

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING (VIA ZOOM)  
MONDAY, JULY 13, 2020 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

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

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Fiscal Auditor Lechman, Police Chief Rizzo, Street Commissioner Alder, Solicitor Matheney, Engineer Haibach

**VISITORS:** Tom and Mary Mulcahy, Morningside Dr., Ray Scholss, Mapleridge Dr.; Kelly Kimball; Kate McClain, Foxhall Dr.; Anne and Ike Tripp, Champion Lane, Greg Heilman

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. The Fiscal Officer read the roll. Carroll made a motion to approve the minutes of the June 8, 2020 8:00 a.m. Special Council meeting, seconded by Canton. Roll call – ayes, all. Motion carried. Canton made a motion to approve the minutes of the June 8, 2020 6:00 p.m. Special Council meeting, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to approve the minutes of the June 8, 2020 Regular Council meeting, seconded by Canton. Roll call – ayes, all. Motion carried. Canton made a motion to approve the June 18, 2020 Special Council meeting minutes, seconded by Carroll. Roll call – ayes, all. Motion carried.

The Mayor advised there were 26 participants and invited visitors to speak. Mary Mulcahy, Morningside Dr., addressed the septic system mandate. She referred to a webinar she attended, specifically addressing the recommendation of how often septic systems should be cleaned. She offered to send a link to the webinar and was requesting consideration to extending the mandated cleaning period or individualize the policy for each resident with septic because of all the variables. The Mayor stated he and Berger participated in the webinar. Canton stated that there were so many variables and would be explaining and making a recommendation later in the meeting.

Kate McClain, Foxhall Dr., raised a concern pertaining to a letter read to Council during the June 8th meeting. The letter was written by a former Building Department employee. In the letter, she admitted she and possibly other members of the Building Department were not following the requirements of Ohio Revised Code, section 9.38, which requires deposit of public funds to be made within a specific time period; the next day after receipt or if there is a policy in place, up to three days. McClain stated that the individual admitted to holding public deposits for weeks if not months. Although the individual is not currently with the Building Department, McClain wanted clarification about what steps the Village was taking to ensure this did not continue to happen or happen again. McClain advised that it opens everybody up to a lot of liability, and everyone should be following the law. The Mayor stated the Village made changes to procedures and operations and deferred to the Fiscal Officer. The Fiscal Officer explained that a Special Council meeting was held on June 18<sup>th</sup> after it was confirmed that deposits were required to be deposited within 24 hours according to the Ohio Revised Code (ORC). Council passed legislation changing the timing for deposits under \$1,000, which could be deposited

within 72 hours. She clarified that the Village did not have this legislation previously. Anything over \$1,000 must be deposited within 24 hours, and under \$1,000 within three days. McClain verified that at this point in time the Village was following the law. She was surprised to hear that funds were held for months.

Ann and Ike Tripp, Champion Ln., asked if there would be discussion regarding the reopening of the South Russell Village playground. Nairn stated that at this time, after consulting with the Solicitor, the Village has a hand sanitizing apparatus on order. The Street Commissioner is also exploring an apparatus to mist or fog the entire playground to sanitize it. The Governor is still mandating social distancing and the wearing of masks as well as the cleaning of touchable surfaces once an hour from dawn until dusk, which is when the playground is open. Nairn stated that the Village is not able to comply with the requirements yet and would prefer to err on the side of safety, health, and science and keep the playground closed. She acknowledged that everyone would like to reopen it, but the Village is at the mercy of the world demanding sanitizing equipment. She realized that this was probably not what the Tripps wanted to hear, but it is important to the Village to follow the rules. Ike Tripp stated he understood the desire to follow the rules, but advised that the City of Orange spent substantially more on its playground than South Russell, and has reopened it with a simple sign that delineates the Governor's requirements and states that the patrons use it at their own risk. Tripp added that Chesterland, Aurora, Orange, and playgrounds all around, are open, yet South Russell is still roped off with caution tape. Nairn offered to revisit the issue, with the hope that the necessary sanitizing equipment would soon arrive. The Mayor concurred with Nairn and added that many communities are simply going below the letter of the law and opening the playgrounds. He would love to see it opened, but the Village has been advised by medical and legal personnel not to open it while being told to follow the Governor's guidelines. He added that Council could decide to open it at a later date, but for now it would remain closed. Tripp stated that it was a shame because other communities were opening the playgrounds. He understood that the Mayor wanted to err on the side of caution, but pointed out that there were still things that need to be done in the park like the installation of the benches, the swales, the drain, and the pond behind the playground which had not been completed. These things could be done and finished before the playground opened, and this might be the appropriate time to do them. The Mayor stated this was a good point and would hope by the August 10th Council meeting that things would have changed with COVID-19 guidelines. Ann Tripp stated she did not understand why the Village of Orange could take a stand and South Russell Village Council would not. Nairn stated that Orange posted a sign indicating that the patrons were using it at their own risk. Ann Tripp asked why the Village cannot do this. Porter stated that Council was trying to follow the law. Ike Tripp stated, "enough" and exited the meeting. The Mayor stated he was sorry.

**MAYOR'S REPORT:** The Mayor thanked the Fiscal Officer and her Administrative Assistant for getting the newsletter out advertising Trash Day, and stated Trash Day was a success. He added that they were working after hours on Friday to get Council packets out, and that the Fiscal Officer worked through the weekend to prepare for the Tax Budget Hearing and the Council meeting.

The Mayor stated that the Stormwater meeting would be held Monday, July 20, 2020 to inform the residents about the construction at Village Hall, the park, road issues, and neighborhood issues. It would be an update and would feature the Engineer, Davey Resource Group, and Chagrin River Watershed Partners (CRWP). It would be one hour long. The Mayor explained it would be an informational

meeting about what was going on with stormwater dating back to March 28<sup>th</sup> and May 15<sup>th</sup> when there were tremendous rains.

**FISCAL OFFICER'S REPORT:** The Fiscal Officer distributed her monthly report to Mayor and Council.

She stated that she wanted to address the issues brought up in the letter from Laura Heilman that was read into the record on June 8<sup>th</sup>. The following was read into the record by the Fiscal Officer:

"I would like to address issues brought up in the letter from Laura Heilman that was read into the record at the June 8<sup>th</sup> Council meeting.

Ms. Heilman stated that she knew that for over five years I was on a mission to close the Building Department and move into that office. As Fiscal Officer, I took an oath to faithfully, honestly and impartially discharge the duties of the office of Fiscal Officer. Having taken that oath sometimes doesn't make me popular with employees, or elected officials, but I must abide by the law and guide those around me to operate within the confines of the law.

As Fiscal Officer, I do not get a vote, I do not decide which offices stay open or closed. I work for Mayor and Council and when they ask for information or numbers, I give them the facts; the decision is theirs to make. As far as sharing the State report that was never shared before, it is a public record and therefore, there is no reason not to share it. I share all my reports with elected officials, and as the Department Head for the Building Department at the time, I chose to be transparent and distribute the Building Department's State report to elected officials.

In Ms. Heilman's letter, she referred to a comment I made at the April 27<sup>th</sup> Council meeting where I stated that money the Village receives must be deposited within 24-48 hours. She also stated both the Fiscal Auditor and I were aware that money for registration fees might be held in the Building Department for weeks and sometimes months at a time before they are deposited. She went on to state this practice was not illegal or inappropriate.

I can assure elected officials and residents of the Village, that neither the Fiscal Auditor or I knew money was being held. When I found out, I took my concern to the Building Committee in an attempt to get the issue addressed and the process changed.

Since Ms. Heilman accused me of trying to mislead elected officials on the timeliness of deposits, I contacted both the County Auditor as well as the State Auditor to make sure my understanding of the law was correct. While the County Auditor does not oversee municipalities depository requirements, he did confirm that *all* County money received must be deposited within 24 hours of receipt, unless the County Commissioners pass a resolution authorizing up to 3 days to make the deposit for funds *under* \$1,000. He also said he was not aware of any exceptions based on department functions or rules.

The State Auditor's office referred to ORC Section 9.38 and said all Village employees are subject to this provision and must deposit any funds collected within 24 hours to my office. He also said Village Council can adopt a policy that extends the deposit window to 3 business days,

otherwise 1 day is the limit. In absence of a policy, I, or someone in my office on my behalf, is responsible for depositing the collected funds into a financial institution each day.

Therefore, it seems the Building Department's former practices of holding checks for weeks, sometimes months on end, was not only inappropriate, but it was in fact illegal.

Given the ORC requirements, Council did hold a Special Council meeting on June 18<sup>th</sup> where they adopted legislation extending the time limit for deposits under \$1,000 for up to three days. The depositing process for the Village has now been modified accordingly to ensure compliance with the ORC.

While it is disheartening and distressing that a former employee continues to feed misinformation by defaming the character of current Council members and employees with slanderous accusations and assumptions that have no foundation or merit, I will continue to do my job and uphold the oath of office I took.

Thank you for allowing me the opportunity to respond to the letter.

-Danielle Romanowski"

Carroll thanked the Fiscal Officer.

Porter asked the Fiscal Officer for examples of COVID related expenses. The Fiscal Officer stated that one of the stipulations was that if a Village employee were to get sick with COVID, they were allowed time off that could not be taken out of their sick bank or vacation time. Some of the money could go towards covering this. The Fiscal Officer also had asked the Street Commissioner and Police Chief to explore purchasing foggers to be used hourly for the park. The Police Chief offered to cover the time the Street Department personnel were not working. The Fiscal Officer relayed that she contacted the City of North Royalton regarding a company they used which utilizes a sanitizing process that is only required once a day. She would get an estimate for this. The Fiscal Officer added that the Village received over \$50,000 in Coronavirus relief funds and the Department Heads were compiling a list of workplace sanitizing items where the expenses could be covered under those funds. She explained that it was necessary to encumber any monies the Village anticipated spending by October 15<sup>th</sup> and the remaining funds would need to be returned at that time. Whatever money was not spent by December must be returned to the State.

The Mayor stated that whether it is North Royalton, Orange, or Chagrin, municipalities have decided to ignore the Governor's guidelines, but the Village would stick with the Governor's guidelines. The matter would be further addressed at the August 10<sup>th</sup> meeting.

Porter stated that if the Governor lifted the restriction, he believed the Mayor's Office in South Russell had the authority to order the immediate opening of the playground. The Mayor concurred.

**FISCAL AUDITOR:** The Fiscal Auditor distributed his monthly report for the month ending June 30, 2020. He indicated that the COVID-19 Fund had \$51,000. Total of all Fund Balances was just over \$3 million dollars. The rate of interest dropped further, which was not a surprise. The fund balances reflected on his report matched the fund balances arrived at by the Fiscal Officer independently to the penny. He advised that for the month of June, the balances decreased by \$96,000. Regarding revenues,

the Village received three grants in June, the COVID-19 grant, the Playground Grant for \$23,000, and a body armor grant from the State of Ohio. A refund was received from Chagrin Falls Schools for salt. For the year, the Village was still up \$31,000.

The Mayor asked the Fiscal Auditor to review the May Fiscal Auditor report. The Fiscal Auditor noted that the fund balances at the end of the month were \$3.17 million dollars. The fund balances also matched those of the Fiscal Officer. For May, the balances decreased by \$67,000. The notable revenues included ambulance fees, and quarterly franchise fees. Real Estate Taxes were received, and the Fiscal Auditor advised that the Village was right on track with those. The County had cautioned that the Village might see a 3% decrease in the second half receipts. The Village would soon see if this would be a reality. He added that the gas taxes were not dropping as he thought they might. The revenues were higher than a year ago. To date, the Income Tax receipts were down considerably from last year, which he thought was related to people taking advantage of extensions in filing taxes. He would keep an eye on this.

**FINANCE COMMITTEE:** Carroll made a motion to approve the fund balances as submitted by the Fiscal Auditor and Fiscal Officer for May 2020 and June 2020, seconded by Nairn. Roll call – ayes, all. Motion carried.

Carroll made a motion to approve the 2021 Tax Budget as reviewed in the Tax Hearing, seconded by Berger. Roll call – ayes, all. Motion carried.

Carroll stated that it was necessary to begin preparing for the 2021 budget. He asked the committees to meet with the departments to prepare the proposed budget for 2021. He also asked that a five-year capital replacement plan for anticipated needs by the departments be provided to the Finance Committee to prepare for the Budget Work Sessions in October. The Finance Committee would make a recommendation in September for a date to hold the Budget Work Session, and suggested October 6<sup>th</sup> or 7<sup>th</sup>. There would be an effort to do it in one session.

Carroll addressed the need for a new copy machine for the Fiscal Office. Two quotes had been received, one for \$8,000 and the other for \$8,600. The committee was waiting for a third quote and a recommendation would be made at the August meeting for a potential purchase after review by the committee.

The minutes from the Finance Committee meeting of July 7, 2020 were distributed to Council.

Carroll asked the Fiscal Officer to address the Public Records request for emails. The Fiscal Officer explained that unfortunately, all the emails were not present, and it was necessary to hire an IT specialist to help locate the emails. Carroll clarified that the Village would have to pay for this, and the Fiscal Officer concurred. Carroll asked how the Village handled maintaining the emails, and the Fiscal Officer explained that the southrussell.com emails are actually Gmail accounts and should be accessed through the Google Chrome browser. However, if they are opened through Outlook, the emails can download to the particular computer, and therefore are not readily accessible. The Fiscal Officer explained the request was for Building Department related emails and that only the Building Secretary's computer was available to check, but not the office's other computer. Since the Fiscal Officer was unable to check this, it was necessary to get the information from the other participant. Carroll asked what the Fiscal

Officer meant by the "other computer." The Fiscal Officer explained that there used to be two computers in that office when there was a Building Inspector and an Administrative Assistant. Now, there is only one computer for the Administrative Assistant. As the email Administrator, she searched through the emails and found some pertinent emails, but then the Village paid an IT professional to retrieve the rest. Carroll asked if the secondary computer was decommissioned. The Fiscal Officer stated the second computer was for the Building Inspector, and there was no longer a computer there. Carroll asked if there was no computer because there was not one, or was the computer missing. The Fiscal Officer stated she did not know. Carroll asked if the Building Department Administrative Assistant/Board Clerk knew where it was. The Fiscal Officer explained it was a Microsoft Surface computer, and she stated she did not see it in the Building Department and the Building Department Administrative Assistant/Board Clerk had never seen it. Carroll asked how it was that the Village was missing a computer and asked the Building Committee if it was aware of this; the committee replied they were not aware. Carroll suggested the committee investigate this, and felt it was important to do so.

Carroll advised this situation emphasized that it was important Council not use personal emails when sending and receiving South Russell documents, information, etc. He advised that he set up a separate Gmail account for his Council position with the plan to turn it over with the password to the Village when he completed his service. To keep everything above board and transparent, Carroll stated Council should be sure to use the South Russell accounts so that there would not be any public records violations. The Fiscal Officer stated that she explained this in her report. Setting the emails up properly would preclude emails being forwarded to private accounts, because when a public email is forwarded to a private account, the response to the email comes from the private account, which then makes the private account public. She reiterated that Council should access Village emails through Gmail so that everything stays within the public account.

Carroll again asked the Building Committee to determine the whereabouts of the missing Building Department computer. Porter asked Carroll if Council knew there was a missing computer, and Carroll stated that according to the Fiscal Officer, efforts to find the computer had been unsuccessful. The Fiscal Officer explained that the Village purchased a Microsoft Surface when the Village used to have a Building Inspector, and she thought this was the Building Inspector's sole computer, but she was not sure. When the Fiscal Officer was working out of the Building Department offices earlier in the year, she could not find it, nor could the Building Department Administrative Assistant/Board Clerk. She clarified that it was a Microsoft Surface computer which would look like a binder.

Canton stated he was calling for a Building Department meeting Thursday, July 16, 2020 to investigate the matter.

**SOLICITOR:** The Solicitor stated she had nothing to report.

The Mayor stated he and Berger attended a Webinar of the Ohio Municipal League regarding the rules of being a Councilman. He added that the Solicitor had previously provided 22 pages on the rules of a Councilmember and said that much of the material she provided was covered in the Webinar. He complimented the Solicitor on her research and for preparing Council. Berger concurred.

**ENGINEER:** The Engineer stated the Village was moving forward with the 2020 Road Program. He was currently reviewing the shop drawings and submittals provided by Specialized Construction. He would be marking the base repair areas within the next week. The Engineer and the Street Commissioner had also been looking at drainage issues throughout the Village and had met with residents and Homeowners' Association (HOA) members.

**STREET COMMISSIONER:** The Street Commissioner submitted his monthly report to Mayor and Council. Porter referenced discussion at the previous Council meeting about 12 Forest Dr. and asked if the Street Commissioner had obtained quotes for the work. The Street Commissioner advised that R&B Trenching provided a quote of \$10,900 and Site Work provided a quote of \$13,173.78. Porter stated he would like to address this matter at the next Street Committee meeting, Carroll concurred.

**STREET COMMITTEE:** Porter addressed the Paw Paw Lake issue. He explained that residents of Paw Paw Lake had attended a number of meetings with the committee, the minutes of which were distributed to Council. The meetings discussed ways of converting their private road, Paw Paw Lake Drive, and possibly the east-west extension to a public road. They were asking the Village to take the road away from them as a private road and make it into a public road. Porter stated they have an amount of money in their HOA budget for this purpose, but it was far below the rough projected costs to make Paw Paw Lake Dr. conform to modified Village requirements. Porter explained that the modifications included allowing for 20-foot-wide roads instead of 24 feet and 75 to 80 feet cul-de-sacs instead of 100 feet. Porter also explained that presently, the community's main water line runs close to the road surface, and the Village requires a 60-foot right of way, 30 feet each way from the centerline. The Paw Paw Lake residents have been looking for assistance in correcting their road issues and would like it done soon. He further explained that the residents would like the Village to enter into some kind of arrangement with them in order to take over the road. After hearing the requests of the residents, Porter stated it seemed the Village was not in a position to take their road as a public road and then put approximately \$1.5 million or more into bringing it up to Village code with modifications. It would not be recommended to take the road past the bridge which leads to three houses, nor the dam. The residents are asking the Village to undertake the project at considerable expense to the Village. There were ideas discussed about financing where the Village would take out a loan through the SIB in the amount of \$1.5 million dollars or more, at a 3% interest rate for 25 years. During the last meeting, Porter stated he indicated Council would not be inclined to go in this direction but clarified that he does not speak for Council.

Carroll explained that he and Porter had discussed the matter of the Village taking on and paying for the project as not being feasible. Having said this, Carroll stated that the residents were still looking for the Village to take over the road if they brought it to the established standards. At the last meeting, there was an effort to establish the exact standards. He advised that what Council would be considering would be the main north-south road and the main east-west road, but not the turn that goes down to the beach nor across the bridge. They also discussed the mandated 60-foot right of way. There was a concession for a 20-foot-wide road, to which the Engineer agreed. The turnarounds were also discussed with 80 feet being reasonable instead of the required 100 feet. Utility lines could not run under the road other than branch lines. Proper drainage ditches were also discussed. Carroll asked the Engineer how far off the road edge and how deep should they be. The Engineer stated both are site conditions

dependent. Without a survey, he would be hesitant to guess. He said typically, the ditches are four feet off the edge of the pavement, and the swales can be anywhere from 12 to 18 inches deep. Carroll proposed that if the Paw Paw Lake residents paid for everything, what would be the minimum specifications the Village would want in order to take over the road. In this instance, he would support the north-south main road, and the east-west road with a 20-foot width, 60-foot right of way, 80-foot turnarounds, and must be built to Village specifications. He added that the Engineer would have to be on site as if it were a brand-new road for a development. The Engineer would inspect and approve the road accordingly. Carroll stated that if it were to be a dedicated road, it would have a 25 mile per hour speed limit, which would be faster than what is currently permitted by the community. With these parameters, Carroll had no issue with taking over the two roads and saw it as no different than as accepting any other new road in the Village.

Carroll also addressed the main water line and asked the Engineer how far the water line would have to be from the main edge of the road. The Engineer stated it would have to be beyond the ditches, and 15 to 20 feet off the edge of the pavement. Carroll asked if this were consistent with what new roads would be required to have, and the Engineer clarified that the waterline needed to be on the outside of the ditch. Without survey elevations, he was not comfortable stating how wide the ditch would need to be. The waterline needed to be under the ditch or on the outside edge of it. Carroll stated that there was a lot of concern about the waterline because it would be very costly to move.

Carroll reiterated that if the residents of Paw Paw Lake could meet the requirements, he would have no issue taking the two roads over. The Engineer stated he forwarded examples to Kent Kristensen, Paw Paw Lake, and wanted to see a preliminary drawing set from an engineer that shows the proposed roadway cross section, a cross section of how the ditches would look, and where the water main is.

Nairn asked if this project would be taking up the residents' front lawns. Porter stated some would. Carroll explained that this was why he provided the parameters so that if the community chose to proceed accordingly, the Village would agree to take over the roads.

Berger asked what Plan B was. Porter stated that Plan B was that if the Paw Paw Lake residents did not do it, the Village would not take the roads. Berger asked what would happen to the road and the residents. Porter stated it was a private road and would remain that way. Because it is a private road, they would continue to maintain it as they had for the past 99 years. Berger stated that it had not been maintained, so what was the likelihood that it would do anything but disintegrate into dust. Porter stated it would need maintenance performed by the HOA, just like Sugarbush which was also a private road maintained by the residents. Porter stated that the reason for a private road was that typically the developer did not want to build it to conform to municipal standards. In 1921, it was a dirt road and a summer community. The Engineer pointed out that while South Russell was incorporating and pulling together its public assets, Paw Paw Lake had historically chosen to be a private road because they did not want to be a public road. Porter asked if it was correct that the last time it was paved was 1978. The Engineer stated that according to the HOA's records, this was correct, but the Village did not keep track. Porter stated that he was referring to a complete grind down and resurface, so this had not been done in 42 years. The Engineer concurred.



Canton stated he realized that there were different levels of income in the Village and some HOA's could afford more than others. Canton stated that the residents of Paw Paw Lake were paying \$99 per month for an HOA fee. Part of this went towards water and garbage pick-up, and he assumed part went into a reserve fund. The rest, he thought, would go towards roads. Canton thought the community might want to consider increasing the monthly fee. In his opinion, it was grossly under financed at \$99 per month. If it had been \$250-\$275 per month for the last 20-25 years, there would have been more money in the reserve fund that could help.

Carroll stated that as the Engineer indicated, more information was needed from the HOA regarding what they would definitely be doing in order for the Village to consider taking over the road at no cost to the Village. Although it might initially cost the community, it would ultimately take the burden of their road off the residents. Porter noted that the HOA obtained a quote for core samples for about \$8,000. The Engineer stated that he noted the core samples were being taken from the north-south section of the road only and not from the east-west. He communicated with the HOA that he wanted the core samples to be representative of the roadway to include the center line, edge, and in the driving way, so that the Village would have a clear picture of what, if anything, could be saved, and what would need to be done.

Galicki asked Porter if he would consider providing typed minutes in the future because he was unable to decipher the handwritten Street Committee minutes. Porter agreed to print them in the future.

Porter suggested allowing the residents from Paw Paw Lake who were present in the meeting to speak. No residents came forward.

The Mayor stated that a group of residents from South Russell asked the Village for help, and he felt it was necessary to turn over every stone to help the residents. The current situation was expensive, but the Mayor stated there were ways that it could be done. Certain neighborhoods got sewers and other communities had turned private roads into public roads, and it could be done, but it would not be cheap. He added that it was not something the Village would want to spend other people's money on for someone else's road, but there were ways the Village could help, and those areas are being explored. In the meantime, the Street Commissioner, Engineer and the Mayor would be at Paw Paw Lake Saturday morning at 8:00 a.m. to walk the gas line and discuss it.

Carroll asked the Solicitor about creating special districts relative to Paw Paw Lake being able to access funding opportunities, enabling them to levy taxes within the district for themselves to pay for the road. The Solicitor did not know but would look into it. She was aware of such a situation with stormwater but not a road.

Nairn asked if she had heard correctly that there had been a private development that flipped to public and asked if it happened a lot. The Mayor stated that it had recently occurred in Moreland Hills. The Village set the standards and determined the price to bring the road up to standard. This amount was split up among the residents and the residents had the option to pay up front or put it on taxes for 30 years. Porter clarified that the residents paid for the road through their taxes, not the Village. He said it was possible that the Village secure a loan, but the residents paid for it. He equated it to the sewer situation with Bel Meadow.

The Street Committee discussed the Sugarbush silt pond issue. The estimate was \$13,000 to dredge the silt pond. The Engineer advised that much of the silt in the silt pond was deposited because of Village projects up stream. In terms of stormwater reduction and abatement, it was likely more silt would go into the Sugarbush silt pond as a result of the Manor Brook project. The committee recommended that the Village pay \$6,500 for half of the cost of dredging. Nairn asked if Sugarbush residents were not remiss in dredging the silt pond in 2018. Porter stated that since 1998, the silt pond was dredged every 10 years. Nairn stated that it should have been dredged in 2018 but was not. Porter recalled that it was planned, and encouraged any residents present to clarify this matter. He stated, however, that the buildup of silt was much more than one would think. When the pond was dredged previously, it was not nearly at the quantity that it is currently, and Porter added that the additional silt was the result of Village projects. He believed it was the responsibility of the Village to address it. Porter added that it appeared the community was willing to split the cost. Porter added that it would significantly help with stormwater in the Village.

Carroll recognized that when the Bell Road project was complete, it did not appear the contractor pulled much muck out of the silt pond. Furthermore, Carroll stated that the Village would be correcting something that should have been corrected at the time and would be sharing the cost. The Village would be doing work that could impact the pond, and additional silt would compound problems downstream and upstream. Carroll cautioned that the Village did not want to get into the habit of dredging silt ponds in the community. All silt ponds help with flooding in the individual communities of the Village, and the ponds are maintained by the residents of these communities. Carroll thought it was reasonable, however, in the case of Sugarbush, to address the issue, but only one time.

Kyle Canter, Sugarbush Lane, reiterated the thanks of the residents. He felt the information shared was accurate. Canter discussed the community's consistent record of dredging and advised that the Bell Road project overtook things. In 2017 or 2018, the Sugarbush community voted and approved funding to redo their road and to go towards dredging. He explained that after the Bell Road project, the paving company took two truckloads of silt out, but this did not make much difference. Much of the silt that came from the project was in the lake. He and the Engineer discussed obtaining a quote to remove silt from an additional area which would facilitate other dredging to be conducted by the HOA. Canter added that previous discussions with the Village also involved taking baseline measurements, and that once the Manor Brook project was complete, the Village would return the Sugarbush silt pond to the baselines. After this, the Sugarbush HOA would assume responsibility. Canter advised that the only part of the discussion that was not complete involved the islands of silt just beyond the silt pond area.

The Engineer explained that the silt pond at the upstream end of the pond had been full for quite some time and was incapable of capturing any silt. As a result, the silt passed through and deposited in a linear silt bar just beyond the area where the silt pond should be. The Engineer and the Street Commissioner explored the cost involved in moving some or all of this additional silt, and the Engineer did not have a good enough baseline history to determine this cost. The Street Commissioner was considering getting quotes from excavators. The \$13,000 estimate provided by the Engineer was for a regularly shaped silt pond from which the Village could obtain a baseline. Removal of the silt bar was unknown. Canter stated his concern was how the remainder of the problem would be addressed. Porter asked Canter if he could get a quote from an earthmoving company that could dredge the silt pond and

islands. Canter stated he could, and explained it is more of an earth moving situation rather than dredging. Porter asked if Canter would obtain a quote by the next Street Committee meeting at the end of the month so the committee could address it further. Porter reiterated the plan for the Village was to provide \$6,500 in the remediation of the silt pond. The Engineer stated he could provide the baseline information he calculated to share with the contractor.

Canter asked for contractor recommendations and the Mayor stated that this would be provided, and that contact would be made for him. He added that the Street Commissioner had a good network of people who could help. Canter expressed his appreciation to Council.

Porter advised that the Street Commissioner's report showed a drop in the price of salt, which would mean the Village would be saving money.

Porter relayed that the Street Commissioner in his capacity as a firefighter assisted in a medical emergency in the community. The Mayor thanked the Street Commissioner.

Porter advised that the Street Commissioner had completed his six-month probation. The Mayor congratulated the Street Commissioner.

**BUILDING COMMITTEE:** Canton stated that the Building Committee met on July 2, 2020 and the minutes were provided to Council.

Canton advised that the Geauga County Board of Health booklet could be viewed on the Village website and hard copies were available in the Building Department.

Canton addressed resident questions about campaign signs and stated that the South Russell ordinance addressing political signs was ambiguous and unconstitutional. The Building Committee was in the process of developing a clearer ordinance, which would be introduced at the 2020 election cycle. He addressed legal precedent and stated that the State of Ohio had a statute, which he believed was determined to be unconstitutional. His understanding is that residents may have a political sign up 365 days a year. The Solicitor stated this was correct. She clarified that the Village may not determine size, only location of the signs. If it is not in the road right of way, the political sign could be any size, location, or duration on the person's property. Although she had not reviewed the Village's ordinance, if it addressed time constraints of displaying political signs, it could not be enforced.

Nairn asked how this would impact individual HOA's that have bylaws addressing the signs. The Solicitor did not know enforceable the HOA rules were since it was a First Amendment Constitutional right unless the signs were in the right of way.

Canton addressed the septic issue. At the June 8, 2020 Special Council meeting, Council had the opportunity to hear the views of several members of South Russell regarding the Village's septic cleaning schedule ordinance. The committee reviewed the multiple capacities of the Village's 292 tanks. 15 capacities were not known. 20 were between 250 to 500 gallons. Three were between 750 to 1000 gallons. The remaining tanks were between 1000 to 1500 gallons. Based on the research and feedback from the residents, the committee recommended that the septic cleaning ordinance be amended to every three years. Smaller tank owners could elect to stay on the two-year cycle. Canton stated the committee wanted the ordinance to go into effect January 1, 2021. Canton stated that previously there

was a three-year ordinance, but the Village did not have the software to keep the homeowners accountable. The solution was the two-year ordinance and software. Canton offered that if the change went well, the committee would consider extending the time beyond three years. Nairn asked if most of the residents with septic tanks would be appeased. Canton stated that it was not possible to make everyone happy. Nairn pointed out that there were residents who were unhappy about the two-year cycle. Canton stated the committee planned to keep it at two years until the committee received the tank capacity information and then felt comfortable going to three years.

Tom Mulcahy stated that all the committee's information was not correct. He has a 2,000 gallon tank. He felt that adding an extra year was heading in the right direction. He asked Council to consider increasing the time to four years for larger capacity tanks installed since 2000. He concluded that homeowners needed to be prudent in the maintenance of their tanks.

Carroll acknowledged the diligence with which the committee addressed the septic issue. He felt three years was a step in the right direction.

Berger addressed the Building Department analysis. The committee explored the options of maintaining the Building Department, turning it over to the county, or hiring third party contractors to manage the department. Berger compiled a report of the findings. Turning the Building Department over to the county would result in loss of local control and none of the Village ordinances would be enforced by the county. Regarding the previous discussion of the county having a satellite office at South Russell, the committee investigated this and found the county had no interest in pursuing this. He concluded that the county option did not make sense for the Village. The committee spoke to SafeBuilt and found that the company had operated Building Departments in area municipalities, some of which found the service satisfactory and some not. Steve Nero of SafeBuilt discouraged the committee from giving up control by turning the department over to another entity. Nero provided a quote that stated Safebuilt would take all fees collected and charge the Village \$50,000 a year for service. Berger stated that this would amount to \$134,000 to have SafeBuilt run the Village's building inspections, building permits, and registrations. It did not include Fire Marshal or Zoning. Berger questioned if the Village was being effective with what is currently being done in the Building Department, and stated he did not believe so. Berger stated that more time and manpower was necessary to get the job done. The number of permits and registrations had been consistent in 2018, 2019, and 2020. In the past 40 days, there had been \$20,000 in permit fees. Berger stated that the number of remodeling projects necessitated the same amount of effort as the new construction of the past. His recommendation was to take the Administrative Assistant from part-time to a full-time position adding hours and adding to this position the responsibility of Zoning Inspector. Porter asked if this was an assistant Zoning Inspector. Berger stated that the committee was saying this would be the Zoning Inspector. The contractual relationship would be maintained with Inspections Solutions.

Carroll stated he reviewed Berger's report in depth. He referred to the statement in the report that the Clemans Nelson analysis "grossly underestimated the time needed to complete tasks of these two positions and did so purposely to meet preconceived expectations on limiting expenses in the face of subsidizing the Building Department..." which was found on page 5. Carroll advised that the report was lacking the specific details that Clemans Nelson had mentioned and/or looked at. Clemans Nelson consists of HR professionals who did an in-depth investigation. Carroll advised that at the time, making

the Administrative Assistant the Zoning Inspector was not considered. He believed there was value in the Clemans Nelson report and thought it added more substance to Berger's proposal. Carroll stated that the Building Department had been a very contentious issue for at least two to three years. Looking at previous strategic plans, Council had looked at 'right sizing' the Building Department for at least six to eight years. He reviewed considerations the previous committee explored to include going to the county, realizing that some local control would be lost with zoning enforcement. Council agreed last year that it made sense to keep a part-time Building Department. He added that in a case of the fox guarding the hen house, Inspection Solutions reviewed the applications for part-time Building Inspectors to decide who was qualified and who was not. This would be like asking the Solicitor or the Engineer to help find their replacements. If there were plans to consider another part-time inspector, Carroll recommended to the Building Committee having a more objective and transparent approach with the search. He said he acknowledged that the 10 additional hours previously agreed upon for the Zoning Inspector would bring the Building Department Administrative Assistant/Board Clerk to 35 hours and agreed there was a fair amount of work with this position. He emphasized that the regular hours for the position should be according to the needs of the residents and not the needs of the individual. To be blunt, he stated that for the past two or three years, there had been a problem in the Building Department of the tail wagging the dog. Carroll did not agree with the statement that Clemans Nelson failed to recommend a solution based upon known requirements of the department, because Carroll stated they did do an in-depth survey.

He asked the Building Committee to determine the full job description and responsibilities, hours, salary, and benefits before he could get behind the proposal to make the Building Department Administrative Assistant/Board Clerk full time. He emphasized that it had to be driven by Council and the needs of the community and department, not the employee's needs. If the current employee cannot meet the obligations, she needs to know the expectations first and foremost. When she was hired, she was told by the committee during the interviews that it was not a full-time position, rather 25 hours per week. In fairness to the employee and for consideration of Council, the expectations must be provided in a detailed and concise manner. Carroll stated that what the analysis lacked in some substance, there was value in using the information from Clemans Nelson to do a deeper analysis of what the committee was recommending. He thought there was some merit in making the position full-time, but Carroll needed more information. Lastly, Carroll stated he could not support the hiring of a full-time Building Inspector, which was mentioned in the report. Looking at the inspections and workload even with rebuilds, the model the Village was currently using was good and there was no need to return to the way it was previously.

Canton stated the committee would be meeting on Thursday, July 16<sup>th</sup> at 10:00 a.m. in the Building Department and would make it perfectly clear to the Administrative Assistant/Board Clerk what her responsibilities are. Carroll asked Canton to present to Council the pay range, job description, expectations, etc. He added that the Village lost out on the opportunity due to COVID and other issues to have the Fiscal Office and Building Department work out of the same office for cross training purposes and the opportunity to do a true assessment of hours needed. Carroll added that the Finance Committee would discuss the pay range, and he encouraged the HR Committee to get involved in looking at roles and responsibilities. He saw it as an opportunity for Council to work together to come up with a good package for everybody.

Canton thanked Berger for his well-written and comprehensive report. Based on the committee's research, the committee recommended the following: the elevation of Sean Davis from interim to Village Fire Marshall; and the elevation of the Administrative Assistant to full-time status with an appropriate benefits package and in addition to present duties taking on the responsibility of the Village Zoning Inspector. The Mayor stated that as far as making recommendations, he instructed Canton that it was the job of the Mayor to make recommendations, and Council must approve them with regard to hiring Sean Davis. At this point, the Mayor stated he was not comfortable making that recommendation. Council should discuss the matter at the August 10<sup>th</sup> Council meeting.

Carroll stated that as far as the recommendation for the Building Department Administrative Assistant/Board Clerk, he asked if there would be an issue for the next Council meeting to provide the additional information. He questioned whether the Building Department Administrative Assistant/Board Clerk would want all these responsibilities. Carroll reminded Council that she was offered the Zoning Inspector position and did not want it. He would like to see the position fully described to include salary, benefits, and other missing pieces. Carroll thought that perhaps this information could be presented to Council in August. Carroll stated that generally when individuals are part-time, they are paid a little more because they have no benefits. When benefits are added, the salary is looked at differently. Carroll needed more information and said that after this, if the Building Department Administrative Assistant/Board Clerk wanted it, the Mayor could make the recommendation to appoint her full-time. Berger said he had no problem with this and would be ready by the August meeting.

Nairn asked if the other candidates who had expressed interest in the Fire Marshall position before COVID were just being eliminated. She wondered if Council had just decided to automatically go with Davis. The Mayor stated no and that he would not recommend Davis to Council at the present time but added that he had done a good job. Nairn asked then if Council would continue to consider the other applicants. The Mayor stated yes. Berger stated that based on the Mayor's comments, the committee would go back to the drawing board and have conversations. If they feel it is appropriate to interview the other candidates, they will do so. Nairn advised that the candidates have called to express interest. Berger acknowledged this; however, the committee would follow the Mayor's lead on the issue.

The Solicitor addressed the feasibility of a full-time zoning position and full-time administrative assistant/board clerk position. She asked if a new job description be created that included all three positions. Also, the job description the Village currently has for the Zoning Inspector reporting to the Village Administrator, which the Village does not have. Berger stated the job description would have to be rewritten. He added that even if they keep them separate, one person could have more than one job description as an employee.

**POLICE CHIEF:** Chief Rizzo stated he had two pieces of legislation for Council to consider regarding Park Rules and Gov Deals auction inventory list.

Council asked the Chief to briefly address the Park Rule change. The Chief stated that in 2008, Council adopted Park Rules, but for some reason, Council did not pass legislation in order for there to be a penalty section. Legislation was required for enforcement of the rules. Porter advised that he recalled a long discussion about penalties for violating park rules, particularly dogs off leash. The Chief stated this

was a completely separate ordinance regarding dogs. Porter noted that there was a portion of the new ordinance that addressed dogs off leash, and the Chief stated the 618.01 ordinance could still be used for enforcement. The Chief stated the ordinance attempts to cover the other issues, since there is a very specific set of rules for the dog violations. This ordinance pertains to the general rules of the park, like motor vehicles. He advised there had been ATV complaints in the park, and currently there is no way to charge these violations. The Solicitor stated that regarding the park rules ordinance, it is not a matter of changing the rules but the enforcement of the violation of the rules. The wording about authorized motor vehicles in the park pertained to the ability of Street Department and Police vehicles to access the park.

Carroll addressed Pavilion reservations in light of the COVID 19 limitations. The Chief stated if there were a violation, they could cite under the Health Director's orders. Carroll noted that Council had elected not to open the playground based on the Governor's orders and stressed the importance of enforcing some rules but not other rules which applies to people using the pavilion without reservations. Carroll asked the Mayor if reservations were being permitted at this time. The Mayor stated that the Village was not allowing any reservations for use of the park. People who ask about using the park are being told by the Mayor to put a sign up the night before saying they would be having a gathering. Chagrin Valley Little Theater Women's Board met there, and on July 14<sup>th</sup> the Whitetail Condo HOA would be using it. Carroll asked if he were to take the HOA sign down and put up one for a family cookout, for example, would the cookout have priority since they were occupying the pavilion before the HOA arrived. The Mayor said yes, it would be like normal, first come first served. Carroll reiterated that it was first come, first served. Carroll asked then why some people are allowed to put up signs when it is first come, first served. The Mayor explained that if they want to get to use it, they can say they were there first because they put up the sign the evening before. Nairn asked if the pavilion was open for gatherings, since the Chagrin Little Theater would be considered a gathering. The Mayor stated that most of the time with this group, they sit out front on their chairs and they want the pavilion in case of rain. Nairn thought Council was not opening the pavilion to groups of people at the present time. The Chief stated the police had seen gatherings there, but they had not been in groups of more than 10 people. He thought they were just showing up there. Nairn asked if the HOA meeting would be a group of more than 10 people, and the Chief acknowledged this would be a problem. Carroll advised that the sign placement is unenforceable and saw it as a slippery slope. Council should either sanction the use of the pavilion or not sanction it. Telling people to put up signs is circumventing the total process of reserving the pavilion. The Mayor stated the Village does not reserve the pavilion at all. Carroll questioned the Mayor saying that groups can put up signs reserving it. The Mayor stated that would be up to the group to handle. Carroll said it sounded like the Village was sanctioning putting up signs. The understanding should be that the sign is useless because anyone can use the pavilion because the Village is not taking reservations. Furthermore, it is still necessary to follow the Governor's directive about gatherings of 10 people or the pertinent parameter for gatherings. He found it troubling that the Village was not sanctioning it, but sanctioning it. Nairn felt it was sending mixed messages. Carroll agreed.

The Mayor stated that the Chief and Police Department received a letter from the Mayor of Woodmere thanking them for assistance with one of the gatherings that occurred in Woodmere in June.

**SAFETY COMMITTEE:** Canton stated the committee met on July 2, 2020, the minutes of which were provided to Council.

**HR COMMITTEE:** Porter addressed the resignation of part-time Patrolman Andy Kelly, stating he was retiring after 30 years of law enforcement service. The Chief stated he was a good officer and diplomat to the Village for five years. He offered Kelly good luck in his retirement. Porter made a motion to accept the resignation of Patrolman Andy Kelly with the thanks of the Village and best wishes for every success going forward, seconded by Nairn. Carroll stated Kelly was a great guy and added that he was his basketball coach when he was young. Roll call – ayes all. Motion carried.

Porter advised that due to the COVID-19, many of the full-time Officers had been unable to take vacation. Porter stated that with further discussion, it was found that this was true for all full-time Village employees. The current policy is use or lose vacation time within a calendar year. The committee recommended that the Village permit all full-time employees to carry over up to 80 hours of vacation into 2021 with the stipulation that they must take all of the vacation that they carried over and the vacation they earn in 2021 within that calendar year. Carroll asked if CARES money could be used to pay for unused vacation time because of COVID 19. Fiscal Officer replied that she did not think so, but had not reviewed the entire 50-page document to determine what was permissible. Carroll wondered if the Village would be better served to buy out the employees. Carroll advised that the Department Heads would have to be aware of the scheduling challenges associated with this. The Chief stated it might not be all his officers who would require this. Porter stated he would draft the proposal for the August meeting.

The Mayor asked if there were any restrictions with Department Heads offering their employees overtime or comp time. Carroll thought if the employee is in an overtime situation, the employee has the ability to take it as overtime pay or comp time. Porter stated he did not know there was an issue, and the Mayor stated he would call Porter.

**PROPERTIES COMMITTEE:** Nairn commended the Street Commissioner for his research of LED lighting for the Service Department. He chose the Titan LED company as having the best product to offer. Nairn made a motion for the Mayor and Fiscal Officer to enter into an agreement with Titan LED for installation of new energy efficient lighting in the Service Garage at a total cost of \$5,823.77, which would be covered in full by the South Russell Village 2020 Northeast Ohio Public Energy Council (NOPEC) grant, seconded by Porter. Roll call – ayes, all. Motion carried. Nairn stated that there would be \$1,237.31 left of the grant. The Fiscal Officer asked Council to make recommendations for use of the remaining funds - otherwise, the grant funds would be lost.

Nairn addressed the corner of Chillicothe Rd. and Bell Rd. noting the questionable health of some of the plantings. The plant material would be assessed and possibly replaced. Through the newsletter and website, Nairn wanted residents to be encouraged to purchase more trees. A site had been chosen by Mrs. Harvey for a memorial tree for her late husband, former Councilman and Mayor of South Russell.

The Street Commissioner stated that regarding the lighting, the Salt Dome and the shed were not included in the lighting bid. He would determine if this would fall within the amount of remaining NOPEC grant funds.



Carroll noted that earlier in the meeting, Ike Tripp pointed out that there was work that had not been done in the playground. He thought they had a valid point in saying it was a great time to get these projects completed. The Street Commissioner said there was a lot of mud in the park and it is now starting to dry out. Additionally, the parts for the benches were in and the department could start working on it the following week.

Carroll referred to a previous discussion in Council about adding cameras on the Village campus and wanted an update. The Street Commissioner deferred to the Police Chief who stated cameras at the pavilion had been discussed in the past and stated it would be an easy project. Carroll clarified that he thought there were to be some additional cameras on the Building Department/Service Department building. Nairn stated there were cameras purchased a year ago that were supposed to go up on the corner of the Village campus, not at the pavilion. The Street Commissioner said he had the cameras to install. Nairn asked where they were to be installed and the Street Commissioner indicated on the outside of the service building to cover all the doors as with the cameras at Village Hall and the police station. Carroll asked when it would be done, and the Street Commissioner said he would work on it as soon as he could. Porter said he would add it to the Street Committee meeting at the end of the month.

The Chief asked if Council wanted him to research or purchase cameras for the pavilion. Porter said it would be good to have them, and Nairn agreed. The Chief estimated that a four-camera system would cost about \$500. He and the Street Commissioner would be able to install it. The Mayor stated that there were already signs indicating there were cameras, and the Chief explained that this was for a trail camera that was no longer functioning. Porter suggested leaving the sign up.

**PUBLIC UTILITIES COMMITTEE:** Galicki stated the Public Utilities Committee met on June 17<sup>th</sup> and June 25<sup>th</sup> to serve as an intermediary between a resident and the Illuminating Company to discuss options of the placement of utility poles. The minutes from these meetings were provided to Council.

At the request of the Mayor, Galicki explored how residents felt about consolidation of trash and recycling services. He polled residents from various HOA's and found that there were as many opinions about consolidation as there are people. A handful of communities had HOA's that negotiated with the service provider. The preferred service provider for the HOA's is Waste Management, which also has the most robust recycling options available. However, Galicki noted that the news reported the City of Cleveland was dumping both recycling and trash in the same dump because there were fewer and fewer brokers willing to purchase recyclable materials. Some residents were of the opinion that they wanted no government interference in the decision of trash and recycling haulers. Galicki believed that the opinions had not changed from years ago when Porter raised this question. He did not think Council would find a consensus within the Village. If the Village wanted to broker or provide services with increased taxes to the residents as some municipalities do, the only way to get a consensus would be to put the issue on the ballot. Barring this option, he did not see the Village obtaining a consensus of the residents.

Berger asked if there was any value in consolidating. Galicki said the past argument related to having multiple carriers entering the various neighborhoods causing wear and tear on the roads, and this would be the advantage of having one carrier. There might also be a volume cost benefit in negotiating a price for Village wide service. However, in order to negotiate, the service providers would want numbers and

types of services. Without a vote of the public, Galicki did not think a consensus would be possible. Berger thought putting the matter on the ballot would depend on whether there was value to be gained. Galicki opened the matter for discussion of Council.

Carroll offered that a single trash hauler results in less wear and tear on Village roads. He acknowledged the variation in prices by Waste Management among residents. He added that different residents had varying priorities with recycling as well.

Porter relayed that the previous discussion with the public about trash haulers was terribly contentious. Everyone wanted their own trash haulers. He agreed with Galicki that it would be necessary to put it on the ballot for a majority vote. Galicki added that the individual HOA's do have the power to negotiate. Galicki reiterated that some residents wanted no such government interference in this choice, and Porter suggested the attitude might be stronger since the choice of haulers had decreased.

Galicki stated that unless Council wished to bring the matter to a vote that it be put on the ballot, perhaps Council should consider the discussion closed for now. Porter and Carroll concurred.

The Mayor stated that on Monday, August 10<sup>th</sup>, there would be a presentation from United States Geologic Survey (USGS) about water quality.

**PARK COMMITTEE:** Nairn addressed the status of the Fall Festival relative to the current increase of COVID-19 cases. She received an email from the Mayor on June 29<sup>th</sup> where he recommended cancelling the Fall Festival. She asked the Mayor if this was still his recommendation. The Mayor recommended speaking to the Park Committee at the July 21<sup>st</sup> meeting. If it were his decision, he did not see how the Village could have a Fall Festival. In two years, the Village would have its 100<sup>th</sup> birthday and the Village could go all out at that time. Nairn indicated that at the last Park Committee meeting, the minutes of which were provided to Council, individuals who had previously volunteered to help with the Fall Festival declined to do so this year due to the pandemic. The Park Committee would be meeting Tuesday, July 21, 2020 at 6:30 p.m., and Nairn would be reporting the results at the August 10<sup>th</sup> Council meeting.

Carroll acknowledged it was a difficult decision but agreed with the cancellation of the Fall Festival.

#### **ORDINANCES/RESOLUTIONS:**

Porter provided a third reading on a resolution authorizing the Village to discard refuse, street scrapings, and other personal property, such as dirt, grindings, and mulch, that is under the control of the Village Street Department but not needed for the improvement of Village property and no longer necessary to the Village Street Department and determined by the Village to be not needed for public use and of no value to the Village and declaring an emergency. Porter made a motion to adopt, seconded by Carroll. Carroll verified that the Street Commissioner would update an established list, and Porter indicated the Mayor was in charge of it or his designee, which Porter believed would be the Street Commissioner. Carroll stated that as long as it was a revolving list and it was done the right way, he supported it. Roll call – ayes, all. Motion carried. **RES 2020 - 31**

Porter introduced an ordinance repealing ordinance No. 2020-24 and authorizing the Mayor and Fiscal Officer to enter into an agreement for the 2020 Pavement Repair Program with Specialized

Construction, Inc., in the amount of \$756,758.80 as a result of the Geauga County Commissioners' June 23, 2020 award of Permissive Tax Funds to the Village of South Russell and declaring an emergency. Porter made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, all. Motion carried. **ORD 2020-32**

Porter offered kudos to the Fiscal Officer and the Engineer for their efforts in arranging for the transfer of the Permissive Tax, which allowed the Village to remove the contingency and move forward. The Mayor agreed they went above and beyond to address the matter quickly.

Nairn introduced an ordinance enacting new section 646.08 of the Codified Ordinances adopting Park Rules and Regulations and enforcement thereof and declaring an emergency. Nairn made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Nairn made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2020-33**

Canton introduced an ordinance authorizing the sale of Village personal property not needed by the Village and declaring an emergency. Canton made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2020-34**

Canton introduced a resolution expressing the intent to sell personal property not needed for the public use by internet auction and declaring an emergency. Canton made a motion to waive readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **RES 2020-35**

Canton introduced an ordinance amending section 1024.09 of the Codified Ordinances of the Village of South Russell for inspection and cleaning of septic systems taking effect January 1, 2021.

Carroll introduced an ordinance amending 2020 Annual Appropriations increasing General Fund transfers \$25,000, Permissive Tax Fund expenses \$128,855, COVID/CaresAct expenses \$50,924, Income Tax transfers \$7,604, Special Road expenses \$89,700, Headwater Restoration fund expenses \$3,000, Manor Brook Fund expenses \$100,000, and Lake Louise Fund expenses \$60,000, Fiduciary Fund expense \$10,000 and decrease Street Maintenance Fund expenses \$66,396, and declaring an emergency. Carroll made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2020-36**

Carroll introduced an ordinance making the following transfers: Certifying the transfer from the Income Tax fund to the Manor Brook Fund \$75,000 and to the Village Hall Headwater Fund \$3,000. De-certifying the transfer from the Income Tax fund to the Special Road Fund \$4,000 and the Street Maintenance Fund \$66,396. And certifying the transfer from the General Fund to the Manor Brook Fund \$25,000, and declaring an emergency. Carroll made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2020-37**

Carroll introduced an ordinance certifying the transfer from the Income Tax Fund to the Lake Louise Fund \$60,000, and declaring an emergency. Carroll made a motion to waive readings, seconded by

Berger. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Berger. Roll call – ayes, all. **ORD 2020-38.**

## **BILLS LIST**

Carroll made a motion to ratify the 6/15/20 Bills List in the amount of \$159,073.13 and the 6/30/20 Bills List in the amount of \$63,763.84, seconded by Berger. Roll call – ayes, all. Motion carried.

**NEW/OTHER:** Nairn and Porter had no new business.

Canton stated that the Building Committee would meet at 10:00 a.m. Thursday, July 16<sup>th</sup> at the Building Department office.

Carroll asked about a map of Anglers and Alderwood that was distributed to Council and asked what would be discussed at the Street Committee meeting. The Mayor stated the map reflected recommendations made to the residents of Alderwood and Country Estates because they were at odds as to what needed to be done to stop their stormwater issues. Carroll noted that the map indicated the replacement/reestablishment of drainage channels, the removal of a culvert, and asked if this was work the communities would be doing or work the Mayor was proposing the Village would do. The Mayor stated it was proposed that they do the specified work. Nairn asked if “they” meant Country Estates or Alderwood. The Mayor stated it was on the Country Estates side. He indicated that he would be walking on the Alderwood property on Saturday, July 18<sup>th</sup>, and would provide suggestions to them as well. He said it was a contentious situation between two HOA’s. The Mayor stated that the Village did not want to do the work. He added the Village could just demand the work be done, or the Village could go in and do it. It would be better that they handle it internally, and said he was just refereeing. Nairn stated that the Village could not do anything on Alderwood because it was private property. The Mayor stated that there was a school of thought that if it were in the best interest of the Village and if it were a safety issue, the Village could go in and say the Village would be doing it. However, the Mayor stated he did not want to go near that issue. Nairn asked if the residents involved would be attending the June 20<sup>th</sup> Stormwater meeting, and the Mayor stated they should be.

The Mayor stated at the June 20<sup>th</sup> meeting, there would be three presentations from the Engineer, Davey Resource Group, and one from Chagrin River Watershed Partners, and the meeting would end at 8:00 p.m.

Referring to a chain of emails, Carroll said it appeared that Emerald Lakes believed that Country Estates was causing the water issues in Emerald Lakes. The Mayor said he would not comment on this because it would be like reading their minds. This was the impression some people in Country Estates have.

Carroll provided the following statement:

**“Fellow South Russell Councilmembers,**

I was very disappointed and dismayed at how the June 8th, ended with Councilman Canton reading a letter submitted to him by former Building Inspector Laura Heilman.

The letter was filled with lies and misinformation demonstrating how a disgruntled employee seems to be trying to cover her own short-comings while working for the Village. Laura inappropriately attacked and

defamed a stellar Fiscal Officer that took an Oath of Office to perform her duties fully and honestly. FO Romanowski identified a process that has been practiced in the Building Department for countless years that was illegal. Instead of getting the facts and being humble in the fact that she (Laura Heilman) was doing something inappropriate...she elected to defame the FO and justify her illegal activity. If anything, the FO provided sound guidance in preventing the appearance of fraud and theft.

A definition of integrity is: "doing the right thing when no one is looking". Well no one was looking and the practice of how deposits & fees were handled at the BD was found to be illegal.

I can't imagine that Ms. Heilman follows this illegal practice at her current employer but if she does I truly wonder about her integrity.

Ms. Heilman stated in the letter that some of us were looking to "abolish" the building department which was also inaccurate. Council has been looking at "right sizing" the BD, for numerous years given the decreased workload. It was brought up in numerous Strategic Planning Sessions over the years as it was felt that once Dave Hovevar retired that other options may be available. When Dave retired, Council elected to continue with the full-time Building Inspector model but had to keep Dave as a contract inspector due to Laura Heilman's lack of having commercial electric inspector certification. After Ms. Heilman quit for more pay in another community...Council again started to look at options including going to Geauga County for services.

Due to the contention between what the Mayor wanted and what Village Council wanted, Council voted to have an impartial contractor come in and evaluate the BD. The Mayor attempted to derail the process by asking the contractor to reschedule their visit but the visit occurred regardless. The contractor, Clemons Nelson, came in for part of a day to evaluate workload (job task analysis) but met resistance by BD personnel in providing information. The report was compiled by college educated HR professionals...more than qualified for the project to say the least. While the conclusion of the report may be debated by some, the purpose of getting the report done was to have an "objective outside" opinion.

Furthermore, Ms. Heilman stated that neither Councilman Galicki or Carroll spent time at the BD as they stated they would. It is agreed that I did state I would attempt to spend some time there, in fact I had planned on going to be there one day but had to cancel due to a last minute work conflict. However, it should be noted that former Councilman Ray Schloss did spend time in the department on multiple occasions to observe. Councilman Schloss concurred with and supported the findings of the Clemons Nelson report that opined that a part-time model could work for the BD. Ms. Heilman statements were false and a mischaracterization of the action that Council took.

To Councilman Canton; you had received this letter prior to the last Council meeting and appears that you shared it with at least the Mayor. Due to the contentious nature of the Building Department issue and the misinformation and lies in the letter by a former disgruntled employee; it would have served you better to handle this in a different fashion. I appreciated the fact you did not want to initially read the letter but you did bring it up and were willing to share portions of the letter. Ms. Heilman's letter was defaming to our FO and only exposed Ms. Heilman's illegal handling of public funds that went unchecked until our FO found out.

Lastly, to Mayor Koons. You made the comment on how "we have failed miserably" with the BD. If you feel we have failed miserably... please look in the mirror as you are part of the "we".

As elected officials we are to serve the "greater" South Russell community...not our personnel interests or opinions. We should be telling people what they "need to hear" not what they "want to hear". We need

to be open, honest, and **consistent** while serving the residents that elected us to do what is best for the Village.

We have failed miserably in some areas but it centers on poor leadership and personnel management. You wanted to make a very private Bellwood Community meeting public yet you wanted to make a very public issue private from Chagrin Lakes. We had to pay for a contractor to recover deleted emails when it has been stated numerous times...don't delete your Village emails as they are public record. We kick the can down the road on issues such as comprehensive stormwater run-off because we are focused on using 319 grants. You have falsely called the 319 project next to village hall a retention pond numerous times when in fact it is not. This comment alone has caused me to make the correction numerous times to residents that complain that "it's not holding water...I thought it was a retention pond". Paw Paw Lake community has come to countless meetings regarding their road over the 12+ months yet we just tied to make progress tonight for them to consider to take back to their community for consideration. Our solicitor costs have become costly due having her attend needless meetings, taking calls for issues that can be addressed by our FO, and mostly to the administration investigations of a public official. Village employees must be consistently held accountable to their established expectations. The lack of consistency and mixed messaging between departments only causes confusion and poor morale. These are just some of the miserable failings that do not involve Village Council.

The decorum at our meetings has started to slide down a path where we allow a disgruntled employee to make false claims about our FO that defame her. As an elected official, I understand that I may not make everyone happy with my opinions or actions. However; it is not about **ME** as I serve the residents...not one resident or one neighborhood...I serve all residents and all neighborhoods. We as elected officials should aspire to work collaboratively in working through problems with eye on fiscal responsibility in a consistent fashion. We will not all agree on all issues but that is the beauty of the political process as we work for a consensus. It should not be a "we vs us"...or this camp vs that camp on Council as we all serve each other and all residents in the Village.

In closing; It is my hope that the one positive that Ms. Heilman's letter to council is that it re-focuses Council on ALL the good employees we have and should support when they are falsely attacked. I also hope it makes us recognize we are a team of elected officials in the community we love that will at times be at polar opposite ends of an issue but must work together in a humble, honest, consistent, and professional manner."

Galicki advised he also had a prepared statement that he wanted entered into the record.

"The following statement is made in response to South Russell Village resident Laura Heilman's strongly worded objection read by Councilman Jerry Canton at the 8 June Council meeting to my questioning the correctness of a South Russell Village building department annual report to state authorities.

It is somewhat shocking that Mrs. Heilman who was a public employee of the Village by her own admission "for over 17 years" would make the assertion that my questioning the validity of information contained in a report to higher authority (and a public record) is somehow inappropriate and driven by her own implications that I believe that the building department is either "hiding something, incompetent, or being dishonest"(to use her own words, not mine). Her assertion is that I did not read the questions on the submitted report. Having read the report,



I asked the building committee what new commercial and residential construction projects took place during the year covered by the report, information I'm still waiting to receive months after I raised the question. In addition, I questioned why additional working hours were granted to complete this report and what precipitated the need to call in two previous building department employees to properly complete a report that could have been completed using existing records available in the building department.

The right to freely access public records or question the information they contain is a constitutional right that fosters transparency and good governance. The issue with resistance to transparency within the building department concerns me.

I'd like to remind Mrs. Heilman that her decision to leave South Russell Village employment, as reported to Council by the Mayor, was her own and apparently driven by a desire to seek a larger compensation package. She chose to accept employment with an inner-ring Cleveland municipality with a significant increase in responsibility and challenges rather than remain working in a small semi-rural village. I do not fault her for seeking increased responsibility and pay. Public records will show that prior to her departure, no discussion of the efficacy of maintaining a building department occurred during my tenure as a Village Councilman, however I understand that continuing to operate a building department is not a new question and that such discussions have occurred several times in the past prior to my joining Council.

After Mrs. Heilman's departure, the question of why the Village had a building department was brought up at a Council meeting by Councilman Schloss. I must admit that at the time the question was raised I, like most residents of the Village, had no idea that establishment/maintenance of a building department by the Village was not required by the Ohio Revised Code, nor that we were the only Township or Municipality within Geauga County to have our own stand-alone building department. Why were the County services good enough for everyone else, but not for South Russell? Why was this duplication of service, especially in a time of consolidation and regionalization of services, necessary? What is the value added? What metrics did we use to evaluate the merit of maintaining this department? Those who support maintaining a stand-alone department continually point to the revenue from fees collected from contractors for the privilege of conducting business in the Village. Do you actually believe that those costs to the contractor are not being passed on to our residents? Are we increasing the Village coffers on the backs of unsuspecting residents? Surrounding Geauga County communities with a far larger volume of commercial and residential construction appear to feel no need for a building department and have no degradation of service to their residents, nor suffer from poor quality construction, or perceived lack of local control. Perhaps when the building department was established in the 80's and construction within South Russell Village was at "full swing", establishing a building department made sense. Is it a concept whose time has "come and gone"? Is the maintenance of this department the best use of our resident's tax dollars? Again, what is the value added?

Following Mrs. Heilman's departure, discussion began within Council concerning the future of the village building department. Opinions were split among Council members as to the direction to take. In order to evaluate the need accurately and dispassionately it was the unanimous

decision of Council to employ a third- party disinterested professional firm to conduct an evaluation of the department with respect to traffic volume, services provided, etc. The results of that review, conducted by Clemans Nelson, is available as part of the public record. It is no secret that the Mayor supports a full-time building department manned with even more people than we currently employ and that he has attempted to discredit the findings of this independent report and, as is his prerogative, has populated the building committee with like-minded officials. Rather than cower in the face of Mrs. Heilman's criticism, her call for "group think", and her apparently favoring a sycophant mind-set/thought pattern, I will remain committed to ensuring that the residents of South Russell receive good value and services for their tax dollar. It is the responsibility of all Council as well as employees of the Village to be vigilant in ensuring that no fraud, waste or abuse occurs within any village department, and that such matters be exposed and responsible persons held accountable. Furthermore, transparency requires that the citizens of South Russell are made aware of the pertinent issues facing the community truthfully.

With regard to the primary election held in April, and her assertion that I have an issue with the report she appears to have authored because she elected to support my opponent, I will state that I wore the uniform of my country for 32 years defending the right of Mrs. Heilman and all citizens to exercise their rights as citizens to vote as they choose. I support her right as a citizen to voice her opinion. If she did display a campaign sign, I couldn't even point out her residence to determine who she may have supported. Quite frankly I have no idea who Mrs. Heilman voted for, and could care less who she voted for. My only regret is that in the past two election cycles only 25 to 30 percent of all registered voters within South Russell Village and Geauga County participated in voting.

Let me make myself clear, I oppose any government entity operating with no accountability or oversight. I also take issue with Village employees who make uninformed decisions (as in the case of Mrs Heilman's assertion that there was no wrongdoing or violation of the law in not depositing building department funds) because "that's the way we've always done it".

Awareness of what is going on in our communities is critical to each and every resident. I encourage all citizens to attend local government meetings. Yes, we are all 'too busy' to attend meetings, but a public body speaks through its minutes. Call the Village and request the recordings of the proceedings or go to the Village website and take a look at the meeting minutes when they are posted. Take time to learn what your elected officials are talking about, and what decisions they are making.

In the end, our communities are nothing but a reflection of ourselves. We all have to be more aware. It's more important now than ever because of the divisive character of our politics. We have an obligation to become more informed consumers of community life. We should all expect open and transparent government; but it is our obligation not only to expect it -- but to make sure those of us in public service are actually doing it."

I hope Mrs. Heilman can take a moment to reflect on her accusations/response to my questioning of the building department report and the example of disrespect for others' opinions that she sets. What has happened to honest dialogue with one another?



When persons elected to office take the oath, they swear or affirm that they will **faithfully and impartially discharge the duties of the office to the best of their ability**. Good transparent government is what the citizens of South Russell deserve and the citizens of South Russell are the people I have pledged to serve when I joined Village Council.

I'll end with sharing PUBLIC LAW 96-303, the CODE OF ETHICS FOR GOVERNMENT SERVICE (Passed July 3, 1980)

ANY PERSON IN GOVERNMENT SERVICE SHOULD:

- I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
- II. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
- III. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
- IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- VI. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
- VII. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
- VIII. Never use any information gained confidentially in the performance of government duties as a means for making private profit.
- IX. Expose corruption wherever discovered.
- X. Uphold these principles, ever conscious that public office is a public trust.

(When this law was passed, it included a requirement for posting the code in all government facilities. Unfortunately, that requirement was later repealed. But the law itself is still very much a LAW.)"

Berger stated that Emerald Lakes II had been renamed the Preserve of Chagrin, to avoid confusion. He also relayed that two of the three transfer documents for the Whitetail properties from Thomas and

Thomas had been processed and the third should be processed in the next couple of days. This will allow the Village to move forward.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn at 10:57 p.m., seconded by Nairn. Roll call – ayes, all. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki