

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
WEDNESDAY, DECEMBER 19, 2018 - 7:00 A.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Matheney

Mayor called the Special Council meeting to order. Fiscal Officer read the roll.

Mayor stated the Special Meeting was being held to discuss additional fees requested by CT Consultants for the South Russell Village (SRV) Playground master plan. Galicki asked if the Village entered into the contract with CT Consultants with an expectation of the total cost, and the Mayor replied no. Galicki asked if this meant that the contract was open ended and would result in charges to the Village for every contact with CT Consultants. Canton asked about an initial fee the Village paid of \$10,000. Fiscal Officer stated that the initial budget was \$7,800. Carroll asked if this covered the design of the playground. The Fiscal Officer confirmed this. Canton clarified that this was not only for the playground but the entire park. Porter stated that the request included landscaping around Village Hall. The Mayor stated he had a general conversation with CT Consultants about landscaping for Village Hall and the Cemetery. He suspected that these discussions were not charged. The contract of December 14, 2017 addressed the scope of service for preparing the SRV Playground master plan. Craig Cawrse's rate prior to being employed by CT Consultants was \$170 per hour. He was asking for a total of \$11,000 to complete a master plan. To clarify, Carroll stated that if the playground was approved, the requested funds would cover the remainder of the project. The Mayor verified it would. Carroll stated that if the playground was not approved due to pending questions of the larger plan for the park, the quote would not be impacted. The Mayor stated the request would not change.

Carroll suggested a discussion of the playground first. The Mayor explained that after the Park Committee meeting December 11, 2018, the Tripps increased their donation to \$85,500 and said that in combination with the grant, they would pay for it all, but it needed to be done by February 11, 2019. Council would need to decide whether it would approve the playground and approve the additional fees by CT Consultants, who would monitor the project until it was complete. Carroll asked about the February 11, 2019 deadline. Canton stated that the purchase order had to be submitted to Kompan, the playground equipment company, to preclude a 15% increase in the cost of the equipment. Carroll clarified that the Village was not being driven by the donor, but by the cost of the equipment. Canton said that the donor would not cover the increased expense of the equipment. The Mayor stated that it was donor driven and that if the Village did not move on the project, the donor would withdraw the offer. Canton agreed. Galicki asked to clarify conclusively whether the specified deadline was being imposed by the donor or equipment manufacturer. The Mayor stated it was the manufacturer, but then stated that Council had enough time to decide and he believed that was why the donor was specifying that there must be action by Council by February 11. The Mayor verified it was the donor who set the deadline.

He further stated that the purchase order had to be submitted by the February 11th Council Meeting or the funds would be withdrawn. Canton stated that Kompan was willing to postpone the increase in cost, but that the donor would not pay for the increase.

Galicki explained that he was attempting to ascertain that the donor was imposing the timeline for the project. He asked if Council were to go beyond the February deadline, would the Village then incur the expense of the increase. Canton stated this could be covered by donations and offered a \$700 donation to the project. The Mayor stated that he did not know whether the Tripps would give the Village the \$85,000 if the Village did not comply with the deadline. Galicki stated that it might be civic mindedness in providing a deadline, but the offer to donate money with the imposition of a deadline and stipulations was questionable to him. The Mayor stated that in his conversations with the donor, the donor told the Mayor that Council had had enough time to make the necessary decisions, and that he was going to give Council a deadline. Whether it was Council, the Park Committee, or a combination, the donor could not understand how the Village would not take \$50,000. Canton added that at the meeting, the donor increased this by \$35,000.

Carroll asked if the donor might consider attending the next Council Meeting to discuss the deadline. Carroll stated it was great that the donor was willing to provide the money, but there was still a question of bottom line costs of the total project. There were issues the Village first needed to address such as the creation of a base, grading, etc. He questioned whether there was a master plan for the park as a whole, and did this playground fit into the master plan. The Village made an agreement with the Western Reserve Land Conservancy that limits usage. Carroll referenced the Cemetery project and the many unexpected expenses the Village encountered with it. Carroll was concerned with the total cost of the project because of how it might impact the Village tax payers. He was leery of taking the money and rushing to get the project done because of the possibility of losing the donation. The Mayor stated there has never been a master plan for the park and he did not think it was needed. Carroll argued that there was an instance of an individual who wanted to create soccer fields in the park, which would have necessitated the Village to engage in land swaps and other actions. He noted that a resident suggested having a pool, and another to have a designated dog park. Carroll felt that with a variety of ideas suggested, it would be beneficial to have a master plan. Consideration must also be given to the obligation placed on the Village for maintenance. In summation, he felt that this was putting the cart before the horse.

The Mayor stated that the Tripps wanted to come to the Council Meeting, but he did not want a confrontation with the Park Committee. He talked to Ted Kruse and told him that the Village did not need for them to attend because they would be attending out of frustration. He told them he would rather have them come on January 28th when Council would probably agree to do the project. He explained that originally, it was thought the project would cost \$120,000. The Village only received half of the grant for which it applied, amounting to \$23,000. The other \$23,000 would have covered the drainage and prep work. If Council wanted an estimate for the prep work, this could be obtained. He stated that time was running out and that Council would be gambling on the future availability of the \$85,000. Furthermore, the Village had not received the grant paperwork from Ohio Department of Natural Resources (ODNR). He asked the Solicitor whether this said it had to be completed in 2019.

Carroll stated he was unwilling to decide without the total cost. Galicki asked whether Tripp is on the Parks Committee. Carroll said he was not. Galicki stated that based on the Mayor's statements, his understanding of the situation was that the Park Committee was driving the pressure for Council to decide. Previously, however, it was explained that the Tripps were imposing the deadline. He again asked who was dictating the deadline. Canton said that the Parks Committee could not understand, with a donation and grant money, why there was a delay. Galicki asked whether anyone on the Parks Committee had asked for total project costs. Canton stated that the total cost would be \$108,000 plus the amount necessary to prepare the ground. Galicki asked what this would be, as well as the sum for the engineering fees. He wanted to know the total costs and asked the cost to the Village. Canton stated he did not know the cost but added that it would be done in house. Galicki pointed out that there would be costs associated with this as well.

Schloss asked if this meant the parking lot would also be done in house. The Mayor stated the parking lot would not be a part of the project. Schloss stated that he would envision the cost of the parking lot alone to be \$30,000 to \$40,000. The Mayor stated he would not get into discussing the parking lot now, and just wanted to act on accepting the proposal. Galicki referenced the set of playground plans provided to Council (Exhibit 1) and clarified that although the parking lot was reflected on the plans, it would not be part of the project. The Mayor stated he was referring only to the playground. Porter advised that the plans showed a potential parking lot. Concerning the total cost, going out for bid would be a way to determine this. He explained that with the Road Program, funds are set aside, and after going out to bid, the actual costs are less than the amount authorized for the project. Porter said that there had been discussions about a playground, possibly dating back to the Village purchasing the property. He felt it was time to move forward with the playground because although the Tripps were extraordinarily generous, there was a limit to their generosity.

Porter moved that the Village go out for bid for the playground equipment and installation as proposed by the Park Committee. Canton seconded. Carroll stated he was not in favor of going out for bid without knowing the total project costs. He added that this was just a continuing trend of pushing to go forward with projects without an end cost, which he believed was not prudent. Carroll stated he did not want to lose the opportunity of the generous donation, but it was critical to know that total cost. Canton asked whether Cawrse had ever given the Mayor a ballpark figure. The Mayor stated he had not, but he could get it. Porter added that in the event the project went out for bid, Council could reject all bids and do nothing, which the Village had done in the past with other matters. Schloss asked whether the Village residents actually wanted the playground. Schloss stated the responses he received were mixed. Younger families wanted it, and older residents did not. Schloss did not believe that in being fiscally responsible he could support going forward without knowing costs and whether the residents really wanted it. He suggested that the Village send out a survey or attempt to obtain more feedback from residents. Canton stated that from the emails received, he sensed the residents believed the playground would be funded with taxpayer money and did not realize the money was being donated. Schloss agreed and felt there needed to be clarification. Porter stated there was an article in the Chagrin Valley Times. Canton stated he spoke to individuals at the Chagrin Falls Intermediate School who were unaware that there was a proposed playground. He felt that it had been well publicized in the South Russell Village (SRV) Newsletter and in the paper. Galicki suggested it

could be put on the ballot. Carroll added that this discussion went back to the need for a master plan, which would involve gathering a wide group of stake holders. The resulting decisions would impact citizens 10 to 20 years from now. He suggested doing an eblast, and he agreed that the response the Village had been getting was not supportive of the playground. Canton asked how many responses had been received, and the Mayor replied two.

Canton explained that one of the reasons the Village purchased the land was to preclude homes from being built, and the Village lost tax revenue as a result. A park was then made, and Canton stated the park lays dormant except for the community festival once a year. He understood the need to have the total cost of the project. He stated, for example, that if he went to the Popcorn Shop and asked someone for \$5 in exchange for \$100, he suspected the person would take this. Canton stated that there is a family who is willing to contribute \$85,000 and a \$23,000 grant is available to build a very nice playground that would enhance the community. When he and his wife moved from Munson Township, they did so because of the school system and the Village services and government. He ran for Council to be of service, and to enhance the community. He felt that the playground would enhance the community. Canton and the Parks committee wanted to see action by Council. Carroll stated that every person sitting in Chambers was there to serve and wanted what was best for the community in a fiscally responsible manner. Asking questions did not demonstrate contention, but opinions, which is what constitutes our government. Sometimes Council did not agree. Carroll was only asking for the hard costs and the master plan for future projects to preclude the Village from getting into a bind again, which was how he viewed this situation. He did not see an issue with waiting to go out for bids until all project costs were obtained. Regarding grants and their deadlines, in his experience, Carroll stated an extension could be requested.

Galicki questioned Canton's statement that the park was dormant. He invited Canton's attention to the controversy with Geauga County Parks and the citizens who wanted the addition of rock walls and playgrounds, for example, in contrast with citizens who wanted the parks to be natural. Similarly, he wanted to be certain of the community's desire for the playground. Furthermore, he was unaware of the elements of the grant, specifically whether there were matching funds required, time limitations, etc. He felt there had not been transparency in sharing the grant information with Council. Going forward, Galicki stated that there should be a policy whereby before grant applications were submitted, the information should be shared with Council. He had only heard numbers associated with grants. Galicki quoted the Chagrin Valley Times of November 29th regarding the obligation of government officials to respect constituents and allow for discussion and stated that this debate was important regarding the best interest of the community. He previously suggested the matter of the playground be brought to a vote and recalled that Porter responded that this was what the citizens elected members of Council to do. Galicki viewed the discussion as healthy. Canton stated he was in favor of debate but stated that there was a meeting in May that 20 people attended. Furthermore, information about the playground was placed in the newspaper and newsletter. Short of putting it on a banner and flying it around the Village, there would always be people who were unaware of what the Village was doing. He asked how much debate occurred when the Pavilion was built. Carroll stated there was serious debate about that topic. Porter stated the Pavilion cost the Village a lot more money because the Jaycees only donated \$25,000.

Canton was under the impression that the Village had hired Cawrse to create a master plan. Porter stated that it had. The Mayor suggested that Council was to blame. He stated on December 14, 2017, the Village hired Cawrse because a playground was being considered. In May a grant was received from ODNR. He stated that no one asked to see it. Galicki asked if Council should ask for it or should there be transparency and it be provided as part of government. He asked if applying for grants should be discussed. The Mayor stated that they did. Galicki stated that as a new Council Member at the time, he thought the playground had been voted on and approved. He since discovered that there had not been a vote to go ahead with the playground. The Mayor stated this was correct. Galicki further explained that the process seemed backward. The Mayor explained that because the matter had been discussed over the year and Cawrse had been hired, the Village was going forward with it. The Village spent \$10,000 examining the possibility. There was a meeting in May and the people liked the idea. Since then, there had only been two emails to the contrary. The Jaycees and the Dad's Club had a fund raiser for it, so the Mayor surmised that the information about it was out.

The Mayor was trying to preclude the Park Committee from coming to Council irate about the possibility that the Village would not be doing the project. The Mayor stated he told the committee not to come to the meeting until January 28th. He suggested that the Village go out for bids and in the meantime CT Consultants would be asked to give a quote for the hole. These were the only two expenses. The hole in the ground would be the Village's responsibility. For \$108,000, Kompan would build the playground. These were the only two outstanding costs. The bids could be open January 14th. He said the master plan was the Village's responsibility. Canton stated that Council could always say no. Porter stated there was controversy surrounding the pavilion and it was accepted without knowing all the details. The Village paid for much of it. Porter had not heard a negative comment about it. He felt that it was for the betterment of the community, as would be a playground.

Nairn stated that there were a lot of unknowns about the project, particularly with the costs. In her experience being on a playground steering committee with the University School, the cost overruns were unbelievable. She was particularly concerned with the quote that was received from Cawrse for \$7,800. He submitted additional fees to the Village that constituted an additional 40% of the original quote. She indicated to Porter that the playground was very nice and would be an indication that Council was bettering the community, but that Council might also want to consider other pressing issues such as the woman in the Village who cannot get homeowner's insurance because her home had been ruined by stormwater. Nairn stated this was where the Village should start focusing. The taxpayer money for a playground was not as important as assisting residents who had damage beyond insurance coverage. Porter stated that in 2019 as part of the Finance Committee, he and Nairn drove the allocation of \$250,000 for stormwater abatement, which was the first time the Village ever appropriated that kind of money in advance for that purpose. He thought the Village could do multiple things at once, including addressing stormwater, playground, and the road program. Going out to bid was the way to move the process forward but did not commit the Village to anything, which was why he was in favor.

Canton stated that if \$108,000 was going to be taxpayer money, he would agree with Nairn. However, \$85,000 were private funds and not taxpayer money. He added that the Village could do more than one thing at a time and that Abraham Lincoln built the Transcontinental Railroad

during the Civil War. Roll call – ayes, Canton, Porter. Nays, Carroll, Galicki, Nairn, Schloss. Motion failed.

The Mayor stated that Council should hold off on approving additional fees by CT Consultants for the playground master plan because of time limitations. In the meantime, the Mayor would speak to Cawrse to get the cost for the hole.

The Mayor asked Council to give Canton and the Mayor time to “smooth” things out with the Park Committee because Council’s decision would not “land well.” Carroll asked that the Mayor obtain the total project cost, which would include the cost of the hole and additional fees by CT Consultants. The Mayor warned Council that time was running out and the Tripps may decline to provide the funds. Schloss requested Joan Demirjian put information about the playground in the paper.

The Mayor stated he was just trying to preclude ugliness with the Park Committee at a Council Meeting. Galicki offered that there was nothing wrong with any committee addressing Council, or any citizen addressing Council. This was what representative government was about. Canton stated he did not know that the Mayor made a request for the Park Committee not to attend the meeting, and that he had in fact invited them to the Special Meeting. Galicki stated that when a committee addresses Council, it eliminates interpretation of how members feel, what Council’s concerns are, etc. Porter stated that he would invite members of Council to attend that Committee’s meetings as well.

Carroll made a motion to move to Executive Session to discuss personnel compensation. Porter seconded. Roll call – ayes, all.

Mayor stated Council was out of Executive Session at 8:16 a.m.

Porter made a motion that the compensation for the Building Department employee, Laura Heilman, be raised from her current salary to \$87,500 effective January 1, 2019. There was no second, motion failed.

Carroll stated that depending on what was going to happen with the Building Department, Dave Hocevar was on contract until the end of May 2019 and he is able to conduct inspections. Porter stated that Hocevar could also terminate his contract. Galicki stated that speaking to the Building Department of Geauga County, South Russell was the only municipality that had a standalone Building Department and they would have no problem taking on the Village’s responsibilities. The issue may need to be addressed with County Commissioners and the Building Department of Ohio in the event the Building Department were to be disestablished. The County could provide timely services to the residents and there would be no additional fees. Additionally, Galicki stated that according to neighboring communities, not having a Building Department had not been a detriment to the residents. Life could go on and it was possible for the County to take on those services. Regarding the Mayor’s point about hiring the Building Department’s secretary for 40 hours, Galicki stated that in restructuring, perhaps she could be offered the Zoning Clerk’s position if the Village goes forward.

The Mayor asked who put "Building Department and Street Service Department" on the Agenda. Galicki stated that he did and explained it was to enable Council to wrap up issues generated during Executive Session. Solicitor stated that if there were discussion about disestablishing the Building Department, there must be discussion to repeal the ordinance.

Regarding the Agenda item, "American Flag Etiquette" Galicki put this on the Agenda because he noted that four of six flag poles were not illuminated during hours of darkness. He referred to the Flag Code, which requires the Village to illuminate the flag if it is flown 24 hours a day. Galicki stated that although there was a Nixon era statement cited by the Street Commissioner pertaining to flag illumination whereby illumination was not as important as flying the flag, the requirement to illuminate the flag is addressed in the U.S. Flag Code. Porter asked if the Flag Code was Federal Law, and Galicki stated it was U.S. Code, which was law. However, it had not been enforced since 1990 when the courts determined that citizens had the freedom of expression to desecrate the flag. Galicki offered that as a Village, Council should not elect to have a policy which desecrated the flag. Porter stated it was not Federal Law, that the Code was unconstitutional - it was a guideline, but he thought the flag should be illuminated. Carroll verified that Street Commissioner said that this was not Federal Law. The Mayor asked to hold off on the topic because he had the Street Commissioner exploring the cost of five more flag poles and the illumination would be done at the same time. Galicki stated that if the flag was not being illuminated, it needed to be taken down. Schloss asked if this was just a matter of replacing a light bulb, or whether rewiring was required. Nairn suggested a solar light. The Mayor said it could be easily done, and Porter wanted to know the cost. Galicki stated there was no cost to take down the flag. Porter asked who would be doing this, and would the Village be paying overtime for this to be done. Canton stated that he understood that there was no power at the flag poles and stated that all flags should be illuminated. Galicki stated that he believed the bulbs in the Cemetery were burnt out, and Nairn verified there was power to that flag pole. Galicki stated that his issue then was that the Village opted to not perform maintenance required to keep the flags illuminated. There was general agreement that the flags should be illuminated. Galicki stated he had addressed the lighting issue to the Street Commissioner but received no response.

To summarize, the Mayor stated that the Park Committee would be contacted about Council's declination to go out for bids for the playground. The Mayor would contact Cawrse about the cost of putting the hole in the ground. Carroll added that he wanted a total project cost. Nairn added that she did not want a guess. The Mayor stated it would be \$108,000, which is the Kompan bid, and the cost for the hole in the ground. Canton added this would include the grading. The Mayor stated the parking lot was not a part of the project. Schloss asked whether there were enough parking spots. He asked whether people would just park on the grass. The Mayor stated damage to the grass would be taken care of by the Village. The parking lot could be addressed later. Carroll asked how many acres would be left in the area after the playground was built. The Mayor stated that the Village was getting close to the non-permeable surface limit. He stated that the Western Reserve Land Conservancy was looking the other way regarding the grindings which had hardened into a parking lot. The playground would not be included in this limit. Carroll addressed the amount of remaining land so that the Village might consider the possibility of putting in a bathroom facility in the future.

Mayor stated he would be speaking to the Street Commissioner and the Building Inspector after the meeting.

Galicki asked if the flags would be taken down, and the Mayor said no, that solar lights would be purchased and installed that day. Galicki stated he wanted to see lights installed or flags taken down by close of business. Porter said he would leave it to the Mayor to have the Service Department do this. Canton asked if these lights would be powerful enough to light up a flag pole. Nairn added that she was not sure that solar lights purchased from Lowe's or Home Depot were powerful enough.

Schloss asked the Mayor if he was going to contact the media about the playground issue. The Mayor asked if Council really wanted a community meeting. Carroll clarified that the article would be asking for community feedback. He added that an eblast could be done, just to ensure the residents know about the proposal. Canton added that the funding of the project should also be made clear. The Mayor stated that as a governing body, Mayor and Council needed to commit to be more open with what it was doing. The Village had known about the playground for a couple of years. He felt the Village had backed itself into a corner with the playground and with the 319 grant as well. Carroll asked not to address the 319 grant issue at that time.

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



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by: Leslie Galicki