,000. When they run the contract for the future project, it is going to be much more, which he stated was part of the fee in doing this. Carroll asked if the grant covered CRWP costs. Brewster answered that it did and that it was written into the grant budget as administration. Resident Michael Klonowski asked about the potential project on Chillicothe Road north of Bell Road. Mayor responded that the plan by the Engineer is to install a 36-inch culvert under Chillicothe Road, but before that water is sent over, there needs to be a place to put it. Klonowski replied that this needs to happen sooner rather than later because of flooding of his home. Mayor reiterated that there needs to be a place to catch the water before it is sent to the other side of the road. He further explained that preparation of the area on the west side of Chillicothe Road will be necessary to catch the water. Mayor said that once the Village gets experience going through the first grant process, future projects will be executed more quickly and confidently. He told Klonowski that he will probably still be a little worried when a big storm hits. Another resident asked about what was happening on the east side. Mayor explained that the Engineer said that the issue is to get the water under Chillicothe Road as fast as possible and then keep it over there and keep it out of the yards of the people on the east side of the road.

Mayor called for a short break. Meeting reconvened. Mayor welcomed and introduced new administrative assistant, Leslie Galicki, to the Council.

MAYOR'S REPORT: Mayor asked the Human Resource Committee to please invite him to the next meeting to talk about what was learned about hiring new employees.

Mayor stated that Chagrin Falls is looking for alternates for their Architectural Board of Review (ABR), Planning Commission and Zoning Board of Appeals (ZBA). They are a charter Village so they must put the issue on the ballot. They are going for three alternates. Mayor got in contact with them and told them that although it was none of his business, he didn't think they should have three because they would want to keep the majority of the group.

Mayor said he continues to try to set up a meeting with Spectrum, but they have not returned his calls.

Chief and Mayor will be meeting with the School Resource Officer (SRO) the first week in October.

The Fall Festival evaluation/thank you luncheon will be Friday, September 28th at noon at Village Hall. Anyone who worked the event is invited.

Mayor submitted his ideas for the five-year budget plan which he distributed to Council. This is a revision of what he distributed earlier in the year.

The Mayor went to a workshop put on by CT Consultants regarding grant monies available. Regarding the big grant that was discussed for the playground, parking, and restroom for the park, he was told not to waste his time. Grant funders like playgrounds but not the other issues.

FISCAL OFFICER'S REPORT: Reminded everyone that the 2019 budget work session is Tuesday, October 2nd at 5:30 p.m. and dinner will be provided.

FISCAL AUDITOR: Distributed a copy of his August 31, 2018 report. Fund balances are \$3.3 million in total. Notable deposits for the month include quarterly ambulance fees, quarterly cable franchise fees, the NOPEC grant, homestead rollback, and pavilion rentals. All real estate tax money has been received for the year. The Village should receive one more check for ambulance billing and one more for cable franchise fees. Receipts will now slow down, and balances will start to decrease through the end of the year.

Mayor asked if there was any prediction how the Village will end the year. Auditor said it is hard to predict but he didn't think that the village would be at the deficit that had been budgeted at the beginning of the year.

Auditor stated it might be beneficial for him to provide details of refunds and reimbursements on his report next year. There are salt reimbursements from the school, money back from trash day, and Bureau of Workers' Compensation refunds. It would be interesting for Council to see where the Village is getting money back.

The individual fund balances match the fund balances that were independently arrived at by Fiscal Officer in her cash transactions report.

FINANCE COMMITTEE: Porter made a motion to approve the fund balances reported by the Fiscal Auditor and the Fiscal Officer, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Porter reported there will be a Finance Committee meeting this Friday, September 28, 2018 at Village Hall at 8:30 a.m.

Porter said the 2019 Budget Work Session is Tuesday, October 2nd at 5:30 p.m. This will start the budget process to keep in compliance with State law.

SOLICITOR'S REPORT: Mayor stated that there is a need to replace Kostura on Council and on Planning Commission and as President Pro Tem. He asked Solicitor to prepare a reminder as to what must be done for the four positions, to include Bob Brown who left Planning Commission in April. Mayor stated that if one person is going to be replaced, it would be good to do two people and slow the Planning Commission down, bring the new members up to speed, and then move on.

Solicitor replied that the Mayor has the responsibility to appoint the three members/residents who participate on the Planning Commission. Bob Brown is gone, so the Mayor needs to make that appointment, and then that individual needs to be confirmed by Council.

With Kostura leaving, Solicitor said Council has the authority to appoint his successor on the Planning Commission. That is done by election/motion.

Regarding Kostura's resignation from Council, Solicitor explained that Council is required to select a replacement and vote on it within 30 days. If they do not, the Mayor makes the appointment. The 30 days would start when Kostura's resignation is official.

Since Kostura is currently Pro Tem of Council, Solicitor said Council would also select a new Pro Tem by election/motion. As he reads the State statute, if this is not done within 30 days of his resignation, the decision would fall to the Mayor, who would have to select a member of Council. Mayor clarified that this assignment is annually.

Solicitor spoke to new requirements from the General Assembly regarding the use of Village Credit Cards. There will need to be a written credit card policy, which is extensive, and the Village will need to take action by a specific date to comply with the new law; he does not recall if it is November 2nd or December 2nd. Porter reported that the Finance Committee has discussed the issue and he made some revisions to the Village's current policy. He will send the proposed policy to the Solicitor for review.

STREET COMMITTEE: Galicki provided the Street Committee report in the absence of Canton. The committee met on September 21st where the 1992 vehicle was discussed. It is back on GovDeals and bidding will close out October 3rd. The opening bid has been exceeded and bids are approaching the reserve.

On October 15th the crack sealing program is targeted to begin but is weather dependent.

The 2019 Budget worksheet for the Streets Department was submitted to Streets Committee by the Streets Commissioner for review

Mayor stated that Burton Scott has not done the intersection of Manorbrook and Alderwood. He suggested that the Village just do it and let the Chief clean the station by himself because he has

been waiting months. Fiscal Officer stated that the Village is holding some of Burton Scott's money. The Mayor speculated that they might return to finish the work.

BUILDING COMMITTEE: Kostura stated there is a Building Committee meeting October 5th at 8:30 a.m. He had nothing further.

Mayor asked if the committee was looking into the septic letters process. Kostura said they haven't addressed this yet.

SAFETY COMMITTEE: Nairn stated there was no report, but there will be a Safety Committee meeting Tuesday, October 2nd at 8:00 a.m.

Chief Rizzo referred to an updated Memorandum of Understanding (MOU) that was distributed to Council. He spoke to the Chagrin Falls Schools Superintendent, Mr. Hunt, and replaced the line in the schedule section that pertained to a specific time frame. It was also determined that live access would be granted to access the SRO's log. Solicitor offered that the revisions are good. Mayor asked that Council wait for Canton to be present to approve on the MOU.

HUMAN RESOURCES COMMITTEE: Carroll stated they had not met and were trying to schedule a date and coordinate with Clemens Nelson.

ORDINANCES/RESOLUTIONS:

Nairn gave second reading on an ordinance prohibiting loud, cracking or chattering noise from exhaust systems of trucks weighing more than 8,000 lbs and further prohibiting the use of engine retarders on such trucks and establishing penalties for the violation of such prohibitions.

Porter asked if it is 8,000 gross vehicle weight. Chief Rizzo thought that is the way it is listed in the ordinance. Solicitor does not remember, but thought it sounded logical.

BILLS LIST: Porter made a motion to approve the 9/27/18 Bills List in the amount of \$59,166.83, seconded by Galicki. Voice vote - ayes, all. Motion carried.

NEW OTHER: Carroll, Galicki, and Porter had no new business.

Kostura distributed and read letter of resignation into the record, Exhibit (B).

Nairn had Chief Rizzo provide background for the September 30th Film Fest 5K run utilizing the Turkey Trot race route. It is anticipated to be a small race. Conditional permission has been provided to organizers. Nairn made a motion to allow Chagrin Falls Film Fest 5K Run to be moved to South Russell and to use the annual Turkey Trot route, seconded by Galicki. Voice vote - ayes, all. Motion carried.

Chief Rizzo stated that Avery Dennison would like to place new reflective graphics on the unmarked cruiser for a trial. They will do an advertising shoot of the vehicle. Nairn made a

motion to allow the South Russell Police Department to work with Avery Dennison regarding temporary installation of graphics on the unmarked vehicle, seconded by Carroll. Voice vote - ayes, all. Motion carried.

Mayor requested a motion to adjourn.

Carroll raised the issue about filling Kostura's President Pro Tem and Planning Commission positions. Solicitor verified Council could do this. Mayor asked if Council would wait until Canton was present. Fiscal Officer pointed out that there would then be no Pro Tem in place if something were to happen. The question was raised that without a President Pro Tem, who is next in line if something happens to the Mayor. Solicitor did not think there is a statutory definition of that and recommended the Mayor stay healthy.

Carroll stated he would be interested in the position, if Council would so choose. Porter stated he was interested as well. Mayor advised that Council should wait until Canton is present and asked whether this had to be discussed publicly. Solicitor advised that there was not a legitimate reason to have an Executive Session to discuss it. Mayor asked for a motion to adjourn if there was no further business.

Galicki asked if there was going to be a discussion about Kostura's replacement on Planning Commission or whether that should wait for Canton as well. Porter stated that there may not be an immediate need for a Planning Commission replacement. Mayor stated the next Planning Commission meeting is scheduled for October 11th. Porter suggested a replacement be selected at the October 8th Council meeting.

Galicki then asked if Council was not going to move on replacement of Kostura's positions, whether Kostura wanted to modify his resignation letter to maintain the positions. Solicitor stated Kostura could withdraw his resignation for both if he wished. Kostura questioned why Council would not fill the positions now. Porter stated Canton should have some input. Solicitor offered that he did not see a lot of risk or consequence if there were no Pro Tem until the next Council meeting.

Kostura made a motion to appoint Carroll as President Pro Tem, seconded by Galicki. Voice vote - ayes; Carroll, Kostura, Nairn, Galicki. Nay - Porter. Motion passed.

Kostura made a motion to appoint Galicki to Planning Commission, Carroll seconded. Porter stated he would prefer that someone who had been on Council longer than a year be part of the Planning Commission. Voice vote - ayes; Carroll, Kostura, Nairn, Galicki. Nay - Porter. Motion passed.

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

Prepared by: Leslie Galicki



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer