

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
MONDAY, MARCH 30, 2020 - 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Matheney

VISITORS: Ray Schloss, Mapleridge Rd.

The Mayor called the Special Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. Nairn made a motion to approve the Council meeting minutes of March 16, 2020, seconded by Canton. Voice vote – ayes, Berger, Canton, Galicki, Nairn, and Porter. Carroll abstained. Motion carried.

MAYOR'S REPORT: The Mayor stated there was flooding over the past weekend and residents had water in their basements. He said the damage was scattered and he would provide further information to Council when he obtained it. The Mayor said the damage was everywhere.

The Mayor stated he would keep Council apprised of information he received about COVID-19. He stated that excellent information had been provided by Geauga Health and by the Governor. The Mayor added that changes had been made at the Village as well, as reflected in the email he sent to Council Friday, March 27th.

The Mayor stated that on March 24, 2020, he asked the Building Department Administrative Assistant to stay late to work on a State report that was due March 31, 2020. He told the Building Department Administrative Assistant that she would get extra hours for the additional work. The Mayor stated that she worked from 8:00 a.m. to 6:00 p.m. He explained that the former Building Inspector agreed to come in and help with the State report after hours, one on one with the Building Department Administrative Assistant when the office was empty. The Mayor told the Fiscal Officer and the Fiscal Officer's Administrative Assistant that they had to be out of the office by 4:00 p.m. He followed this up an hour later with an email to include the Building Committee members. The Mayor asked Council to approve an additional 3.5 hours for the Building Department Administrative Assistant.

Carroll asked why she needed additional hours. The Mayor said he thought that it was because of the additional work that she had been given for the two state reports. Carroll asked if this annual State report was not already a requirement for the Building Department to do. Carroll questioned whether the Building Department Administrative Assistant had done this report with a previous employer. The Mayor stated no. Carroll asked why former Building Inspector Heilman was brought in to help. The Mayor stated she said she would and had helped the previous year. Carroll asked why the Fiscal Officer and/or her Administrative Assistant could not participate in the process so that it would not be necessary to continue to call former

employees back to the Village to assist. The Mayor said that this could be done after this year, once there was an understanding of how to do the report. Carroll stated that the Fiscal Officer and her Administrative Assistant could have sat in this time to learn and stated this had been an opportunity to cross train existing staff, which would have benefitted the Village down the road. The Mayor stated that Heilman said she would come in if it was one on one after hours. Carroll stated he still did not understand why additional hours were required beyond the Building Department Administrative Assistant's 25 hours per week. He stated that this was how the Village got into trouble with adding more and more hours. The Mayor said he did not think that adding hours was trouble. Carroll stated it was trouble because it would lead to the request of more hours.

FISCAL OFFICER: The Fiscal Officer stated that the tax deadline had been pushed back to July 15, 2020 and this would also apply to the municipal income taxes. Porter asked if this came from the State, and the Fiscal Officer explained that CCA follows the State rules.

The Mayor reported that he asked the Fiscal Auditor not to attend the Council meeting so as not to exceed the 10 person limit.

FINANCE COMMITTEE: Carroll stated there was no report.

Carroll made a motion to approve the fund balances as submitted, seconded by Nairn. Voice vote – ayes, all. Motion carried.

SOLICITOR'S REPORT: The Solicitor addressed the Open Meetings Act, stating that the Village would now be allowed to hold remote meetings, which would count for being present, voting, and being part of a quorum. She explained that there were guidelines that should be followed and added that a conference call or teleconference would not suffice. The Solicitor said it required "observe and see." She cited an example of a Board of Zoning Appeals (BZA) meeting where it would be necessary to converse with witnesses and a teleconference would not work. She added that often documents are reviewed in the meetings. She stated in this type of hearing, a video conference like Zoom, Facetime, or some sort of live streaming would be the only way to conduct the meeting. For the Council meetings, the Solicitor stated that the law stated "teleconference," but stated that the public must be able to observe. Her recommendation would be to consider using Zoom for the next meeting. There was a question of the cost involved in using Zoom, and the Fiscal Officer stated it was approximately \$16 per month. The Solicitor stated it was something to consider. Nairn asked if Zoom would be used for the next Council meeting, and the Solicitor stated that this was what she was thinking.

Regarding the Families First Corona Virus Response, the Solicitor stated it was a Federal mandate and basically paid sick leave and an extension of the Family Medical Leave Act. One reason for the expansion involved the situation where schools were closed and an employee needed to take time off to attend to children at home. It applied to employers with 500 or fewer employees. She stated that for small employers of 50 or fewer employees, the Village could ask for an exemption, but there were certain criteria that must be met. She stated there were

exemptions as far as employees who were covered. Carroll added that there are communities in the area that are exempting public safety personnel.

Carroll asked if Council should consider suspending non-essential meetings in April like Architectural Board of Review (ABR), BZA (Board of Zoning Appeals), and Planning Commission (PC). With the expanded lock down, he wanted to know the Solicitor's thoughts. In the interest of precluding people from getting together for the next 30 days, he thought it would not be a bad idea. The Solicitor stated that BZA had an appeal before it, which had been continued three times. The Village had asked to continue it until May. She added that there were certain timelines under the BZA guidelines, and an approval from the applicant was required to extend. The Mayor stated there was something on the agenda for PC. The Solicitor relayed that there was a board meeting that was rescheduled as a special meeting with only three members because one of the members had a health concern and did not want to be present. The timing was necessary due to the signing of a lease. The Solicitor suggested having a single meeting in April but did not recommend suspending the meetings. Carroll thought Zoom was an excellent idea.

Porter stated that through the COVID-19 situation, the government needed to function, and Council should keep the Village running as normally as possible. He added that if it were necessary to meet at the pavilion because it is outside, rather than a closed place, this could be done by announcing the location to the public. Porter added that this could be done for PC, BZA, and the rest because it would be outside, and people could spread out. He stated it could also be telecasted.

STREET COMMITTEE: Porter stated that the committee met on March 13, 2020 and the minutes were distributed to Council. The committee discussed hiring a full-time employee to the Service Department, but due to the COVID -19, interviews would be postponed to late April or early May. The hope would be to hire someone in time for the rescheduled Trash Day. The committee also discussed the Road Program which he described as challenging. Although the committee would like to do it, the Village finances are currently unknown. It might be necessary to do a less ambitious Road Program instead of the one previously discussed. If possible, Porter stated that the committee would like to see Sheerbrook Dr. and Kensington Circle done because they were the two worst streets. If the bids were to come back favorably, then a decision could be made about doing more.

BUILDING COMMITTEE: Canton stated the committee would meet Thursday, April 2, 2020 at 8:00 a.m. Canton made a motion to award 3.5 hours of overtime income to Nancy Grattino for completing the annual State Report. Carroll questioned the use of "overtime," and Canton corrected to say, 'an additional 3.5 hours.' The Fiscal Officer stated it was 3.75 hours. Berger seconded. Carroll asked if the Building Committee was aware of this request before it was granted. Berger stated yes, and Canton stated he believed it was by email. Nairn asked what the Building Department Administrative Assistant was doing prior to being employed by the Village. She stated she participated in the interview but wanted clarification about specifically what the Building Department Administrative Assistant was doing prior to working for the Village. Porter stated she was at Broadview Heights as a Zoning Inspector part-time and

Administrative Assistant work. Porter could not recall her title, but stated it was similar to what she was currently doing. He reiterated that she also did zoning. The Fiscal Officer clarified that the Building Department Administrative Assistant did zoning in Maple Heights and permits in Broadview Heights, but the department had four staff members. She did not do the State report. Nairn clarified then that the Building Department Administrative Assistant had never done a State report. The Mayor replied no. The Mayor stated there are two different types of reports, one due monthly and one due annually in March. Nairn explained that she could not understand with the Building Department Administrative Assistant's years of experience that she had never done this report. The Fiscal Officer explained that the Building Department Administrative Assistant was able to obtain all pertinent reports from the Building Department software for the report. The Fiscal Officer advised that this was saved with the report so that next year hopefully help would not be needed. Nairn reiterated that she could not understand why the Village would be spending that kind of money without consulting Council about adding extra hours. She added that it had not been discussed with Council and questioned how it was that the Village hired someone for the position who did not know how to do the State report.

Carroll asked if this was coordinated with the Building Department Administrative Assistant's Department Head. The Mayor stated no, and that he told the Department Head that this was what he would be doing. Carroll asked if the Mayor had a discussion with the Department Head, or if he just told her what was going to be done. The Mayor stated probably no, and just told her that this was what he was doing. Carroll commented that this was interesting, and the Mayor stated that it had to be done and this was the way he could get it done. Carroll stated that the report was not a surprise since it is due at the same time each year. The Mayor stated he thought so. Carroll reiterated that this was the source of his confusion; that it was necessary to give additional hours for a report that the Village knew would be due. Carroll stated that it seemed there was a Department Head to whom the Building Department Administrative Assistant was supposed to report, and yet she was answering to two bosses, three including the committee. The Mayor stated he asked her to do this and to do extra work so that the report could be done. Carroll corrected that the Building Department Administrative Assistant would be doing her expected work with the report, not extra work. The Mayor agreed. Carroll clarified that this was not outside the scope of responsibility within her job description/responsibilities. Porter said he was not sure about this and asked the Fiscal Officer whether the report was the responsibility of the Building Inspector. The Fiscal Officer advised that Heilman always did it even when Dave Hocesvar was the Building Inspector, so she was not sure whose responsibility it was. She verified that the Building Inspector signs off on the report. Carroll asked then why Hocesvar did not complete it. The Fiscal Officer reiterated that Heilman technically had completed it in the past. Carroll added then that Hocesvar was just used for a signature. Porter stated this was not a bad idea because the Village did not know how long Hocesvar would be with the Village, and it was better that someone could do it now. Carroll stated that he did not disagree, but explained that there was a Department Head, and coordination should have occurred. Furthermore, the Village knew of the deadline, and there was the opportunity to train additional staff, but the choice was made not to do so.

Galicki addressed the Mayor stating that it seemed he directed that the report be done and coordinated Heilman's participation. He asked how the Mayor became aware of the report. The Mayor stated that the Building Department Administrative Assistant told him that the Village had a State report due at the end of March. Galicki indicated that the Building Department Administrative Assistant did not go through her Department Head, but directly to the Mayor, and then the Mayor's actions supported her circumventing the chain of command. The Mayor agreed. Galicki asked why, and stated this same issue has been addressed several times with Council, how sometimes the Mayor's actions are deleterious to good order and discipline within the organization of the Village government. The Mayor stated there were times when he did what he thought was best for the Village, and this was one of those times when he felt it was best that the Village got the report done in the manner that he chose. Galicki asked the Mayor to share what justified the undermining of the Department Head. The Mayor stated the Village could not get the assistance to get the report done. Galicki asked if the County or State had been contacted for assistance. The Mayor stated no. Galicki asked if the report was just a matter of a push of a button on the automated Building Department reporting system. The Mayor stated no. Galicki asked if any of this was investigated; the Mayor stated no. Galicki continued that it appeared the Mayor just decided to do it. The Mayor stated it was done the same way it had been done the previous year. Nairn clarified that the Mayor meant that Heilman helped the former Building Department Administrative Assistant. She asked if the Village was compensating Heilman. The Mayor stated no. The Mayor stated Heilman has been back to the Building Department to assist five to ten times since she left. Nairn questioned why Hocesvar was unable to assist when the Village pays him a lot of money. It troubled her that Hocesvar had been in the industry for decades yet was not assisting with important matters like the State report. She stated that he surely must be aware of reports required by the State every year.

The Fiscal Officer reiterated that the Village now had the supporting documents to help prepare the report next year. She spoke to personnel with the software company, who will come out to train staff. The Fiscal Officer added that she had called other building departments to find out how the report was done, and found that if the information was being correctly entered into the system, there was basically a report in the computer that could be printed at the end of the year to do the State report. However, the Fiscal Officer had not been informed about the report and added that it was the Building Department Administrative Assistant's first time doing it. She hoped it would go more smoothly next year. Porter asked if the Building Department Administrative Assistant could show the Fiscal Officer and her Administrative Assistant how the report was done. The Fiscal Officer stated she did not know. However, the Building Department Administrative Assistant had filed the report and all the supporting documents would be available for future reference. The Fiscal Officer added that she asked a local Building Department if she might shadow the department in the fall, and the Building Department personnel generously agreed.

Roll call – ayes, Porter, Berger, Canton. Naves, Carroll, Galicki, Nairn. The Mayor approved and stated the motion passed.

SAFETY COMMITTEE: Canton stated that the Safety Committee would be meeting April 2, 2020 at 7:00 a.m.

HUMAN RESOURCE COMMITTEE REPORT: Porter stated there was no report.

PROPERTY COMMITTEE: Nairn stated there was no report.

PUBLIC UTILITIES REPORT: Galicki stated there was no report.

ORDINANCES/RESOLUTIONS:

Carroll provided a second reading on an ordinance increasing Income Tax Transfers \$50,000, and Manor Brook Fund expenses \$50,000 and declaring an emergency.

Carroll provided a second reading on an ordinance transferring \$50,000 from the Income Tax Fund to the Manor Brook Fund.

Carroll provided a second reading and consider adoption of an ordinance amending section 1010.08(a) of the codified ordinances of the Village of South Russell and declaring an emergency. The Fiscal Officer called Porter's attention to the proposed legislation stating it involved the culverts and added that the Solicitor wanted to be sure he had a chance to review it. Porter stated the changes were correct and explained this addressed the driveway culvert changing the allowable diameter of the pipes used for driveway culverts.

Galicki introduced an ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2020 Energized Community Grant Funds and declaring an emergency. Galicki made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2020-16**

Porter introduced an ordinance adopting the Emergency Family Medical Leave Expansion Act and Emergency Paid Sick Leave Act from the Families First Coronavirus Response Act for the Village of South Russell and declaring an emergency. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2020-17**

BILLS LIST: Carroll made a motion to adopt the March 30, 2020 Bills List in the amount of \$74,921.50, seconded by Canton. Voice vote – ayes, all. Motion carried.

Carroll made a motion to accept the donation of \$56.02 from Charlie Kukla for his Eagle Scout project, seconded by Nairn. The Fiscal Officer asked if the funds were to be applied to something, and the Mayor thought it was to pay for the light. Carroll explained that usually with Eagle Scout projects, any extra funds collected go towards the beneficiary, which would be the Village in this case. Carroll clarified that these funds were going towards the light. Voice vote – ayes, all. Motion carried.

The Mayor called Council's attention to a quilt displayed in Council chambers which was made by Charlie Kukla's grandmother. Kukla ultimately would be donating it to the Greater Cleveland Fisher House, a facility for veterans.

The Mayor addressed the Street Committee regarding Trash Day. Porter made a motion to cancel Trash Day, seconded by Carroll. Voice vote – ayes, all. Motion carried. Carroll asked Porter what was being considered for a reschedule date. Porter stated that the Street Committee was considering towards the end of May, but it may have to be further extended. Nairn asked about shredding and wondered if Shred Day and Trash Day were too much for one day. Porter stated the Village usually keeps them separate. Shred Day usually takes place in October.

Porter made a motion to go into Executive Session for purposes of discussing employment and compensation of a public employee(s), seconded by Carroll. Roll call – ayes, all. Motion carried.

NEW/OTHER: Porter, Berger, Canton, and Nairn had no new business.

Carroll cautioned Council to wash hands and keep distance from friends and relatives. He added that the next two to three weeks would be challenging with the COVID-19. He felt the hospital system was in a good position to accept the inevitable surge. Carroll spoke of a fire department on the west side of Cleveland that had five members who were positive for the virus. He said the next three to six weeks would be interesting. Carroll reiterated the need to wash hands and practice social distancing. He stressed the need to exercise caution with holding meetings and stressed the vulnerability of older persons and persons with preexisting conditions which put them at higher risk than the general population. There was discussion of businesses that were considered essential services, and Carroll added that the Village's Building Inspector should be wearing a mask if he was conducting inspections in homes because he was inspecting homes with elderly people or high-risk people. Carroll stressed the need for a commonsense approach. He felt the Zoom government meetings were smart and should be utilized. Porter asked if the Village had any N-95 masks, and the Mayor stated that the Police Chief reported having five masks. Porter asked about the number of Officers, and the Fiscal Officer explained that there were nine full-time and seven part-time. Carroll stated that supplies provided to the counties had been limited, and that Cuyahoga county would continue to be the hotbed. He stated that Geauga County only received one box of supplies, which included two or four N-95 masks for the fire departments. Carroll explained the State had been broken up into three different areas, and that the Cleveland area healthcare systems had been cooperative. Regarding resupply, Carroll said this was a major issue with health care being the top priority and long-term care facilities being second. Fire and EMS were number three. Law Enforcement was way down the line, and he added that they were being told not to pull people over and low-level prisoners were being released. Carroll recommended that for calls for COVID-19, the Officers should just remain in their cars if they don't have appropriate protective gear and not to engage the resident. This was the reason law enforcement was low on the list. Carroll stated that there was a reasonable chance that PPE might run out, but a corporation in Columbus would be able to sanitize N-95 masks. Carroll praised the Governor and Dr. Acton for their approach. He added praise for the health care systems available in the Cleveland area. Carroll would provide updates to Council.

Berger stated that it was necessary to keep the government going and inspections needed to continue, and that Hocevar needed to be told about wearing protective equipment while doing inspections. The Mayor stated that Hocevar was doing what everybody else was doing. He said that they only go into unoccupied areas and do not go into a house to look at a kitchen or bathroom. Galicki asked if the Mayor was sure of this and asked if Hocevar had been given direction. Berger said he did not know anything about this until that night. Berger further explained that he was asking Carroll's opinion as an expert. Carroll said that on every call his fire department personnel go on, they wear a surgical or N-95 mask. The most recent direction was to wear the mask when they were on duty because of interaction with the public. He added that people could have the virus and not know they had it. Carroll stated that at the least, Hocevar should wear at least a surgical mask on any inspection where he was interacting with the public. Berger stated that Canton would call Hocevar the following day, have the conversation, and then report back to Council. Canton said he would call Hocevar that night. Galicki stated that not only was Hocevar in the Village but also in other communities and could be bringing it back to the Building Department. Berger stated that the Village should continue inspections but do them safely. Carroll reiterated that Hocevar was going into other communities and the Village needed to be protecting its residents.

The Mayor stated that as the mayor, he should be talking to Hocevar and giving him instructions. Berger stated this was fine and asked that the Mayor report to Council that Hocevar was following the rules. Canton added that this should include the Fire Marshall. Carroll stated that with his fire department, anything that was done, to include changing batteries in smoke detectors, his staff must wear N-95 surgical masks when interacting with any public.

Porter asked how long it would take to receive N-95 masks if the Village were to order them. Carroll stated it would probably be four to six weeks. Porter thought it would be good to have them on hand for the future, and Carroll thought down the road this would be a good idea.

Galicki referred to the Solicitor's suggestion to consolidating the April Council meetings and asked if Council wanted to address this. The Mayor asked what other communities were doing, and the Solicitor said in March, meetings were just suspended. She thought with the change in the law, communities would go to a regular schedule but with consolidation. Porter suggested having the April 13th meeting and consider cancelling the second meeting in April. Carroll concurred but suggested utilizing the Zoom meeting option. Nairn stated she heard Zoom was free for non-profits, and the Fiscal Officer said she would research it. Carroll advised that 40 minutes were free. The Mayor stated that Elisa Budoff with the PC had an account she offered to allow the Village to use. The Solicitor cautioned against doing this. Carroll agreed and suggested the Village have its own account.

The Mayor stated he had spoken with Steve Latkovic and suggested utilizing Zoom for the PC meeting Thursday and then for the Council meeting April 13th. The Mayor stated he would call Latkovic, and the Fiscal Officer asked the Mayor to provide her with the information for the Sunshine Notice. Porter asked how the meeting was different if done through Zoom, and the Solicitor explained that the public must be allowed to enter into the Zoom App. There was a specific link that would enable everyone to be in the 'room' at the same time. It must be posted


on the notice as to how the public could access the meeting. Council discussed the particulars of the Zoom App. The Solicitor suggested that if Council wanted to see an example, they could watch Chagrin Fall's Council meeting the following evening.

Galicki stated he did not know the reason for the Executive Session but asked whether the Fiscal Officer should be included. The Mayor stated no.

Council went into Executive Session at 8:20 p.m.

Council came out of Executive Session at 8:52 p.m.

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